



# SWIMMING POOLS AND SPAS

## Do I Need a Permit for a Pool or Spa?

A building permit is required for any swimming pool located underground or aboveground, except a permit is not required for a residential prefabricated aboveground pool that is less than 24" deep.

## Why Do I Need a Building Permit?

Children are attracted to water and can easily fall into a pool or spa when there is no barrier. Drowning is the second leading cause of injury related death for children between the ages of 1 and 14 years: Most drowning of children between 1 and 4 years occur in residential pools. Most of these children were last seen in the home in the care of one or both parents and had been out of sight for less than 5 minutes.

The homeowner is responsible to ensure the pool or spa meets state and local building code requirements and is not a danger to young children. A pool is an "attractive nuisance" and safeguards are required to prevent access to the pool by a young child.

## What Is An Attractive Nuisance?

An attractive nuisance is a hazardous object or condition on the property that is likely to attract children who are unable to recognize the risk. The attractive nuisance doctrine states the landowner is liable for injuries sustained by a trespassing child who is attracted to a hazardous condition. Landowners have been held liable for abandoned cars, vacant houses, and unattended swimming pools when the landowner did not exercise reasonable care to eliminate the danger or protect the child.

## Won't My Insurance Cover Me?

Homeowner's insurance may not cover an accidental drowning if the pool or spa was not adequately surrounded by a barrier and did not meet the codes in place.

## Pool Safety

- Install barriers at least 4 feet high and have alarms on doors leading to the pool or spa.
- Never take your eyes off children in the water - not even for a minute! Parents may think they'll hear splashing and screaming when a child is in trouble, but when a child drowns, it usually happens quickly and silently.
- Don't allow a young child in the pool without an adult.

- Knowing how to swim doesn't make a child drown-proof. Never use flotation devices as a substitute for supervision.
- If a child is missing, check the pool first. Seconds count in preventing death or disability.

## Barrier Design

Barriers must comply with Appendix G of the *International Residential Code*. The code book may be viewed in the office of Community Development from 8:00 to 5:00 Monday through Thursday, or the Sylvan Way library has a copy of the code book.

A comprehensive guide to pool and spa safety and barrier design is available at the Washington State Department of Health web site at <https://doh.wa.gov/community-and-environment/water-recreation/regulated-facilities/owner-and-operator>.

- The barrier must have a minimum height of 48 inches above grade and surround the pool or spa completely. The wall of the aboveground pool may be used as a barrier if it is at least 48 inches high and the ladder or steps can be removed or secured in such a way to prevent access to the pool.
- The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches.
- Openings in a barrier shall not allow a 4" sphere to pass through. Decorative cutouts or lattice shall not exceed 1 $\frac{3}{4}$ ". The mesh size of a chain link fence shall not exceed 2 $\frac{1}{4}$ " or slats fastened at top and bottom can reduce opening to 1 $\frac{1}{4}$ ".
- Horizontal members of the barrier shall be at least 45" apart to prevent climbing, or be placed on the inside of the barrier.
- Access gates shall be self-latching and have a locking device. Release mechanism shall be located on the pool side at least 3 inches below the top of the gate, with no opening larger than  $\frac{1}{2}$  inch within 18 inches of the release.
- Avoid locating landscape architecture and items that can be climbed within 60" of the outside of the barrier.
- If the house wall serves as part of the barrier, the door shall be provided with an UL 2017 alarm, the pool or spa shall have a powered safety cover, or other means of protection shall be provided.

## Heated Pools or Spas

Heated pools or spas must comply with the Washington State Energy Code Section 504.5 with an on-off switch on the heater, water temperature controls, and vapor retardant pool cover on or at the water surface.