

**ORDINANCE NO. 421
(AS AMENDED THROUGH 421.6)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 421 REQUIRING CERTAIN EXCAVATIONS TO BE
COVERED AND PROVIDING FOR SWIMMING POOL SAFETY**

The Board of Supervisors of the County of Riverside, State of California, does ordain that Ordinance 421.5 is amended in its entirety as follows:

Section 1. Purpose

The purpose of this ordinance is to protect the public health, safety and welfare by requiring: (1) swimming pools, or spas and similar structures eighteen inches or more in depth designed for wading, swimming or other recreational purposes located on any premise within the County of Riverside to be enclosed in the manner prescribed herein; and (2) any cesspool, seepage pit, well or similar type of shaft, having a diameter in excess of eight inches to be securely covered at all times when the same is unattended.

Section 2. Definitions

For the purpose of this ordinance, the following definitions are applicable:

- A. "ABOVE GROUND or ON-GROUND POOL" - See definition of "swimming pool."
- B. "APPROVED SAFETY SWIMMING POOL COVER" means a power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials International (ASTM), in compliance with Underwriters Laboratories Inc. (UL) Standard F 1346-91, Standard Performance Specification Covers and Labeling Requirements.
- C. "BARRIER" is a permanent fence, enclosure, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.
- D. "COUNTY" means the County of Riverside.
- E. "GRADE" is the underlying surface, such as earth or a walking surface.
- F. "GROUP R, DIVISION 3 OCCUPANCY" means dwellings and lodging houses not including hotels or apartment houses.
- G. "HOT TUB" - See definition of "spa, non self-contained" and "spa, self-contained."
- H. "PERMANENT FENCE OR ENCLOSURE" is a wall, building wall or combination thereof that is fixed firmly, firm, established, safe, secure, constant and even, long lasting.

- I. "PERMANENT SWIMMING POOL or SPA COVER" is a cover that is equipped with manual or electrical source or system and is approved from a recognized testing agency.
- J. "SEPARATION FENCE" is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.
- K. "SPA, NONSELF-CONTAINED" is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed indoors or out doors, on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and is eighteen (18) inches or more in depth.
- L. "SPA, SELF-CONTAINED" is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and is eighteen (18) inches or more in depth.
- M. "SWIMMING POOL" is any constructed or prefabricated structure intended for swimming or bathing, eighteen (18) inches or more in depth. Such structure includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools, regardless of the presence of any water.
- N. "SWIMMING POOL, INDOOR" is a swimming pool that is totally contained within a structure and surrounded on all four sides by walls of said structure.
- O. "SWIMMING POOL, OUTDOOR" is any swimming pool that is not an indoor pool.

Section 3. Barrier Requirements – Every person in possession of land within the County, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool, spa or similar facility, shall meet the following requirements:

3.1 Outdoor Swimming Pool – An outdoor swimming pool shall be provided with a barrier that shall comply with all of the followings:

3.1.1 The top of the barrier shall be at least sixty (60) inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier.

3.1.2 On the side away from the swimming pool, the barrier shall be free of protrusions, indentations, cavities, cutouts, or other physical characteristics which render the barrier easily climbable.

3.1.3 Openings in the barrier shall not allow passage of a one and three quarter (1 ¾) inch diameter sphere.

Exceptions:

A. When vertical spacing between such openings is 45 inches or more, the opening size may be increased such that the passage of a 4-inch-diameter sphere is not allowed.

B. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches when the distance between the tops of horizontal members is 45 inches or more.

3.1.4 Chain link fences used as the barrier. Maximum mesh size for chain link fences shall be a one and one-fourth inch square unless the fence is provided with slats fastened at the top or the bottom, which reduce the openings to no more than one and three-fourths inches. All chain link fence wires shall not be less than eleven (11) gauge.

3.1.5 Access gates shall comply with the requirements of Items 3.1.1 through 3.1.4. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches below the top of the gate, and (2) the gate and barrier shall have no opening greater than 1/2 inch within 18 inches of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with either (1) a permanent automatic closing device or system with electrical power source; or (2) lockable hardware or padlocks. These gates shall remain locked at all times when not in use.

3.1.6 Where a wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Sub-Sections 3.1.1 through 3.1.5 shall be provided.

Exceptions: When approved by the Building Official or his designees performing the inspection, one or both of the followings may be used:

A. Self-closing and self-latching devices installed on all doors (except sliding glass doors) with direct access to the pool with the release mechanism located a minimum of fifty-four (54) inches above the floor.

B. An alarm installed on all doors, including sliding glass doors, with direct access to the pool. The alarm shall sound continuously for a minimum of thirty (30) seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 decibels (dBA) when measured indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation

shall last no longer than fifteen (15) seconds. The deactivation switch shall be located at least fifty-four (54) inches above the threshold of the door.

