

POOL DISCLOSURE

Pool Safety Notice and Receipt

Property: _____

By signing below the Buyer(s)/Tenant(s), Seller(s)/Landlord(s) of the property described above acknowledge receipt of the "Important Notice About Pool Safety" and the Arizona Department of Health Services' Policy "Residential Pool Safety Notice" in accordance with ARS 36-1681.

Buyer/Tenant Date

Buyer/Tenant Date

Seller/Landlord Date

Seller/Landlord Date

Residential Pool Safety Notice

An Important Notice About Pool Safety

The purpose of this notice is to educate residential pool owners on proper pool safety and the legal requirements of pool ownership. Each year in Arizona, too many young children are victims of drowning or near drownings. The Arizona State Legislature recognized this threat to the health and safety of children and passed ARS 36-1681 to prevent children from gaining unsupervised access to residential swimming pools. IN ARS 36-1681(E), the legislature also requires that all pool owners receive a safety notice explaining the Arizona Department of Health Services recommendation on pool safety and the legal requirements of pool ownership.

A pool means an in ground or aboveground swimming pool or other contained body of water 18 or more inches in depth, wider than 8 feet, and intended for swimming.

Arizona Department of Health Services Pool Safety Recommendations

- A child should never be left unattended in a pool or pool area.
- A child should always be watched when in or around the pool area. Floatation devices and swimming lessons are not substitutes for supervision.
- CPR instructions and the 911 emergency number should be posted in the pool area.
- All residential pool owners should attend water rescue and CPR classes.
- Lifesaving equipment should be easily accessible and stored in the pool area.
- A phone should be located in the pool area or easily accessible in case of an emergency.
- All gate locks and latches should be checked regularly to insure they are working properly.
- A gate should never be left propped open.
- All items that could be used to climb a pool barrier should be removed from around the barrier.

Pool Enclosure Requirements

ARS 36-1681 requires that all residential swimming pools are enclosed by a barrier. Unless a local code provides otherwise, the barrier must:

- Entirely enclose the pool area,
- Be at least 5 feet high,
- Not have openings, handholds, or footholds that can be used to climb the barrier,
- Have no openings through which an object 4 inches in diameter can pass,
- Be at least 20 inches from the water's edge, and
- Prevent direct access from the house to the pool.

If the wall of the residence forms part of the pool enclosure, there must be:

- A barrier at least 4 feet high between the residence and the pool, or
- A motorized safety pool cover that requires a key switch and meets the American Society of Testing and Materials (ASTM) standards in F1346-91 (<http://www.astm.org>), or
- Self-latching devices on all doors with direct access to the pool, and
- Self-latching devices at least 54 inches above the floor on all emergency or rescue windows with direct access to the pool or pool areas, and
- For all other openable windows with access to the pool or pool area:
 1. Screwed in place wire mesh screens or a keyed lock that prevents opening a window more than 4 inches, or
 2. Self-latching devices at least 54 inches above the floor.

Gate Requirements

ARS 36-1681(B)(3) requires that all gates for the pool enclosure be:

- Self-closing,
- Self-latching, and
- Open outward from the pool.

The latches must be:

- Located at least 54 inches above the ground; or
- If on the pool side with a release mechanism,
 1. Located at least 5 inches below the top of the gate, and
 2. So that no opening greater than ½ inch is within 24 inches of the release mechanism, or
- Secured at any height if secured by a padlock or similar device which requires a key, electronic opener, or integral combination.

Aboveground Pools

ARS 36-1681 (C)(4) requires that the exterior sides of an aboveground pool are non-climbable and a minimum of 4 feet high. Any access ladder or steps must be secured and locked and removed when the pool is not in use.

Remember

- Supervision is the only way to prevent drowning.
- Never leave a child unattended in the water or pool area.
- And always watch a child when in the water or pool area.
- Inform guests of the importance of closely watching children around the pool.
- Don't count on barriers to keep children from reaching the pool. **No barrier is foolproof.** Barriers only slow a child's access to the pool.

In An Emergency

- Shout for help.
- Pull the child from the water.
- Call 911 (or the local emergency number) for help.
- Check airway and breathing. If needed, start CPR immediately.

Other smart tips to protect children around water

Don't

- Don't keep toys, tricycles or other playthings in the pool area. Also, remove items that a child could use to climb over the barrier.
- Don't be distracted by phone calls, doorbells, or chores while children are in the pool. Your full attention should be on the children.
- Don't rely on swimming lessons or "floaties" to protect your children.
- Don't prop gates open.

Do

- Attend a CPR class. All family members and babysitters should know CPR. For the nearest class, contact your local fire department.
- Post 911 (or local emergency number) on all phones.
- Learn water rescue. Keep lifesaving equipment mounted near the pool, especially if you can't swim.
- Lock passageways (such as pet doors) leading to the pool.
- Inspect latches and gates regularly; keep them in working order.
- Set a good example. Insist on safety around the pool.

Phoenix, Peoria, Tucson, and some other cities and unincorporated areas of Maricopa, Pima, and Pinal counties have different pool barrier requirements. Check with your city and county governments to see if they have adopted different pool barrier requirements.

Prudential Arizona Properties recommends that you read the attached ARIZONA REVISED STATUTE 36-1681.

ARIZONA REVISED STATUTES

ARS 36-1681 – Pool enclosures; requirements, exceptions; enforcement

1. 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.
2. A swimming pool or other contained body of water required to be enclosed by subsection A whether a belowground pool shall meet the following requirements.
 - A. 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.
 - B. 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 an 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.
 - C. Gates for the enclosure shall:
 - (1) 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, electronic opener or integral combination which can have the latch at any height.
 - (2) Open outward from the pool.
 - D. 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.
 - E. The wall, fence or barrier shall be at least twenty inches from the water's edge.
3. 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:
 - A. 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.
 - B. 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 12-89 and which does not require manual operation other than the use of the key switch.
 - C. 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.
 - D. 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.

4. This section does not apply to:
 - A. 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.
 - B. Stock ponds, storage tanks, livestock operations, livestock watering troughs or other structures used in normal agricultural practices.
 - C. Public or semi-public swimming pools.
 - D. A swimming pool or contained body of water or barrier constructed prior to the effective date of this article (June 1, 1991).
 - E. Political subdivisions which enact a swimming pool barrier ordinance before the effective date of this article (June 1, 1991).
 - F. Political subdivisions which adopt ordinances after the effective date of this article (June 1, 1991) provided that the ordinance is equal to or more stringent than the provisions of this article.
 - G. A residence in which all residents are at least six years of age.
5. 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.
6. 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.