

ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING MESA CITY CODE TITLE 4 CHAPTER 10, MESA SWIMMING POOL AND SPA CODE SECTION 1 OF THE MESA CITY CODE SHALL READ AS FOLLOWS:

Text written in **BOLD ALL CAPS** indicates new language.
~~Strikethrough~~ fonts indicates deletions

WHEREAS, the City Council adopted the 2018 International Swimming Pool and Spa Code on February 9, 2019, entitled the Mesa Swimming Pool and Spa Code; and

WHEREAS, from time to time it may be determined that the Mesa Swimming Pool and Spa Code is in need of revision to provide clarification and consistency with the other local and regional codes.

WHEREAS, it is in the best interest of the citizens of the City of Mesa to approve this Ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1: Title 4, Chapter 10, Section 1, subsection (C) of the Mesa City Code is hereby amended as follows:

(C) CHAPTER 3 GENERAL COMPLIANCE is amended as follows:

(1) **SECTION 305.1 GENERAL IS AMENDED TO READ AS FOLLOWS:**

305.1 GENERAL.

THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE DESIGN OF BARRIERS FOR RESTRICTING ENTRY INTO AREAS HAVING POOLS AND SPAS. WHERE SPAS OR HOT TUBS ARE EQUIPPED WITH A LOCKABLE SAFETY COVER COMPLYING WITH ASTM F1346 AND SWIMMING POOLS ARE EQUIPPED WITH A POWERED SAFETY COVER THAT COMPLIES WITH ASTM F1346, THE AREAS WHERE THOSE SPAS, HOT TUBS, OR POOLS ARE LOCATED SHALL NOT BE REQUIRED TO COMPLY WITH SECTIONS 305.2 THROUGH 305.7. IN ADDITION, IT IS THE RESPONSIBILITY OF THE

PROPERTY OWNER AND ANY OTHER PERSON IN RESPONSIBLE CHARGE OF A SWIMMING POOL TO ENSURE THAT THE REQUIRED SWIMMING POOL BARRIER, INCLUDING ALL GATES, DOORS, LOCKS, LATCHES AND OTHER PORTIONS OF THE BARRIER ARE MAINTAINED SAFE AND IN GOOD WORKING ORDER AT ALL TIMES. NO PERSON SHALL ALTER OR REMOVE ANY PORTION OF A SWIMMING POOL BARRIER EXCEPT TO REPAIR, RECONSTRUCT, OR REPLACE THE BARRIER IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION. ALL BARRIERS SHALL BE INSTALLED, INSPECTED AND APPROVED PRIOR TO PLASTERING OR FILLING WITH WATER.

(24) Section 305.2.1 Barrier height and clearances, number 1 is amended to read as follows:

305.2.1 Barrier height and clearances. Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 60 inches (1524 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 4 feet (1219 mm) measured horizontally from the outside of the required barrier.

(32) Section 305.2.7 Chain link dimensions is amended to read as follows:

305.2.7 Chain link dimensions. The maximum opening formed by a chain link fence shall be not more than 1¾ inches (44 mm). Where the fence is provided with slats fastened at the top and bottom that reduce the openings, such openings shall be not greater than 1¾ inches (44 mm). The mesh shall not be less than 11 wire gauge.

(4) Section 305.3.2 DOUBLE OR MULTIPLE GATES IS AMENDED TO READ AS FOLLOWS:

305.3.2 DOUBLE OR MULTIPLE GATES. IF A SET OF DOUBLE GATES OR MULTIPLE GATES IS THE ONLY ACCESS TO THE YARD AREA WHERE THE POOL IS LOCATED, THEY SHALL

HAVE NOT FEWER THAN ONE LEAF SECURED IN PLACE AND THE ADJACENT LEAF SHALL BE SELF-CLOSING AND BE SECURED WITH A SELF-LATCHING DEVICE. THE GATE AND THE BARRIER SHALL NOT HAVE OPENINGS LARGER THAN ½ INCH (12.7 MM) WITHIN 18 INCHES (457 MM) OF THE LATCH RELEASE MECHANISM. THE SELF-LATCHING DEVICE SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 305.3.3.

IF A PEDESTRIAN GATE IS PRESENT IN CONJUNCTION WITH THE DOUBLE OR MULTIPLE GATES, THE DOUBLE OR MULTIPLE GATES NEED NOT BE SELF-CLOSING OR SELF-LATCHING AND SHALL BE EQUIPPED WITH A PADLOCK OR SIMILAR LOCKING DEVICE. WHERE THE RELEASE MECHANISM OF THE SELF-LATCHING DEVICE IS LOCATED LESS THAN 54 INCHES (1372 MM) FROM THE BOTTOM OF THE GATE, THE RELEASE MECHANISM AND OPENINGS SHALL COMPLY WITH THE FOLLOWING:

1. THE RELEASE MECHANISM SHALL BE LOCATED ON THE POOL SIDE OF THE GATE AT LEAST 3 INCHES (76 MM) BELOW THE TOP OF THE GATE, AND

2. THE GATE AND BARRIER SHALL HAVE NO OPENING GREATER THAN 0.5 INCH (12.7 MM) WITHIN 18 INCHES (457 MM) OF THE RELEASE MECHANISM.

