

## MEMO

**To:** Development Services Department  
**From:** George Flores, Director of Development Services;  
Adam Copeland, Acting Deputy Director - Planning  
**Date:** July 18, 2018  
**Re:** Interpretation 18-01: Swimming Pool Barrier Standards

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### **Purpose:**

To clarify the applicability of swimming pool barrier standards related to climbability.

### **Background & Summary:**

When swimming pools are permitted, a number of standards from Arizona Revised Statute, International Building Code, and the Buckeye Development Code are applicable to their construction. These standards ensure that pools are properly placed upon a property and are safe for the residents and their visitors. The Buckeye Development Code, in particular, contains numerous provisions which dictate pool placement, barrier requirements, and safety features which are necessary to permit a swimming pool. Many of these standards are identical to statute or building code requirements. In some cases, the standards are more restrictive and problematic for enforcement, such as standards related to barriers and their ability to be climbed.

Article 5.4.5.D.2.e of the Development Code states,

“The protective fence or wall shall be located a minimum horizontal distance of 54 inches from any structure, storage or equipment that could be used to climb the wall or fence from the outside.”

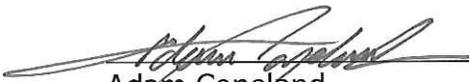
Often, the protective fences or walls that are used to secure a swimming pool are the party walls which are typically non-climbable masonry walls that exceed 48-inches in height. It is usual and customary for pool equipment, benches, raised planters and other structures to be located or stored against or within 54-inches of party wall. Based upon the strict use of the code, locating pool equipment or a bench or other climbable object against a perimeter wall negates the ability of the adjoining property owners to install a pool on their own property. This is problematic in that an off-site condition, which needs to be field verified, negatively impacts the development rights of a property owner. State law and building code

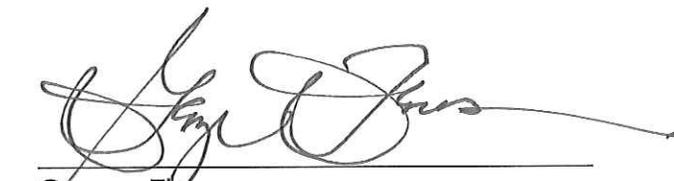
for swimming pools do not have this requirement. Furthermore, all standards related to swimming pools can be applied without needing to verify an off-site condition.

Additionally, SB 1598 is clear that municipal employees shall not inspect or observe the condition of property outside of the property subject to the inspection or inspect property which is not visible from the public way. This means that an inspector shall not peer over a wall onto an adjacent property in determining if there are climbable objects located within 54-inches outside of the wall/enclosure.

**Interpretation:**

While local regulations, such as Article 5.4.5.D.2.e are generally allowed to be more restrictive than state law, they are not allowed to create situations which require violation of other state laws. Since the 54-inch clear zone standard requires an inspector to violate SB 1598, it is unenforceable and shall not be applicable. The development code should be updated as soon as possible to remove this regulation and examined to remove any superfluous standards which are customarily regulated by existing state laws and building codes.

  
Adam Copeland  
Acting Deputy Director - Planning

  
George Flores  
Director of Development Services