

Sec. 18-175. - Additional health and public safety regulations.

(g) The owner of a vacation rental or short-term rental that includes a swimming pool, spa or hot tub that is accessible to the renters, shall comply with the barrier requirements outlined in Scottsdale Revised Code § 31-68, AG105, Barrier Requirements. Owners of vacation rentals or short-term rentals shall have six months from the effective date of this article to come into compliance with this subsection.

Short term rental pool barrier delayed effective date: May 23, 2023

Vacation rentals or Short-term rentals are dwelling units for a rental term of less than 30 days to transient guests. They are considered the same as traditional dwelling units and are allowed by-right in all residential districts, subject to the following:

- All Dwelling units and any accessory guest houses must be rented or offered for rent together and may not be rented or offered for rent independently.
- All Dwelling units, including Vacation Rentals and Short-term rentals shall have a maximum family size of 6 adults (and their related dependent children).
- Non-residential uses, including retail, restaurant, banquet space, event center, or other similar use is prohibited.

SCOTTSDALE REVISED CODE

CHAPTER 31 – BUILDING AND CONSTRUCTION REGULATIONS

ARTICLE XIII. INTERNATIONAL SWIMMING POOL AND SPA CODE

Sec. 31-175. Adoption of International Swimming Pool and Spa Code.

The International Swimming Pool and Spa Code (ISPSC), 2021 Edition, as published by the International Code Council, Inc., declared a public record by city Resolution No. 12507, is adopted by reference as part of the city Building Code.

Sec. 31-176. ISPSC CHAPTER 1 SCOPE AND ADMINISTRATION - amendments.

Only the following portions of CHAPTER 1, SCOPE AND ADMINISTRATION, are amended:

(a) Section 101.1, Title, is amended as follows:

101.1 Title. *These regulations shall be known as the “Swimming Pool and Spa Code” of the City of Scottsdale, hereinafter referred to as “this code.”*

(b) To the extent that Chapter 1 of the International Swimming Pool and Spa Code, 2021 Edition, conflicts with the city amendments to Chapter 1 of the International Building Code, 2021 Edition, the amendments to the International Building Code prevail.

(c) Section 101.2, *Scope*, is amended to read as follows with Section 101.2.1 remaining the same:

101.2 Scope. *The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of pools and spas. The pools and spas covered by this code are either permanent or temporary and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading.*

(d) A new Section 101.5, *Safety notification*, is added as follows:

101.5 Safety notification. *Any person, firm or corporation, on entering into an agreement to sell or rent a dwelling with access to any swimming pool, spa or hot tub, shall give the buyer or renter written notice explaining pool, spa or hot tub safety and the responsibilities of pool, spa and hot tub use and ownership. Failure to provide this notice shall be enforced in accordance with Chapter 31, Article XII of the Scottsdale Revised Code.*

Sec. 31-177. ISPSC CHAPTER 3 GENERAL COMPLIANCE - amendments.

Only the following portions of CHAPTER 3, GENERAL COMPLIANCE, are amended:

(a) Section 301.1, *Scope*, is amended to read as follows:

301.1 Scope. *The provisions of this chapter shall govern the general design and construction of residential pools and spas and related piping, equipment, and materials. Provisions that are unique to a specific type of pool or spa are located in Chapters 4 through 10.*

301.1.1 Application of Chapters 4 through 10. *Where differences occur between the provisions of this chapter and the provisions of Chapters 4 through 10, the provisions of Chapters 4 through 10 shall apply.*

SECTION 305

BARRIER REQUIREMENTS

305.1 General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where **spas or hot tubs** are equipped with a **lockable safety cover** complying with **ASTM F1346** and **swimming pools** are equipped with a **powered safety cover** that complies with **ASTM F1346**, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections 305.2 through 305.7.

(b) Section 305.1.1, **Construction fencing required**, is amended to read as follows:

305.1.1 Construction fencing required. *The construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time that the permanent barrier is completed. The fencing shall be not less than 60 inches (1524 mm) in height.*

(c) New Sections 305.1.2, 305.1.3 and 305.1.4 are added to read as follows:

305.1.2 Barrier requirements notification. *Before constructing a new swimming pool, spa or hot tub, the pool contractor shall give the pool owner written notice of the barrier requirements in Section 305.2 through 305.7. Failure to provide this notice shall be enforced in accordance with Chapter 31, Article XII of the Scottsdale Revised Code.*

