

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, ADOPTING THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE BY REFERENCE; ADOPTING AMENDMENTS TO CERTAIN PROVISIONS IN THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE; ADDING A NEW TITLE 4, CHAPTER 10, SECTION 1 MESA SWIMMING POOL AND SPA CODE AND 2 PENALTY CLAUSE; AND AN EFFECTIVE DATE OF FEBRUARY 10, 2019.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA as follows:

**Section One.**      **ADOPTION BY REFERENCE.**

**SECTION 4--1.**      That Title 4, Chapter 10, Section 1 of the Mesa City Code shall read as follows:

The following publications are hereby adopted by reference as if set out at length in this Code, three copies of which shall be filed in the office of the City Clerk and kept available for public use and inspection:

The 2018 International Swimming Pool and Spa Code.

**Section Two.**      **AMENDMENTS TO THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE.**

That Title 4, Chapter 10, Section 2 of the Mesa City Code shall read as follows:

Note: <u>Underlined</u> indicates proposed addition and <del>Strikethrough</del> indicates deletions to the text.
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**(A) CHAPTER 1 ADMINISTRATION**

- (1) **Section 101.1 of the 2018 International Swimming Pool and Spa Code** is amended to read, in its entirety, as follows:

**101.1 Title.** These regulations shall be known as the ~~*International Swimming Pool and Spa Code*~~ of [NAME OF JURISDICTION] *Mesa Swimming Pool and Spa Code*, hereinafter referred to as “this code.”

- (2) **Section 101.2 through 108.7 of the 2018 International Swimming Pool and Spa Code** is **deleted in its entirety.**

**(3) CHAPTER 2 DEFINITIONS**

**Section 202** The definitions for “onground storable pool” and “residential swimming pool” are amended to read as follows:

**ONGROUND STORABLE POOL:** A pool that can be disassembled for storage or transport including any structure intended for swimming or recreational bathing that is capable of holding water over 18 inches (457.2 mm) deep. This includes portable pools with flexible or nonrigid walls that achieve their structural integrity by means of uniform shape, a support frame or a combination thereof, and that can be disassembled for storage or relocation.

**RESIDENTIAL SWIMMING POOL (Residential Pool):** A pool intended for use that is accessory to a *residential* setting and available only to the household and its guests including any structure intended for swimming or recreational bathing that contains water over 18 inches (457.2 mm) deep. This includes in-ground, above ground and on-ground swimming pools, hot tubs, spas and fixed in place wading pools. All other pools shall be considered public pools for purposes of this code.

**Types I-V.** *Residential* pools suitable for the installation of diving equipment by type.

**Type O.** A nondiving *residential* pool.

**(4) CHAPTER 3 GENERAL COMPLIANCE** is amended as follows:

**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 ~~48~~ 60 inches (~~1219~~ 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 ~~3~~ 4 feet (~~914~~ 1219 mm) measured horizontally from the outside of the required barrier.

**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 1 ¾ 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 1 ¾ inches (44 mm). The mesh shall not be less than 11 wire gauge.

**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. 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. A safety cover that is listed and labeled in accordance with ASTM F1346 is installed for the pools and spas.
- ~~3. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1 or 2.~~
4. Multi panel sliding doors or walls shall meet the requirements of ISPSC 305.4 (1) 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).

**Section 305.8** Barrier exceptions is a new section.

**Section 305.8 Barrier exceptions.**

1. 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.
2. 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 4- -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.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 7th day of January, 2019.

APPROVED:

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Mayor

ATTEST:

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City Clerk