

Americans With Disabilities Act Swimming Pool Guidelines for March 2012



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ADA Swimming Pool Accessibility

The purpose of this document is to provide background material and clarification on issues relating to the Americans with Disabilities Act and, more specifically, the aspects of ADA that pertain to swimming pool accessibility.

Background Information

What we commonly call ADA, was signed by President George Bush on July 26, 1990. The actual title of the document that President Bush signed and was passed by Congress is An Act to establish a clear and comprehensive prohibition of discrimination on the basis of disability. This Act was codified into law under Title 42, Chapter 136 of the Public Health and Welfare Statutes and is titled Equal Opportunity for Individuals with Disabilities.

This law is divided into five subparts or titles:

- Title I Employment
- Title II Public Entities (and public transportation)
- Title III Public Accommodations (and Commercial Facilities)
- Title IV Telecommunications
- Title V Miscellaneous Provisions

The relevant sections of this law for our purposes are Titles II and Title III:

Title II prohibits disability discrimination by all public entities at the local (i.e. school district, municipalities, and cities, county) and state levels. Public entities must comply with Title II regulations. These regulations cover access to all programs and services offered by the entity. Access includes physical access as described in the ADA Standards for Accessible Design and program access that might be obstructed by discriminatory policies or procedures of the entity.

Title III prohibits discrimination on the basis of disability with regards to the full and equal enjoyment of the goods, services and facilities of any place of public accommodation. Public accommodations include, among other things, most places of lodging (such as inns and hotels) and recreation facilities.

The ADA requires the Department of Justice to issue regulations that include enforceable accessibility

standards applicable to facilities subject to title II or title III and that are consistent with the minimum guidelines issued by the Access Board.*

*The Architectural and Transportation Barriers Compliance Board, which is more commonly called the Access Board, was originally established to develop and maintain accessibility guidelines for federally funded facilities under the Architectural Barriers Act of 1968. The passage of ADA expanded the Access Board's responsibilities. The ADA requires the Access Board to "issue minimum guidelines that shall supplement the existing Minimum Guidelines and Requirements for Accessible Design to ensure that buildings and facilities are accessible to individuals with disabilities."

Title II Regulations are spelled out under 28 CFR (Code of Federal Regulations) Part 35, *Nondiscrimination on the Basis of Disability in State and Local Government Services*. Title III is defined under 28 CFR Part 36, *Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities*. The original versions of these regulations were issued on July 26, 1991, and are generally referred to as the 1991 Standards. In conjunction with the publication of these regulations, the Access Board also issued the Americans with Disabilities Act Accessibility Guidelines (ADAAG) on the same date. These Guidelines are commonly referred to as ADAAG 1991 or the original ADAAG.

On July 1, 2004, the Access Board released a revision to the original ADAAG, called ADAAG 2004. This revision was the culmination of a ten year effort to both address areas not covered in the original ADAAG and to eliminate inconsistencies in the original guidelines. Like any revision issued by the Access Board, ADAAG 2004 was effective only as a guidance document for the Department of Justice and had no legal bearing on the public until a final rule was issued adopting the revised ADA Standards.

On June 17, 2008, the Department of Justice issued a Notice of Proposed Rule Making (NPRM) to formally adopt ADAAG 2004. This notice was followed by a public comment period which ended on August 17, 2008. After considering the public comments that followed the NPRM, the Department of Justice announced their final rule making, which formally adopted ADAAG 2004, on July 26, 2010. These revised regulations will take effect six months following their publication in the Federal Register. Compliance with these regulations will be required eighteen months after the date of publication. These revised regulations should be published prior to the end of 2010.

Swimming Pool Accessibility

No accessibility guidelines were provided for swimming pools in the 1991 Standards. Facilities housing swimming pools were covered in the original guidelines and areas surrounding the pool, such as locker rooms, pathways, and the parking lot were required to be accessible. However, no regulations were in place that specifically addressed getting a person into and out of the pool.

In 1994, the Access Board began to work on a major revision to the original ADAAG, primarily to address areas that were not included in the original guidelines. Recreational facilities in general and swimming pools in particular, were included in this revision. In June, 2003, the Access Board finalized and published accessibility guidelines for swimming pools. These guidelines were included in ADAAG 2004, and were adopted by the Department of Justice in 2010.

Swimming Pool Guidelines

The swimming pool guidelines that are now part of the ADA law are virtually the same for both title II and title III facilities. They stipulate that any pool with under 300 linear feet of pool wall must provide one means of access, and that means must be either a pool lift or a sloped entry. In addition, any pool that has over 300 linear feet of pool wall must provide two means of access, one of which must be either a pool lift or sloped entry. The second means of access for large pools can be any of the five designated means of access which are: pool lifts, sloped entries, transfer walls, transfer systems, or accessible pool stairs.

Exclusions

Under the general ADA regulations, there are stipulations for facilities that could excuse them from complying with accessibility guidelines.

Title II facilities can be excluded if they can prove that providing modifications necessary to ensure accessibility would significantly alter the historic nature of the building. They could also be excused if they demonstrate that by making such modifications it would create undue financial hardship for the facility.

Title III facilities can be excluded if they can demonstrate that reasonable accommodations are not readily achievable.

These arguments, with respect to swimming pools for both title II and title III, were addressed by the Department of Justice in the NPRM that preceded the release of the final ruling. The review notes provided by the Department, as part of the final ruling, make it very clear that, given the flexibility and cost of a pool lift, it would be very difficult for any entity to escape their responsibility to provide access to a swimming pool.

