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8.28.010 Definitions.

A. A "swimming pool" is any confined body of water, located either above or below the existing finished grade of the site eighteen inches or more in depth, designed, used or intended to be used for recreation, swimming, or bathing purposes. For the purposes of this chapter, a swimming pool shall include a "hot tub," "spa" or "spa pool."

B. "Public swimming pool" means a swimming pool operated for the use of the general public with or without charge, or for the use of members and guests of a private club.

C. "Private swimming pool" means all pools that are not classified as a public swimming pool.

D. "Enclosure" means a fence, wall, or other barrier that isolates a swimming pool from access to a home, adjacent property, or public area.

E. "Approved safety pool cover" means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standards F1346-91.

F. "Exit alarms" means a device that will make an audible, continuous alarm when any door or gate permitting access from the residence to the pool area, that is without an intervening enclosure, is opened or is left ajar.

(Ord. 4710 §§ 2, 3, 2002.)

8.28.015 Requirements for pool safety.

Every person in possession of land within the city, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool, shall at all times maintain, on the lot or premises upon which such a pool is located, one or more of the following safety features:

A. A pool enclosure completely surrounding such pool, lot or premises and meeting the requirements for enclosures found in Section 8.28.020.

B. An approved pool safety cover meeting the specifications outlined in Section 8.28.010.

C. Other barrier affording the same degree of protection and as approved by the building official.

1. Where "other barrier" includes the wall of a house or structure as part of the barrier, doors leading to the pool area must be protected by one of the following methods:

a. Doors may be alarmed with exit alarms as specified in Section 8.28.020; or

b. Doors meeting the requirements for separation gates from Section 8.28.020.

(Ord. 4710 § 4, 2002.)

8.28.020 Requirements for enclosures, gates, and exit alarms.

A. Enclosures shall have all of the following characteristics:

1. Enclosures shall be a minimum of sixty inches tall measured on the side facing away from the pool;
2. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches. The maximum vertical clearance at the bottom of the barrier may be increased to four inches when grade is a solid surface impenetrable by a child such as a concrete deck;
3. Gaps or voids, if any, shall not allow passage of a sphere equal to or greater than four inches in diameter; and
4. An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds enabling a child to climb over.

B. Access gates or doors shall have all of the following characteristics:

1. Access doors and gates shall meet all of the requirements for enclosures;
2. Access doors and gates shall open outward away from the pool;
3. Access doors and gates shall be self-closing, self-latching; and
4. The release mechanism for the self-latching device shall be a minimum of sixty inches above grade.

C. Exit alarms shall have all of the following characteristics:

1. Alarms shall be capable of providing a sound pressure level of not less than eighty-five DBA when measured indoors at a distance of ten feet;
2. The sound shall activate within fifteen seconds after the door is opened and shall sound continuously for a minimum of ten seconds then automatically reset;
3. The alarm shall be equipped with a manual reset, such as a touchpad or switch, located on the interior side of the wall not less than sixty inches above the threshold of the door to permit entry and exiting without activation of the alarm. The alarm shall automatically reset under all conditions; and
4. The alarm may be battery operated or connection to the building wiring.

(Ord. 4710 § 5, 2002.)

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8.28.030. Construction approval--Modification requirements.

All plans submitted to the city for the construction of swimming pools shall show compliance with the requirements of Sections 8.28.010 and 8.28.020, and final inspection and approval of all pools constructed shall be withheld until all requirements of those sections shall have been complied with.

The building inspector may make modifications in individual cases upon a showing of good cause, with respect to the height, nature or location of the fence, wall, gates or latches, or the necessity for such devices; provided, that the degree of protection is not reduced by such modifications.

The building inspector may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the fence, gate and latch described herein.

Upon the application of a property owner and a showing of good cause, the building inspector may grant extensions of time for compliance in individual cases. Such extensions of time shall not exceed thirty days at a time. (Prior code § 18-28.)

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8.28.040. Violations of provisions relative to enclosures deemed nuisance.

The continuance of any violation of Sections 8.28.010 through 8.28.030 shall be deemed a nuisance.
(Prior code § 18-29.)

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8.28.045. Review of plans for public swimming pools--Fee.

Any person desiring the review and approval of plans and specifications for a public swimming pool by the director of public health pursuant to Section 7780 of Title 17 of the California Administrative Code shall submit said plans to the director accompanied by a fee as set pursuant to Section 8.36.070 of the El Cajon Municipal Code to cover the cost of said review. As soon after the plans and specifications are submitted as is practical, the director shall review or cause to be reviewed said plans and specifications and shall determine whether they are in accordance with the requirements of Sections 7780 et seq. of Title 17 of the California Administrative Code. In the event that the plans and specifications do not comply with said Administrative Code provisions, amended plans and specifications may be submitted to the director for re-review and approval, and the fee for each such re-review shall be as set pursuant to Section 8.36.070 of the El Cajon Municipal Code, payable to the director in advance. (Ord. 3714 §§ 7, 8, 1983; Ord. 3637 § 7, 1982.)