(54) Section 305.4 Structure wall as a barrier is amended to read as follows:

305.4 Structure wall as a barrier. Where a wall of a dwelling or structure serves as part of the barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1.a. Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. In dwellings or structures not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor. In dwellings or structures required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.

2. WINDOWS USED FOR EMERGENCY ESCAPE OR RESCUE WHICH FACE INTO A YARD WITH A SWIMMING POOL SHALL BE EQUIPPED WITH A LATCHING DEVICE LOCATED NOT LESS THAN 54 INCHES (1372 MM) ABOVE THE FLOOR. ALL OTHER OPERABLE DWELLING UNIT WINDOWS FACING INTO A YARD WITH A SWIMMING POOL SHALL BE EQUIPPED WITH A SCREWED IN PLACE WIRE MESH SCREEN, A KEYED LOCK THAT PREVENTS OPENING THE WINDOW MORE THAN 4 INCHES (102 MM), OR A LATCHING DEVICE NOT LESS THAN 54 INCHES (1372 MM) ABOVE THE FLOOR.

ALL DOORS LEADING FROM THE DWELLING UNIT OR GUEST ROOM, WITH DIRECT ACCESS TO THE SWIMMING POOL, SHALL SWING AWAY FROM THE POOL, SHALL BE SELF-CLOSING AND SELF-LATCHING, AND SHALL BE EQUIPPED WITH A LOCKING DEVICE. THE RELEASE MECHANISM FOR THE LATCH OR A SECONDARY LOCKING DEVICE, SHALL BE LOCATED NOT LESS THAN 54 INCHES (1372 MM) ABOVE THE FLOOR. A LOCKING LATCH WHICH USES A KEY, ELECTRONIC OPENER, OR INTEGRAL COMBINATION LOCK MAY BE LOCATED AT ANY HEIGHT ON THE DOOR. SLIDING DOORS SHALL NOT FORM ANY PART OF A REQUIRED BARRIER UNLESS THE SELF-CLOSING AND SELF-LATCHING MECHANISM IS APPROVED.

~~3.b. A safety cover that is listed and labeled in accordance with ASTM F1346 is installed for the pools and spas.~~ **THE POOL SHALL BE EQUIPPED WITH A KEYOPERATED POWERED SAFETY COVER IN COMPLIANCE WITH ASTM F1346. THE KEYED POOL COVER SWITCH SHALL BE LOCATED NOT LESS THAN 54 INCHES (1372 MM) ABOVE THE FLOOR OR ADJACENT GROUND LEVEL AND WHERE THE ENTIRE POOL COVER CAN BE VISUALLY INSPECTED.**

~~4.e. Multi panel sliding doors or walls shall meet the requirements of ISPSC 305.4(1) OR 305.4(2) or shall be secured in place by a permanent fastening method that requires a tool to remove. If a sliding glass door or panel is the only door to the pool area it shall meet the requirements of ISPSC 305.4(1) OR 305.4(2).~~

(6) Section 305.4.1 Pet Doors is amended to read as follows:

SECTION 305.4.1 PET DOORS. PET DOORS ARE NOT ALLOWED IN THE BARRIER WALL.

(74) Section 305.8 Barrier exceptions is a new section.

Section 305.8 Barrier exceptions.

1a. An existing swimming pool or other body of water lawfully constructed prior to April 20, 1998, but which does not conform to these regulations, shall become subject to these regulations as a result of any alteration, addition, or expansion of a dwelling unit or guest room having access to such pool, that increases the livable floor area, and contains door openings providing direct access to the pool area.

2b. The enclosure requirements specified in Section 305 of this Section shall not apply to any existing subdivision perimeter fence, golf-course-view fence, or similar boundary fence lawfully constructed prior to April 20, 1998, in accordance with an approved Planned Area Development (PAD), or Development Master Plan (DMP).

SECTION 2: SECTION 4-10-2. PENALTY CLAUSE: Any person, firm, or corporation who shall violate any of the provisions of this Chapter of the Mesa City Code as amended shall be subject to all penalties and provisions of Section 4-1-9.

SECTION 3. EFFECTIVE DATE. The effective date of this ordinance shall be 30 days from the date of adoption.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 21st day of March, 2022.

APPROVED:

MAYOR

ATTEST:

CITY CLERK