



Forty-ninth Legislature - Second Regular Session

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[36-1681. Pool enclosures; requirements; exceptions; enforcement](#)

A. 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 in this section.

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 foot 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 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 inches measured horizontally. Wire mesh or chain link fences shall have a maximum mesh size of one and three-quarter inches measured horizontally.
3. Gates for the enclosure shall:
 - (a) Be self-closing and self-latching with the latch located at least fifty-four inches above the underlying ground or on the pool side of the gate with a release mechanism at least five inches below the top of the gate and no opening greater than one-half inch within twenty-four 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 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 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:

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 requirements of subsection B, paragraph 3, subdivision (a). Emergency escape or rescue windows from 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 inches above the floor. All other openable dwelling unit or guest room 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 inches, or a latching device located not less than fifty-four 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 inches above the 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.
 4. A swimming pool or contained body of water or barrier constructed prior to the effective date of this article.
 5. Political subdivisions which enact a swimming pool barrier ordinance before the effective date of this article.
 6. Political subdivisions which adopt ordinances after the effective date of this article provided that the ordinance is equal to or more stringent than the provisions of this article.
 7. A residence in which all residents are at least six years of age.
- E. A person on entering into an agreement to build a swimming pool or contained body of water or sell, rent or lease a dwelling with a swimming pool or contained body of water shall give the buyer, lessee or renter a notice explaining safety education and responsibilities of pool ownership as approved by the department of health services.
- F. A person who violates this section is guilty of a petty offense except that no fine may be imposed if a sufficient showing is made that the person has subsequently equipped the swimming pool or contained body of water with a barrier pursuant to the standards adopted in subsection B within forty-five days of citation and has attended an approved swimming pool safety course.