Above-Ground and In-ground Swimming Pools
and Their Permit Requirements

All swimming pools require a building permit for installation in Mariposa County unless specifically exempt by the building code. The 2016 California Residential Code R105.2 (attached) item #7 exempts “prefabricated swimming pools that are less than 24 inches deep” from building permit requirements. Everything else needs a permit, even above-ground pools deeper than 24 inches.

The two major concerns for the Building Department, even on above-ground pools, are safety from drowning and electrical shock hazard issues. Generally we look for a properly installed electrical system that is GFCI protected. On the safety from drowning side we look for a safety device or enclosure that is approved by the California Health and Safety Code sections 115920-115929 (attached). One easy way to achieve the required pool safety device requirement is to use an in pool alarm system. We have a typical industry example and product information sheet attached to this document. Please keep in mind that this is just an example and is not a Building Department recommendation.

All in-ground pools require engineering, plans and a building permit with standard progress inspections and a final inspection with a signoff. These pools will be required to be engineered to meet all California minimum pool construction standards.

If you are thinking about installing a deck around that above-ground pool, plans and a permit will be required for that also. Need code help on that deck design? Please see our informational handout “Building Code for Residential Decks”.
115920. This act shall be known and may be cited as the Swimming Pool Safety Act.

115921. As used in this article the following terms have the following meanings:

(a) "Swimming pool" or "pool" means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. "Swimming pool" includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas, and nonportable wading pools.

(b) "Public swimming pool" means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the grounds of a private single-family home.

(c) "Enclosure" means a fence, wall, or other barrier that isolates a swimming pool from access to the home.

(d) "Approved safety pool cover" means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91.

(e) "Exit alarms" means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.
115922. (a) Commencing January 1, 2007, except as provided in
Section 115925, whenever a building permit is issued for construction
of a new swimming pool or spa, or any building permit is issued for
remodeling of an existing pool or spa, at a private, single-family
home, it shall be equipped with at least one of the following seven
drowning prevention safety features:

(1) The pool shall be isolated from access to a home by an
enclosure that meets the requirements of Section 115923.

(2) The pool shall incorporate removable mesh pool fencing that
meets American Society for Testing and Materials (ASTM)
Specifications F 2286 standards in conjunction with a gate that is
self-closing and self-latching and can accommodate a key lockable
device.

(3) The pool shall be equipped with an approved safety pool cover
that meets all requirements of the ASTM Specifications F 1346.

(4) The residence shall be equipped with exit alarms on those
doors providing direct access to the pool.

(5) All doors providing direct access from the home to the
swimming pool shall be equipped with a self-closing, self-latching
device with a release mechanism placed no lower than 54 inches above
the floor.

(6) Swimming pool alarms that, when placed in pools, will sound
upon detection of accidental or unauthorized entrance into the water.
These pool alarms shall meet and be independently certified to the
ASTM Standard F 2208 "Standards Specification for Pool Alarms" which
includes surface motion, pressure, sonar, laser, and infrared type
alarms. For purposes of this article, "swimming pool alarms" shall
not include swimming protection alarm devices designed for individual
use, such as an alarm attached to a child that sounds when the child
exceeds a certain distance or becomes submerged in water.

(7) Other means of protection, if the degree of protection
afforded is equal to or greater than that afforded by any of the
devices set forth above, and have been independently verified by an
approved testing laboratory as meeting standards for those devices
established by the ASTM or the American Society of Mechanical
Engineers (ASME).
(b) Prior to the issuance of any final approval for the completion of permitted construction or remodeling work, the local building code official shall inspect the drowning safety prevention devices required by this act and if no violations are found, shall give final approval.

115923. An enclosure shall have all of the following characteristics:

(a) Any access gates through the enclosure open away from the swimming pool, and are self-closing with a self-latching device placed no lower than 60 inches above the ground.

(b) A minimum height of 60 inches.

(c) A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.

(d) Gaps or voids, if any, do not allow passage of a sphere equal to or greater than four inches in diameter.

(e) An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

115924. (a) Any person entering into an agreement to build a swimming pool or spa, or to engage in permitted work on a pool or spa covered by this article, shall give the consumer notice of the requirements of this article.

(b) Pursuant to existing law, the Department of Health Services shall have available on the department's Web site, commencing January 1, 2007, approved pool safety information available for consumers to download. Pool contractors are encouraged to share this information with consumers regarding the potential dangers a pool or spa poses to toddlers. Additionally, pool contractors may provide the consumer with swimming pool safety materials produced from organizations such as the United States Consumer Product Safety Commission, Drowning Prevention Foundation, California Coalition for Children's Safety & Health, Safe Kids Worldwide, Association of Pool and Spa
115925. The requirements of this article shall not apply to any of the following:

(a) Public swimming pools.

(b) Hot tubs or spas with locking safety covers that comply with the American Society for Testing Materials-Emergency Performance Specification (ASTM-ES 13-89).

(c) Any pool within the jurisdiction of any political subdivision that adopts an ordinance for swimming pool safety that includes requirements that are at least as stringent as this article.

(d) An apartment complex, or any residential setting other than a single-family home.

