



# PRIVATE SWIMMING POOL BARRIER AGREEMENT

Town of Atherton  
Building Department  
80 Fair Oaks Ln.  
Atherton, California 94027  
Phone: (650) 752-0560  
Inspection requests:  
(650) 752-0542

When constructing a new, or altering an existing pool or spa, and the water depth exceeds 24 inches, the Pool Barrier Requirements (per 2016 CBC §3109.4.4.2; Health and Safety Code 115920 – 115929 (SB 442, Newman); 2016 CRC Appendix G; CBC Section 3109.4.1.4; Health and Safety Code Section 18942(b); and Atherton Municipal Code 8.28.010) are in effect.

Select **at least TWO** of the following seven drowning prevention features:

- A. An enclosure either near the pool/spa or around a larger area of the property that is at least 6 feet tall and isolates the pool and spa from the single-family home. The walls of buildings may form part of the enclosure;
- B. Removable mesh fencing that meets American Society for Testing and Materials (ASTM) specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device;
- C. An approved pool safety pool cover as defined in subdivision (d) of Section 115921;
- D. Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open";
- E. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa;
- F. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature; or
- G. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

All required swimming pool barriers shall be installed and inspected prior to filling any pool with water. Once inspected and approved, all required pool safety features shall remain in place and be maintained in satisfactory condition to prevent unauthorized entry.

I have read the swimming pool requirements, above, and will maintain the safety barriers being used such a manner to prevent unauthorized entry into the pool.

Property Owner: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Building Permit #: \_\_\_\_\_



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## **Private Swimming Pools – Additional Anti-Entrapment Requirements & Information**

To eliminate safety hazards on new and existing swimming pools and spas, Section 115920 of the California Health and Safety Code (also known as the Swimming Pool Safety Act) requires that an approved anti-entrapment cover be installed on all pool and spa drains any time a building permit is issued for the construction of a new swimming pool or spa or the remodel or modification of an existing swimming pool, toddler pool, or spa.

### **Section 115928.5 of the California Health and Safety Code states as follows:**

"Whenever a building permit is issued for the construction of a new swimming pool or spa, the pool or spa shall meet all of the following requirements:

(a) (1) The suction outlet of the pool or spa for which the permit is issued shall be equipped to provide circulation throughout the pool or spa as prescribed in paragraph (2).  
(2) The swimming pool or spa shall have at least two circulation drains per pump that shall be hydraulically balanced and symmetrically plumbed through one or more "T" fittings, and that are separated by a distance of at least three feet in any dimension between the drains.

(b) Suction outlets that are less than 12 inches across shall be covered with anti-entrapment grates, as specified in the ASME/ANSI Standard A 112.19.8, that cannot be removed except with the use of tools. Slots or openings in the grates or similar protective devices shall be of a shape, area, and arrangement that would prevent physical entrapment and would not pose any suction hazard to bathers.

(c) Any backup safety system that an owner of a new swimming pool or spa may choose to install in addition to the requirements set forth in subdivisions (a) and (b) shall meet the standards as published in the document, "Guidelines for Entrapment Hazards: Making Pools and Spas Safer," Publication Number 363, March 2005, United States Consumer Product Safety Commission."

"Whenever a building permit is issued for the remodel or modification of an existing swimming pool, toddler pool, or spa, the permit shall require that the suction outlet of the existing swimming pool, toddler pool, or spa be upgraded so as to be equipped with an anti-entrapment cover meeting current standards of the American Society for Testing and Materials (ASTM) or the American Society of Mechanical Engineers (ASME)."

Those obtaining a building permit for a swimming pool or spa remodel or modification should inspect the pool or spa for anti-entrapment safeguards. If the pool/spa does not have one of the newly required safeguards (cover or split suction outlets) they can be retrofitted with a drain cover specifically designed to prevent entrapment. The new covers are readily available and installed simply by removing the existing drain cover and replacing it with the new approved anti-entrapment cover.

Building Department's inspection staff will verify that an anti-entrapment device is installed.