

Swimming Pool Safety Act



To: City of Ripon
Building Department
259 N. Wilma Avenue
Ripon, CA 95366

PERMIT # _____

I am the property owner of _____,
Ripon, California. I have read Assembly Bill 3305 - Article 2.5, the Swimming Pool Safety
Act, and understand the provisions contained therein.

I hereby declare that an exit alarm meeting the provisions of Assembly Bill 3305 has been
installed on each door providing direct access to the pool. I further declare that I have
checked the alarms and found them to be in full compliance with all provisions of Assembly
Bill 3305 relating to exit alarms.

I and my family have read and/or discussed the *Facts and Figures on Child Drowning*
handout provided to us by the City of Ripon.

Property Owner's Name (*please print*)

Property Owner's Signature

Date

**PLEASE DETACH THE SIGNED SWIMMING POOL SAFETY ACT FORM AND
LEAVE WITH THE INSPECTION CARD FOR THE BUILDING INSPECTOR.**

Keep the facts & figures and A.B. 3305 information for your records.

FACTS AND FIGURES ON CHILD DROWNINGS*

In some of the nation's Sunbelt, drowning has been the leading cause of accidental death in the home of children under 5 years old.

Each year, nationwide more than 300 children under 5 years old drown in residential swimming pools, usually a pool owned by their family. In addition, more than 2,000 children in that age group are treated in hospital emergency rooms for submersion injuries.

Medical costs for submersion victims during the initial hospitalization alone can be quite high. Costs can range from an estimated \$2,000 for a victim who recovers fully to \$80,000 for a victim with severe brain damage. Some severely brain damage victims have initial hospital stays in excess of 120 days and expenses in excess of \$150,000.

Following are just a few facts uncovered by the U S Consumer Product Safety Commission(CPSC) in a comprehensive study of drowning and submersion incidents involving children under age 5 years old Arizona, California, and Florida.

- Seventy-five percent of submersion victims studied by CPSC were between 1 and 3 years old; 65 percent of this group were boys. Toddlers, in particular, often do something unexpected to be at or in the pool, yet they were found in the water.
- *At the time if the incidents, most victims were being supervised by one or both parents. Forty-six percent of the victims were last seen in the house; 23 percent were last seen in the yard or on the porch or patio; and 31 percent were in or around the pool. In all 69 percent of the children were not expected to be at or in the pool, yet they were found in the water.*
- Submersion incidents involving children usually happen in familiar surroundings. Sixty-five percent of the incidents happened in a pool owned by the child's family and 33 percent of the incidents happened in a pool owned by friends or relatives.
- *Pool submersion involving children happen quickly. A child can drown in the time it takes to answer the phone. Seventy-seven percent of the victims had been missing from sight for 5 minutes or less.*
- Survival depends on rescuing the child quickly and restarting the breathing process, even while the child is still in the water. Seconds count in preventing death or brain damage.
- *Child Drowning is a silent death. There's no splashing to alert anyone that the child is in trouble.*

1
2
3 (b) This section shall become operative on July 1, 1997. Sec 3.
4 Article 2.5 (commencing with Section 115920 is added to chapter
5 of part 10 of Division 104 of the Health and Safety Code, to
6 read:

7 Article 2.5. The Swimming Pool Safety Act

8
9 115920. This act shall be known and may be cited as the
10 Swimming Pool Safety Act.
11 115921. As used in this article the following terms have the
12 following meanings:

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

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

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

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

29 (e) "Exit alarms" means devices that make audible, continuous
30 alarm sounds when any door or window, that permits access from
31 the residence to the pool area that is without any intervening
32 enclosure, is opened or is left ajar. Exit alarms may be battery
33 operated or may be connected to the electrical wiring of the
34 building.

35 115922, Commencing January 1, 1998, except as provided in
36 section 115925, whenever a construction permit is issued for
37 construction of a new swimming pool

1 at a private, single-family home it shall be equipped with
2 at least one of the following safety features:

3 (a) The pool shall be isolated from access to a home by
4 an enclosure that meets the requirements of section 115923
5 read:
6 (b) The pool shall be equipped with an approved safety
7 pool cover.

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

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

14 (e) Other means of protection, if the degree of
15 protection afforded is equal to or greater than that
16 afforded by any of the devices set forth in subdivision (a) to
17 (d), inclusive, as determined by the building official of the
18 jurisdiction issuing the applicable building permit.

19 Any ordinance governing child access to pools adopted by a
20 political subdivision on or before January 1, 1997, is
21 presumed to afford protection that is equal to or greater than
22 that afforded by any of the devices set forth in
23 subdivisions (a) to (d), inclusive.

24 115923; An enclosure shall have all of the following
25 characteristics:

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

30 (b) A minimum height of 60 inches.

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

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

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

1 115924. Any person entering into an agreement to build a
2 swimming pool shall give the consumer notice of the
3 requirements of this article.
4 115925. The requirements of this article shall not apply to any of
5 following:
6 (a) Public swimming pools.
7 (b) Hot tubs or spas with a locking safety cover that comply
8 with the American Society for Testing, Materials-Emergency
9 Performance Specification (ASTM-ES 13-89).
10 (c) Any pool within the jurisdiction of any political
11 subdivision that adopts an ordinance for swimming pool safety
12 that includes requirements that are at least as stringent as
13 this article.
14 (d) An apartment complex, or any residential setting other
15 than a single family home.
16 115926. This Article does not apply to any facility regulated
17 by the State Department of Social Services even if the facility is
18 also used as the private residence of the operator. Pool safety in
19 those facilities shall be regulated pursuant to regulations adopted
20 therefore by: the State Department of Social Services.
21 115927. Notwithstanding any other provision of law, this article
22 shall not be subject to further modification or interpretation by
23 any regulatory agency of the state, this authority being reserved
24 exclusive to local jurisdictions, as provided for in subdivision
25 (e) of section 115922 and subdivision (c) of section 115924
26 SEC. 4 No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution
28 because a local agency or school district has the authority to
29 levy service charges, fees, or assessments sufficient to pay for
30 the program or level of service mandated by this act, within
31 meaning of Section 17556 of the Government Code.
32 Notwithstanding Section 17580, of the Government Code,
33 unless otherwise specified, in the provisions of this act
34 shall become operative on the same date that the act takes
35 affect pursuant to the California Constitution.