



UNDERSTANDING THE POOL BARRIER LAWS

Because of the number of drownings and near-drownings in Arizona, most of which involve small children, the State of Arizona and most counties and cities within the state have enacted swimming pool barrier laws. Generally, these laws require that all affected swimming pools (or certain other contained bodies of water) be protected by an enclosure surrounding the pool area, or by another barrier, that meets specific requirements.

In general, pool barrier laws require that a swimming pool be completely enclosed by a fence to restrict access to the swimming pool from adjoining property. These pool barrier laws also generally require that

certain barriers be installed to restrict easy access from the home to the swimming pool. Therefore, pool barrier laws contain specific requirements regarding the height and type of fences, gates and doors from the home leading directly to the swimming pool and regarding windows that face the swimming pool.

The Arizona REALTORS® has developed this flier to assist you in obtaining the information to determine which pool barrier law applies to your property and the specific requirements of the applicable law. You should obtain and read the entire current applicable pool barrier law prior to purchasing a home with an existing pool; prior to erecting pool barriers; prior to altering, repairing or replacing pool barriers; or prior to building a pool.

COMMONLY ASKED QUESTIONS

QUESTION

The house I want to buy has a fence around the pool, but it doesn't meet code. Who is responsible for bringing it up to code and how long do we have?

ANSWER

The Arizona REALTORS® Purchase Contract states: "During the Inspection Period, Buyer agrees to investigate all applicable state, county, and municipal Swimming Pool barrier regulations and agrees to comply with and pay all costs of compliance with said regulations prior to occupying the Premises, unless otherwise agreed in writing." Check city and county ordinances for their specific requirements.

QUESTION

We have an above-ground pool in our backyard, so we don't have to worry about pool barrier laws, do we?

ANSWER

Above-ground pools are covered by the same state legal requirements for an enclosure around the pool. The pool must be at least four feet high with a wall that is not climbable and steps or ladders that are locking or removable. Again, check city or county ordinances for different requirements.

QUESTION

I'm ready to make an offer on a house with a pool. What information should I receive?

ANSWER

The Arizona REALTORS® Residential Resale Purchase Contract, used in most resale home transactions, includes a "Notice to Buyer of Swimming Pool Barrier Regulations," in which the buyer and seller acknowledge the existence of state laws as well as possible county and municipal laws, and the buyer agrees to investigate and comply with these laws. The seller is required by law to give the buyer a copy of the pool safety notice from the Arizona Department of Health Services. The contract also requires the buyer be given a Seller's Property Disclosure Statement, which discloses any known code violations on the property.

Below is local area contact information for governmental departments in Arizona with information on swimming pool barrier law requirements affecting your property. If your area isn't listed, contact your local governmental offices to find out if a swimming pool barrier law has been enacted; if not, current state laws are in effect.

FOR MORE INFORMATION, CONTACT:

APACHE JUNCTION	Development Services Department (480) 474-5083
ARIZONA STATE LAW (A.R.S. §36-1681)	Arizona Maricopa County Law Library (602) 506-3461
AVONDALE	Building Safety Division (623) 333-4000
BUCKEYE	Development Services Department (623) 349-6200
BULLHEAD CITY	Community Development Department (928) 763-0124
CAREFREE	Building Department (480) 488-3686
CASA GRANDE	Building Department (520) 421-8630
CAVE CREEK	Building Department (480) 488-1414
CHANDLER	Development Services (480) 782-3000
COCONINO COUNTY	Community Development (928) 679-8850
COCHISE COUNTY	Planning & Zoning (520) 432-9240
EL MIRAGE	Building Safety (623) 251-3503
ELOY	Planning & Development (520) 466-2578
FLAGSTAFF	Building Safety (928) 213-2627
FOUNTAIN HILLS	Building Safety (480) 816-5177
GILBERT	Building Department (480) 503-6857
GLENDALE	Code Compliance (623) 930-3610
GOODYEAR	Development Services (623) 932-3005
GUADALUPE	Community Development (480) 505-5380
KINGMAN	Building & Life Safety Division (928) 753-2891
LAKE HAVASU	Code Enforcement (928) 453-4149
LITCHFIELD PARK	Building Safety (623) 935-1066
MARANA	Building Services Department (520) 382-2600
MARICOPA COUNTY	Planning Department (602) 506-3301
MESA	Development Services (480) 644-4273
ORO VALLEY	Inspections & Code Compliance (520) 229-4815
PARADISE VALLEY	Building (480) 348-3692
PEORIA	Development & Engineering Department (623) 773-7212
PHOENIX	Development Planning Department (602) 262-7811
PIMA COUNTY	Development Services (520) 724-9000
PINAL COUNTY	Building Safety Department (520) 866-6442
PRESCOTT	Community Development Department/ Building Inspection (928) 777-1228
QUEEN CREEK	Building Safety (480) 358-3009
SANTA CRUZ COUNTY	Building Department (520) 375-7880
SCOTTSDALE	Planning & Development (480) 312-2500
SURPRISE	Community Development Department (623) 222-3000
TEMPE	Community Development Department (480) 350-8331
TOLLESON	Code Enforcement (623) 936-2721
TUCSON	Development Services Department (520) 791-5550
YAVAPAI COUNTY	Development Services (928) 771-3214
YUMA	Development Services (928) 817-5000

Phone numbers are subject to change without notice.

Pool Barriers Save Lives. Flier Updated: July 2020



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