

Understanding the Pool Barrier Laws

Because of the number of drownings and near-drownings in Arizona, most of which involve small children, the State of Arizona and most counties and cities within the state have enacted swimming pool barrier laws. Generally, these laws require that all affected swimming pools (or certain other contained bodies of water) be protected by an enclosure surrounding the pool area, or by another barrier, that meets specific requirements.

In general, pool barrier laws require that a swimming pool be completely enclosed by a fence to restrict access to the swimming pool from adjoining property. These pool barrier laws also generally require that certain barriers be installed to restrict easy access from the home to the swimming pool. Therefore, pool barrier laws contain specific requirements regarding the height and type of fences, gates and doors from the home leading directly to the swimming pool and regarding windows that face the swimming pool.

The Arizona Association of REALTORS® has developed this brochure to assist you in obtaining the information to determine which pool barrier law applies to your property and the specific requirements of the applicable law. You should obtain and read the entire current applicable pool barrier law prior to purchasing a home with an existing pool; prior to erecting pool barriers; prior to altering, repairing or replacing pool barriers; or prior to building a pool.

To the right are answers to some commonly asked questions regarding swimming pool barrier laws.

QUESTION: I'm ready to make an offer on a house with a pool. What information should I receive?

ANSWER: The Arizona Association of REALTORS® (AAR) Residential Resale Purchase Contract, used in most resale home transactions, includes a "Notice to Buyer of Swimming Pool Barrier Regulations," in which the buyer and seller acknowledge the existence of state laws as well as possible county and municipal laws, and the buyer agrees to investigate and comply with these laws. The seller is required by law to give the buyer a copy of the pool safety notice from the Arizona Department of Health Services. The contract also requires the buyer be given a Seller's Property Disclosure Statement, which discloses any known code violations on the property.

QUESTION: The house I want to buy has a fence around the pool, but it doesn't meet code. Who is responsible for bringing it up to code and how long do we have?

ANSWER: The AAR Purchase Contract states: "During the Inspection Period, Buyer agrees to investigate all applicable state, county, and municipal swimming pool barrier regulations and, unless reasonably disapproved within the Inspection Period, agrees to comply with and pay all costs of compliance with said regulations prior to possession of the Premises." Check city and county ordinances for their specific requirements.

QUESTION: We have an above-ground pool in our backyard, so we don't have to worry about pool barrier laws, do we?

ANSWER: Above-ground pools are covered by the same state legal requirements for an enclosure around the pool. The pool must be at least four feet high with a wall that is not climbable and steps or ladders that are locking or removable. Again, check city or county ordinances for different requirements.

Below is local area contact information for governmental departments in Arizona with information on swimming pool barrier law requirements affecting your property. If your area isn't listed, contact your local governmental offices to find out if a swimming pool barrier law has been enacted; if not, current state laws are in effect.

FOR MORE INFORMATION, CONTACT:

APACHE JUNCTION
Development Services Dept: (480) 671-5156

ARIZONA STATE LAW, A.R.S. §36-1681
Arizona Maricopa County Law Library: (602) 506-3461

AVONDALE
Building Safety: (623) 333-4000

BUCKEYE
Building Safety: (623) 349-6200

BULLHEAD CITY
Community Development Dept: (928) 763-0124

CAREFREE
Building Department: (480) 488-3686

CASA GRANDE
Building Department: (520) 421-8651

CAVE CREEK
Building Department: (480) 488-1414

CHANDLER
Development Services: (480) 782-3000

COCONINO COUNTY
Community Development: (928) 679-8850

EL MIRAGE
Building Safety: (623) 933-8318

FLAGSTAFF
Building Division: (928) 779-7631

FOUNTAIN HILLS
Building Safety: (480) 816-5177

GILBERT
Building Department: (480) 503-6700

GLENDALE
Development Services: (623) 930-2800

GOODYEAR
Building Safety: (623) 932-3004

GUADALUPE
Code Enforcement: (480) 505-5380

KINGMAN
Development Services Dept: (928) 753-8123

LAKE HAVASU
Development Services Dept: (928) 453-4149

LITCHFIELD PARK
Building Safety: (623) 935-1066

MARANA
Building Services Dept: (520) 382-2600

MARICOPA COUNTY
Planning Department: (602) 506-3201

MESA
Office of City Clerk: (480) 644-4273

ORO VALLEY
Building Safety: (520) 229-4830

PARADISE VALLEY
Town of Paradise Valley: (480) 348-3692

PEORIA
Building Safety Division: (623) 773-7225

PHOENIX
Development Services Dept: (602) 262-7811

PIMA COUNTY
Building Codes: (520) 740-6490

SCOTTSDALE
Planning & Development: (480) 312-2500

SURPRISE
Building Safety: (623) 583-1088

TEMPE
Building Safety Dept: (480) 350-8341

TOLLESON
Building Inspector: (623) 936-7111

YAVAPAI COUNTY
Development Services: (928) 771-3214

YUMA
Development Services: (928) 817-5000

Phone numbers are subject to change without notice.



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