115926. This article does not apply to any facility regulated by the State Department of Social Services even if the facility is also used as the private residence of the operator. Pool safety in those facilities shall be regulated pursuant to regulations adopted thereafter by the State Department of Social Services.

115927. Notwithstanding any other provision of law, this article shall not be subject to further modification or interpretation by any regulatory agency of the state, this authority being reserved exclusively to local jurisdictions, as provided for in subdivision (e) of Section 115922 and subdivision (c) of Section 115924.

115928. Whenever a building 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) (1) 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).

(2) 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.

(b) Suction outlets that are less than 12 inches across shall be covered with antientrapment grates, as specified in the ASME/ANSI Standard A 112.19.8, 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.

(c) Any backup safety system that an owner of a new swimming pool or spa may choose to install in addition to the requirements set forth in subdivisions (a) and (b) shall meet the standards as published in the document, "Guidelines for Entrapment Hazards: Making Pools and Spas Safer," Publication Number 363, March 2005, United States Consumer Product Safety Commission.

(d) Whenever a building permit is issued for the remodel or modification of a single family home with an existing swimming pool, toddler pool, or spa, the permit shall require that the suction outlet of the existing swimming pool, toddler pool, or spa be upgraded so as to be equipped with an antientrapment cover meeting current standards of the American Society for Testing and Materials (ASTM) or the American Society of Mechanical Engineers (ASME).

115929. (a) The Legislature encourages a private entity, in consultation with the Epidemiology and Prevention for Injury Control Branch of the department, to produce an informative brochure or booklet, for consumer use, explaining the child drowning hazards of,
possible safety measures for, and appropriate drowning hazard prevention measures for, home swimming pools and spas, and to donate the document to the department.

(b) The Legislature encourages the private entity to use existing documents from the United States Consumer Product Safety Commission on pool safety.

(c) If a private entity produces the document described in subdivisions (a) and (b) and donates it to the department, the department shall review and approve the brochure or booklet.

(d) Upon approval of the document by the department, the document shall become the property of the state and a part of the public domain. The department shall place the document on its Web site in a format that is readily available for downloading and for publication. The department shall review the document in a timely and prudent fashion and shall complete the review within 18 months of receipt of the document from a private entity.
Poolguard Alarms:
- Pool Alarm – Model PGRM-2
- Pool Alarm – Model PGRM-SB
- Gate Alarm

Door Alarms - NEW
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  (Sounds in 7 seconds)
- Door Alarm - DAPT-WT
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- Warranty Registration

Just an example
Not a recommendation!

About $2000 Online

POOLGUARD/PBM INDUSTRIES, INC. has been manufacturing pool alarms, door alarms, and gate alarms since 1982. All Poolguard products are proudly Made in the USA. Poolguard Pool Alarms were tested and "Top Rated" by Good Housekeeping Magazine. Poolguard Pool Alarms have been Tested and Certified by NSF International to the ASTM Standard Safety Specification for Residential Pool Alarms, ASTM F 2208-08.

The Poolguard POOL ALARM, once installed in the pool, cannot be deactivated; it is always in the alarm ready mode.
- Tamper Proof: Poolguard POOL ALARM will sound an alarm when removed from the pool.
- Sleep mode: when you would like to use your pool, simply remove the alarm from the pool and put it into sleep mode.
- Automatic Wake-up: The Poolguard Pool Alarm will automatically wake up and run a system test when installed into the pool.
- The Poolguard Pool Alarm comes with an in-house remote receiver that has a range up to 200 ft., and comes with a 12 volt power supply.
- The Poolguard poolside alarm works on a 9-volt battery (not included); with a battery life of approximately one year.
- Audible low battery indicator at the poolside alarm is also indicated by the in-house remote receiver.
- New sensing technology provides less chance of false alarms due to wind, rain or small objects such as sticks or toys entering the water.
- Poolguard Pool Alarms have been tested and comply to the ASTM Standard Specification for Pool Alarms ASTM F2208, in a 16’ x 32’ pool. Poolguard Alarms can be used in pools up to 20’ x 40’ or 800 square feet.
- The Poolguard Pool Alarm can be used with a solar blanket.
- Most reliable, advanced, and affordable alarm available.
- Poolguard PGRM-2 is designed to detect intrusions similar to a one year old child.

Inground Pool Alarm PDF manual

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topography of the site render the elevation standards of Section R322 inappropriate.

2. Failure to grant the modification would result in exceptional hardship by rendering the lot undevelopable.

3. The granting of modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

4. The modification is the minimum necessary to afford relief, considering the flood hazard.

5. Written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the design flood elevation increases risks to life and property, has been submitted to the applicant.

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the California Codes shall be an alternative to the specific requirements of this code. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

R104.11.1 Tests. Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION R105

PERMITS

R105.1 Required. Any owner or owner’s authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

R105.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures, provided that the floor area does not exceed 20 square feet (1.86 m²).

2. Fences not over 7 feet (2134 mm) high.

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

5. Sidewalks and driveways.

6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

8. Swings and other playground equipment.

9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.

2. Reinstallation of attachment plug receptacles but not the outlets therefor.

3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.

4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.