

AFFIDAVIT OF COMPLIANCE

I, _____ have been made aware of all Doña Ana County Ordinances,
(Legal Homeowner)

The 2021 International Residential Code, and the 2021 New Mexico Residential Code (Chapter 45 Swimming Pools) requirements concerning the fencing and alarming of doors leading to our swimming pool which will be constructed by _____
(Name of Licensed Contractor)

I further agree to comply with all the rules and regulations stated above upon final inspection of the swimming pool constructed at _____
(Location of Residence)

ACKNOWLEDGEMENT

State of New Mexico

County of Dona Ana

This instrument was acknowledged before me on this _____ day of _____ 20____
in Las Cruces, NM by _____

(Notary Public)

(My Commission Expires)

14.7.3.25 Add the following Chapter to the IRC: **CHAPTER 45 SWIMMING POOLS:**

K. Section R4505.1 Barrier Requirements. The provisions of this chapter shall control the design of barriers for residential swimming pools, spas, and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

L. Section R4505.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

(1) The top of the barrier shall be at least **48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool**. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (102 mm).

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

(3) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

(4) 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 swimming pool side of the fence. Spacing between vertical members shall not exceed thirteen-fourth inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed thirteen-fourth inches (44 mm) in width.

(5) 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 four inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed thirteen-fourth inches (44 mm) in width.

(6) Maximum mesh size for chain link fences shall be a twenty-one fourth-inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than thirteen-fourth inches (44 mm).

(7) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than thirteen-fourth inches (44 mm).

(8) Access gates shall comply with the requirements of Section R4205.2 of the IRC, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following: (a) 8.1. The release mechanism shall be located on the pool side of the gate at least three inches (76 mm) below the top of the gate; and (b) 8.2. The gate and barrier shall have no opening larger than half-inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

(9) Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met: (a) 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346; or (b) 9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or 14.7.3 NMAC 11 (c) 9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.

(10) Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps: (a) 10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or (b) 10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section R4205.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

M. Section R4505.3 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Section R4205.2 of the IRC, Item 9.

N. Section R4505.4 Prohibited locations. Barriers shall be located to prohibit permanent structures, equipment, or similar objects from being used to climb them.

O. Section R4505.5 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section R4507, shall be exempt from the provisions of this section.

P. Section R4506 Entrapment Protection for Swimming Pool and Spa. General. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

HOMEOWNER SIGNATURE & DATE: _____