305.1.3 Maintenance of barrier. *The owner and person, firm or corporation in possession of a swimming pool, spa or hot tub, shall keep the required barrier(s), including all gates, fencing, doors, locks, alarms, and latches in safe and good working order at all times. No person shall alter or remove any portion of a swimming pool barrier except to repair, reconstruct, or replace the barrier in compliance with the provisions of this chapter. Any barrier removed shall be promptly replaced.*

305.1.4 Public nuisance. *Any swimming pool, spa or hot tub safety barrier(s) not maintained to the minimum requirements by the code under which the barrier(s) was installed is hereby declared to be unsafe and a public nuisance. In addition to enforcement under this chapter, violations of this section may be enforced in accordance with Chapter 18 of the Scottsdale Revised Code.*

305.2 Outdoor swimming pools and spas. Outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7.

(d) *Section 305.2.1, Barrier height and clearances, subsection 1 is amended to read as follows:*

- 1. The top of the barrier shall be not less than **60 inches (1524 mm)** above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.*
- 2. The vertical clearance between grade and the bottom of the barrier shall not exceed 2 inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the pool or spa.*
- 3. The vertical clearance between a surface the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed 4 inches (102 mm) where measured on the side of the required barrier that faces away from the pool or spa.*
- 4. Where the top of the pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the pool or spa structure. Where the barrier is mounted on the top of the pool or spa, the vertical clearance between the top of the pool or spa and the bottom of the.*

305.2.2 Openings. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

305.2.3 Solid barrier surfaces. Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.

305.2.4 Mesh fence as a barrier. Mesh fences, other than chain link fences in accordance with Section 305.2.7, shall be installed in accordance with the manufacturer's instructions and shall comply with the following:

1. The bottom of the mesh fence shall be not more than 1 inch (25 mm) above the deck or installed surface or grade.
2. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not permit the fence to be lifted more than 4 inches (102 mm) from grade or decking.
3. The fence shall be designed and constructed so that it does not allow passage of a 4-inch (102 mm) sphere under any mesh panel. The maximum vertical clearance from the bottom of the

mesh fence and the solid surface shall be not greater than 4 inches (102 mm) from grade or decking.

4. An attachment device shall attach each barrier section at a height not lower than 45 inches (1143 mm) above grade. Common attachment devices include, but are not limited to, devices that provide the security equal to or greater than that of a hook-and-eye-type latch incorporating a spring actuated retaining lever such as a safety gate hook.

5. Where a hinged gate is used with a mesh fence, the gate shall comply with Section 305.3.

6. Patio deck sleeves such as vertical post receptacles that are placed inside the patio surface shall be of a nonconductive material.

7. Mesh fences shall not be installed on top of onground residential pools.

305.2.4.1 Setback for mesh fences. The inside of a mesh fence shall be not closer than 20 inches (508 mm) to the nearest edge of the water of a pool or spa.

305.2.5 Closely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 1-3/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1-3/4 inches (44 mm) in width.

305.2.6 Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, the interior width of the cutouts shall not exceed 1-3/4 inches (44 mm). **305.2.7 Chain link dimensions.** The maximum opening formed by a chain link fence shall be not more than 1-3/4 inches (44 mm). Where the fence is provided with slats fastened at the top and bottom that reduce the openings, such openings shall be not greater than 1-3/4 inches (44 mm).

305.2.8 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be not greater than 1-3/4 inches (44 mm). The angle of diagonal members shall be not greater than 45 degrees (0.79 rad) from vertical.

305.2.9 Clear zone. Where equipment, including pool equipment such as pumps, filters and heaters, is on the same lot as a pool or spa and such equipment is located outside of the barrier protecting the pool or spa, such equipment shall be located not less than 36 inches (914 mm) from the outside of the barrier.

305.3 Doors and gates. Doors and gates in barriers shall comply with the requirements of Sections 305.3.1 through 305.3.3 and shall be equipped to accommodate a locking device. Pedestrian access doors and gates shall open outward away from the pool or spa, shall be self-closing and shall have a self-latching device.

305.3.1 Utility or service doors and gates. Doors and gates not intended for pedestrian use, such as utility or service doors and gates, shall remain locked when not in use.

