



COCHISE COUNTY PLANNING DEPARTMENT

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Building Division Bulletin # 05-004

Topic: Residential Swimming Pool, Hot Tubs and Spas - Zoning and Building Code Requirements

Affected Area: Countywide

Effective Date: August 29, 2005

Background: Code requirements for Swimming Pools and Spa's in Cochise County are obtained from three different sources at both the State and County levels. Those include the Arizona Revised Statutes, County Zoning Regulations and the Cochise County Building Safety Codes. The State Statutes require that the local regulations be equal to or more stringent than the state requirements.

Allowed Location on Property (County Zoning Regulation Section 1816): Swimming pools shall be permitted in all zoning districts; provided applicable site development standards in the individual zoning district article have been met. For single-household dwelling sites, swimming pools may be allowed in the side or rear setback area provided the edge of a swimming pool shall be no closer than seven (7) feet to any property line.

Procedure: All requirements to be complied with Countywide (State Statutes ARS 36-1681, County Zoning Regulations and Cochise County Building Safety Code):

State Statutes (ARS 36-1681)

A) Definition: Swimming Pool. A swimming pool, or other contained body of water that contains water eighteen inches or more in depth at any point and that is wider than eight feet at any point and is intended for swimming, shall be protected by an enclosure surrounding the pool area, as provided by this section. (*A storable or fixed-in place wading pool would be considered an 'other contained body of water'*).

B) A swimming pool or other contained body of water required to be enclosed by subsection 'A' whether a belowground or aboveground pool shall meet the following requirements:

1) Be entirely enclosed by at least a five (5) foot high wall, fence or other barrier as measured on the exterior side of the wall, fence or barrier.

2) Have no openings in the wall, fence or barrier through which a spherical object four inches in diameter can pass. The horizontal components of any wall, fence or barrier shall be spaced not less than forty-five (45) inches apart measured vertically or shall be placed on the pool side of a wall, fence or barrier which shall not have any opening greater than one and three-quarter (1.75) inches measured horizontally. Wire mesh or chain link fences shall have a maximum mesh size of one and three-quarter (1.75) inches measured horizontally.

3) Gates for the enclosure shall:

(a) Be self-closing and self-latching with the latch located at least fifty-four (54) inches above the underlying ground or on the pool side of the gate with a release mechanism at least five (5) inches below the top of the gate and no opening greater than one-half (1/2) inch within twenty-four (24) inches of the release mechanism or be secured by a padlock or similar device which requires a key, electric opener or integral combination which can have the latch at any height.

(b) Open outward away from the pool.

4) The wall, fence or barrier shall not contain openings, handholds or footholds accessible from the exterior side of the enclosure that can be used to climb the wall, fence or barrier.

5) The wall, fence or barrier shall be at least twenty (20) inches from the water's edge.

C) If a residence or living area constitutes part of the enclosure required by subsection B for a swimming pool or other contained body of water in lieu of the requirements of subsection B, there shall be one of the following (*as noted the following applies only to the residence wall, the remaining barrier walls need to comply with the code requirements*):

1) Between the swimming pool or other contained body of water and the residence or living area, a minimum four foot wall, fence or barrier to the pool area which meets all of the requirements of subsection B, paragraphs 2 through 5.

2) The pool shall be protected by a motorized safety pool cover which requires the operation of a key switch which meets the American society of testing and materials emergency standards 13-89 and which does not require manual operation other than the use of the key switch.

3) All ground level doors or other doors with direct access to the swimming pool or other contained body of water shall be equipped with a self-latching device which meets the requirement of subsection B, paragraph 3, subdivision (a). (*When a self-latching device is not feasible due to the design or type of door being used, a dead bolt style latching device may be approved by the Building Inspector*). Emergency escape or rescue windows from the sleeping rooms with access to the swimming pool or other contained body of water shall be equipped with a latching device not less than fifty-four (54) inches above the floor. All other operable dwelling unit or guest windows with similar access shall be equipped with a screwed in place wire mesh screen, or a keyed lock that prevents opening the window more than four (4) inches, or a latching device located not less than fifty-four (54) inches above the floor.

4) The swimming pool shall be an aboveground swimming pool which has non-climbable exterior sides which are a minimum height of four feet. Any access ladder or steps shall be removable without tools and secured in an inaccessible position with a latching device not less than fifty-four (54) inches above ground when the pool is not in use.

D) This section does not apply to:

- 1.) A system of sumps, irrigation canals, irrigation, flood control or drainage works constructed or operated for the purpose of storing, delivering, distributing or conveying water.
- 2) Stock ponds, storage tanks, livestock operations, livestock watering troughs or other structures used in normal agricultural practices.
- 3) Public or semi-public swimming pools.

County Zoning Regulations

Barrier (Section 1816): Every swimming pool shall be enclosed by a fence or wall not less than (5) five feet in height which is so constructed, gated and locked as to discourage unauthorized entry to such pool.

Water Conservation Measures (County Zoning Regulation - Section 1820): New pools will be required to have a cover. The permit application shall note the type of pool cover proposed, and the permit shall be conditioned that the pool shall be covered when not in use.

Cochise County Building Safety Code

A) Definition: Swimming Pool (IRC - AG102). Any structure intended for swimming or recreational bathing that contains water over (24) twenty-four inches deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas. *(A swimming pool or spa has no limitation on width when water level is 24 inches deep or greater).*

B) Additions to Barrier requirements (more stringent than State):

- 1) The maximum vertical clearance between grade and the bottom of the barrier shall be (2) two inches measured on the side of the barrier that faces away from the swimming pool.
- 2) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- 3) Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed (1.75) inches in width.
- 4) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more the (1.75) inches.
- 5) Prohibited locations: Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

6) Barrier exceptions. Spas or hot tubs which are (8) eight feet or less in width that are equipped with a safety cover which complies with ASTM F 1346, as listed in Section AG107, shall be exempt from

the barrier requirements of Appendix G - Swimming Pools, Spas and Hot Tubs in the IRC.

7) All swimming pool and spa suction outlets shall meet the requirements of Section AG106 (IRC) - Entrapment Protection for Swimming Pool and Spa Suction Outlets.

8) All swimming pools, hot tubs and spas shall meet the electrical requirements contained in Chapter 41 - Swimming Pools in the IRC.