

**CITY OF FAIRFIELD
ORDINANCE NO. 2020-21**

INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD AMENDING CHAPTER 5 OF THE CITY OF FAIRFIELD MUNICIPAL CODE AND AMENDING CHAPTER 31, SECTION 3109, OF THE CALIFORNIA BUILDING CODE, REQUIRING POOL BARRIERS AS A REQUIRED SAFETY FEATURE.

THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS FOLLOWS:

SECTION 1

Chapter 5, Article II of the City of Fairfield Municipal Code is hereby amended by repealing and replacing section 5.2.3 with the following:

Section 5.2.3 – Building Code Amended

The California Building Code Adopted in Section 5.2.2 is modified, amended, and or supplemented as set out in Sections 5.2.3.1 through 5.2.3.8.

SECTION 2

Chapter 5, Article II, Section 5.2.3 - Building Code Amended, of the City of Fairfield Municipal Code is amended by adding the following section:

Sec. 5.2.3.8 Swimming Pools, Spas, and Hot Tubs

Section 3109.2 – California swimming pool safety act. Repeal and replace the Health and Safety Code Section 115922, noted in section 3109.2 of the California Building Code, with the following section:

Section 3109.2– California swimming pool safety act, Subsection 115922.

115922. (a) Except as provided in California Health and Safety Code section 115925, when a building permit is issued for construction of a new swimming pool or spa, or any building permit is issued for the remodeling of an existing pool or spa, at a private single-family home, the pool or spa shall contain safety features as required in either subsection (1) or (2) below.

(1) By a permanent enclosure that isolates the pool or spa from the home meeting the requirements of California Health and Safety Code section 115923 and shall also be equipped with one of the following other safety features for each pool or spa:

(A) An approved pool safety cover, as defined in subdivision (d) of section 115921.

(B) An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 “Standard

Safety Specification for Residential Pool Alarms”, which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.

(C) Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth above and have been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

(2) By a permanent enclosure that is either, a perimeter property enclosure, or an enclosure that utilizes a portion or portions of the residence (including attached garage) as part of the enclosure, meeting the requirements of California Health and Safety Code section 115923. In addition to the enclosure noted in this section, each pool or spa shall also be equipped with two of the following other safety features:

(A) Removable mesh pool fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

(B) An approved pool safety cover, as defined in subdivision (d) of section 115921.

(C) Exit alarms on the single-family home’s doors that provide direct access to the swimming pool or spa. The exit alarm may either cause an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open”.

(D) A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on a single-family home’s doors providing direct access to the swimming pool or spa.

(E) An alarm that, when placed in a swimming pool, spa, or hot tub, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 “Standard Safety Specification for Residential Pool Alarms”, which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.

(F) Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth above and have been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

(b) Prior to the issuance of approval to plaster, the building department shall inspect the drowning safety prevention devices required by this code and if no violations are

found, approval to plaster shall be given. Prior to final, the building department shall again inspect the drowning safety prevention devices required by this code and if no violations are found, shall give final approval.

Section 3109.2 – California swimming pool safety act. Repeal and replace the Health and Safety Code Section 115923, noted in section 3109.2 of the California Building Code, with the following section:

Section 3109.2– California swimming pool safety act, Subsection 115923.

115923. An enclosure shall have all the following characteristics:

- (a) Any access gates through the enclosure shall open away from the pool or spa and be self-closing with a self-latching device placed no lower than 60 inches above the ground, except as allowed or required in items (f) through (h) below.*
- (b) A minimum of 60 inches in height.*
- (c) A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.*
- (d) Gaps or voids, if any, do not allow the passage of a sphere equal to or greater than four inches in diameter.*
- (e) An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.*
- (f) Gates, other than pedestrian access gates, can be non-self-closing and non-self-latching where equipped with lockable hardware or padlocks and the gate shall remain locked at all times when not in use. A permanent sign shall be permanently attached to and posted on any non-self-closing and non-self-latching gate that may provide access to a pool or spa, which reads: “This access to be kept locked at all times.”*
- (g) Driveway gates that are part of the enclosure shall be electronically operated and shall automatically close within one minute of being opened.*
- (h) Gates that open parallel with the enclosure are allowed where equipped as noted in item (f) or (g) above.*

In all cases, owners/occupants shall maintain all required enclosure and safety features at all times.

END OF ORDINANCE AMENDMENT

SECTION 3. This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Councilmembers voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Fairfield on the 20th day of October, 2020, and

PASSED AND ADOPTED this ____ day of _____, 2020, by the following vote:

AYES: Councilmembers: PRICE / BERTANI / MOY / TIMM / VACCARO

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

MAYOR

ATTEST:

CITY CLERK