305.3.2 Double or multiple doors and gates. Double doors and gates or multiple doors and gates shall have not fewer than one leaf secured in place and the adjacent leaf shall be secured with a self-latching device. 305.3.3 Latch release. For doors and gates in barriers, the door and gate latch release mechanisms shall be in accordance with the following:

1. Where door and gate latch release mechanisms are accessed from the outside of the barrier and are not of the self-locking type, such mechanism shall be located above the finished floor or ground surface in accordance with the following:
 - 1.1. At public pools and spas, not less than 52 inches (1219 mm) and not greater than 54 inches (1372 mm).
 - 1.2. At residential pools and spas, not less than 54 inches (1372 mm).
2. Where door and gate latch release mechanisms are of the self-locking type such as where the lock is operated by means of a key, an electronic opener or the entry of a combination into an integral combination lock operation control and the latch release mechanism shall be located above the finished floor or ground surface in accordance with the following:
 - 2.1. At public pools and spas, not less than 34 inches and not greater than 48 inches (1219 mm).
 - 2.2. At residential pools and spas, at not greater than 54 inches (1372 mm).
3. At private pools, where the only latch release mechanism of a self-latching device for a gate is located on the pool and spa side of the barrier, the release mechanism shall be located at a point that is at least 3 inches below the top of the gate.

305.3.4 Barriers adjacent to latch release mechanisms. Where a latch release mechanism is located on the inside of a barrier, openings in the door, gate and barrier within 18 inches (457 mm) of the latch shall not be greater than 1/2 inch (12.7 mm) in any dimension.

305.4 Structure wall as a barrier. Where a wall of a dwelling or structure serves as part of the barrier and where doors, gates or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

(e) Section 305.4, Structure wall as a barrier, subsection 1 is amended to read as follows:

1. **Operable windows** having a sill height of less than 48 inches (1219 mm) above the indoor finished floor, doors and gates **shall have an alarm** that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. The alarm shall:
 - a. Activate within 7 seconds and sound continuously for a minimum of 30 seconds.
 - b. Be heard throughout the house during normal household activities with a sound pressure level of not less than 85 dba when measured indoors at 10 feet (3.048m).
 - c. Reset automatically under all conditions.
 - d. Repeat a, b and c above until the door, window and/or its screen, if present, are closed.
 - e. Be equipped with a manual means, such as touchpad or switch located 54 inches (1,372 mm) or more above the threshold of the door, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds.

Doors that remain open after 15 seconds shall activate the alarm as outlined in a through d above.

f. Not be equipped with an on/off switch of any type other than the temporary deactivation switch.

2. In dwellings not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located at not less than 54 inches (1372 mm) above the finished floor.
3. In dwellings that are required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.
4. In structures other than dwellings, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1220 mm) above the finished floor.
5. **A safety cover** that is listed and labeled in accordance with **ASTM F1346** is installed for the pools and spas.
6. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1 or 2.

305.5 Onground residential pool structure as a barrier. An onground residential pool wall structure or a barrier mounted on top of an onground residential pool wall structure shall serve as a barrier where all of the following conditions are present:

1. Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of Section 305.2 and the pool manufacturer allows the wall to serve as a barrier.
2. Where a barrier is mounted on top of the pool wall, the top of the barrier is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of Section 305.2.
3. Ladders or steps used as means of access to the pool are capable of being secured, locked or removed to prevent access except where the ladder or steps are surrounded by a barrier that meets the requirements of Section 305.
4. Openings created by the securing, locking or removal of ladders and steps do not allow the passage of a 4-inch (102 mm) diameter sphere.
5. Barriers that are mounted on top of onground residential pool walls are installed in accordance with the pool manufacturer's instructions.

305.6 Natural barriers. In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge not less than 18 inches (457 mm), a barrier is not required between the natural body of water shoreline and the pool or spa.

305.7 Natural topography. Natural topography that prevents direct access to the pool or spa area shall include but not be limited to mountains and natural rock formations. A natural barrier approved by the governing body shall be acceptable provided that the degree of protection is not less than the protection afforded by the requirements of Sections 305.2 through 305.5.

305.8 Means of egress. Outdoor public pools provided with barriers shall have means of egress as required by Chapter 10 of the International Building Code.

Sec. 31-178. ISPSC CHAPTER 4 PUBLIC SWIMMING POOLS.

CHAPTER 4, PUBLIC SWIMMING POOLS, is deleted in its entirety.

Sec. 31-179. ISPSC CHAPTER 5 PUBLIC SPAS AND PUBLIC EXERCISE SPAS.

CHAPTER 5, PUBLIC SPAS AND PUBLIC EXERCISE SPAS, is deleted in its entirety.

Sec. 31-180. ISPSC CHAPTER 6 AQUATIC RECREATION FACILITIES.

CHAPTER 6, AQUATIC RECREATION FACILITIES, is deleted in its entirety.

Sections 31-181 to 31-186: Reserved