3.1.7 Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets all the requirements of Sub-Sections 3.1.1 through 3.1.6. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Sub-Sections 3.1.1 through 3.1.6.

Section 4. For an indoor swimming pool, protection shall comply with the requirements of Sub-Section 3.1.6.

Section 5. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 3.

Exception: A self-contained spa or hot tub equipped with a listed safety cover which complies with the American Society for Testing and Material-Emergency Performance Specification (ASTM F1346-91) shall be exempt from the requirements of Section 3.

Section 6. Pool Inspection Approval

All plans hereafter submitted to the Building and Safety Division for pools to be constructed shall clearly indicate compliance with codes, ordinances and regulations then in effect where health, safety and welfare are involved. Pre-plaster inspection shall be required, at which time all requirements of Section 3 of this ordinance shall be installed to the satisfaction of the building inspector before permission is granted for the plastering and filling of said pool.

Section 7. Outlets and Drains

Whenever a construction permit is issued for the construction of a new swimming pool or spa, the pool or spa shall meet all of the following requirements:

- A. The suction outlet of the pool or spa for which the permit is issued shall be equipped to provide circulation throughout the pool or spa as prescribed in paragraph (2).
- B. The swimming pool or spa shall have at least two circulation drains per pump that shall be hydraulically balanced and symmetrically plumbed through one or more "T" fittings, and that are separated by a distance of at least three feet in any dimension between the drains.
- C. Suction outlets that are less than 12 inches across shall be covered with anti-entrapment grates that cannot be removed except with the use of tools. Slots or openings in the grates or similar protective devices shall be of a shape,

area, and arrangement that would prevent physical entrapment and would not pose any suction hazard to bathers.

Section 8. Excavations

Every person who digs or excavates any cesspool, seepage pit, trench for geotechnical testing, well or similar type of shaft, having a diameter in excess of 8 inches and intended upon completion to be covered or otherwise protected in such a manner as will prevent persons from falling into the same, shall, during the digging or excavation thereof and until the same, shall have been completed and permanently covered or otherwise protected, keep said excavation securely covered, at all times when the same is unattended with a cover consisting of at least two thicknesses of 3/4 inch exterior ply board, or its equivalent in strength, with at least one foot of earth completely covering the same.

Section 9. Regulation of Agricultural-Use Sumps, Ponds and Detention Basins

No person, shall use, maintain or cause to be created, as a part of the processing for market of potatoes or any other agricultural product, any water sump, pond or detention basin unless such water sump, pond or detention basin is completely surrounded by an enclosure not less than five (5) feet in height with a locked gate. The gate may be unlocked only when employees are on duty and require uninterrupted access. The enclosure shall be constructed of chain link fencing of not less than 14-gauge and 2-inch mesh, or of concrete, masonry, wood or other solid material constructed to withstand 15 pounds per square foot of uniform horizontal load, and shall be constructed so as to discourage climbing by small children.

Section 10. Enforcement

The procedures, remedies and penalties for violation of this ordinance and for recovery of costs related to enforcement are provided for in Riverside County Ordinance No. 725, which is incorporated herein by this reference.

Section 11. CONFLICT BETWEEN ORDINANCE REQUIREMENTS

If there is any conflict in the requirements of this ordinance or between the requirements of this and any other ordinance, the more stringent requirements shall apply.

Section 12. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and application of such provision(s) to other persons or circumstances shall not be affected.

Section 13. SAVINGS CLAUSE

Neither the adoption of this ordinance nor the repeal of any other ordinance in which violations were committed prior to the effective date hereof, shall be construed as a waiver of any license

or penalty or the penal provisions application to any violation thereof. The provisions of the ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the County relating to the same subject matter, shall be construed as

restatements and continuations, and shall not be construed as a new enactment unless substantial revisions or provisions are required by the ordinance.

Section 14. SECTION HEADINGS

The section headings herein are for convenience only, and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions or language of this ordinance.

Section 15. EFFECTIVE DATE

This ordinance shall take effect 30 days after the date of adoption.

Adopted: 421 02/28/1955 (Eff: Urgency)

Amended: 421.1 05/02/1966 (Eff: 05/31/1966)

421.2 06/26/1967 (Eff: 07/25/1967)

421.3 01/31/1978 (Eff: 03/02/1978)

421.4 Item 3.2b of 02/21/1989 (Eff: 03/23/1989)

421.5 Item 3.4 of 03/30/1993 (Eff: 04/30/1993)

(725 – Amds Sec. 2) (Eff: 10/26/2000)

421.6 Item 3.17 of 03/07/2006 (Eff: 04/06/2006)