Enforcement

ADA regulations are enforced in ways that are both direct and indirect. Most direct enforcement is a result of civil lawsuits that are initiated by a plaintiff who sues an entity for non-compliance. There are generally no monetary awards provided to the victorious plaintiff, however, the court usually does provide injunctive relief, in the form of a court order that would require the defendant to remedy the violation, and attorney's fees for the plaintiff. There is a network of professional plaintiffs who have made a career of initiating such lawsuits under the banner of disability advocacy.

The ADA is also enforced indirectly by requiring compliance prior to receiving licenses, certifications, or grants from prevailing authorities. For example, prior to a local public entity receiving a federal grant, they must provide proof of compliance with a wide array of regulations ranging from environmental mandates to equal opportunity programs to ADA. In addition, in most municipalities, any new construction or building modification will not receive a certificate of occupancy without meeting all relevant ADA requirements.

Who Must Comply With ADA Law?

This document is being presented to discuss the different types of facilities that would be required to comply with the revised ADA regulations published on September 15, 2010. Entities affected by the revised regulations generally fall under either Title II or Title III of the Act.

Title II outlines regulations for any public entity. A public entity is any activity, service, program or facility owned by any governmental agency. Title III regulates places of public accommodation, commercial facilities, and private companies that offer courses and examinations related to educational and occupational certification.

The ADA does not affect any type of residential dwelling, such as a private residence, an apartment complex, a condominium, or a home owner s association. However, if any of these residential facilities operate an element of public accommodation within their premises, these elements would be subject to ADA regulations.

Here are some examples of situations where a residential entity would fall under ADA regulations with respect to swimming pools:

1. A private residential apartment complex sells memberships to their swimming facilities. This situation would be considered providing a public accommodation.
2. A Home Owner s Association pool is used for swimming competitions that are open to competitors from outside the association. This situation would also be considered offering a public accommodation.
3. A condominium actively rents out their units when owners are absent, including advertising, taking reservations over the phone, and providing either meals or housekeeping services.

In this instance, the condominium would be considered a hotel.

4. A vacation timeshare that operates as a hotel. This facility would be considered a hotel.

Conversely, if any residential entity strictly limits use of their facilities to residents and their guests, they would not be subject to ADA regulations.

Although residential facilities are not required to comply with ADA regulations for swimming pools, they must comply with the Fair Housing Act. Under this legislation, a privately owned residential community must provide a barrier free pathway up to the edge of a pool. In addition, they cannot prevent a resident from using their own apparatus to gain access to the pool, providing it does not provide a hazard for other residents. In other words, if a resident has a portable pool lift and keeps it in storage when not in use, the facility cannot prevent that resident from using the lift to gain access to the pool.

Private clubs are also excluded from ADA regulations in some cases. Final determination would be based on the control of operations, membership requirements, and the amount of fees involved. Operations that have limited or no membership requirements and minimal dues charges do not fall under the private club exclusion. If a private club limits use of their facilities strictly to members and their guests, then the club would not be subject to ADA regulations. However, if that club hosts swimming competitions or any other type of activity that opens the pool to non-members, the club would be required to follow ADA regulations for their pool.

For further information on this or any other ADA issue, visit our website, www.poollifts.com

Resources:

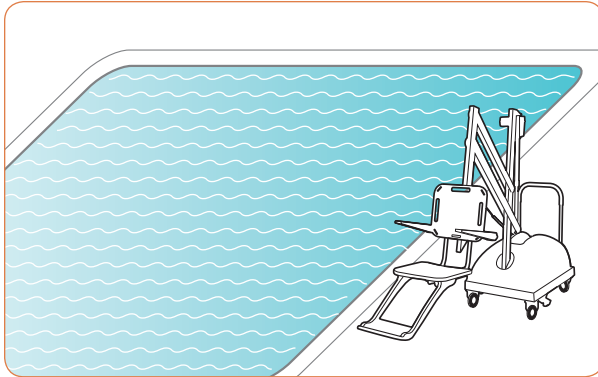
Who is Affected by the ADA Law? Retrieved from http://nspf.org/Documents/ADA_Law_Info.pdf

Means of Access for Swimming Pools

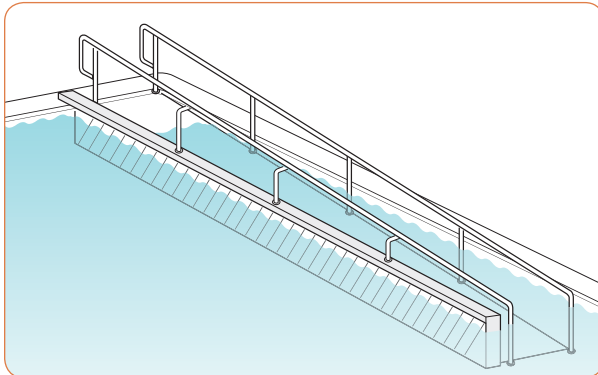
The Americans with Disabilities Act Accessibility Guidelines (ADAAG) identifies five means of access for swimming pools. Of these five, two are considered primary means of access: **Pool Lifts and Sloped Entries**. Facilities with swimming pools that have less than 300 linear feet of pool wall must use one of the primary means to provide access to their pools. Swimming pools that have more than 300 linear feet of pool wall must provide two means of access, at least one of which must be a primary means.

Primary Means of Access

The two primary means of access, as defined by ADAAG, are swimming pool lifts and sloped entries (including ramps).



Pool Lifts



Sloped Entries

Pool lifts must be capable of independent operation by a person with a disability, and must be located where the water level is no deeper than 48 inches. Seats on pool lifts must be a minimum of 16 inches

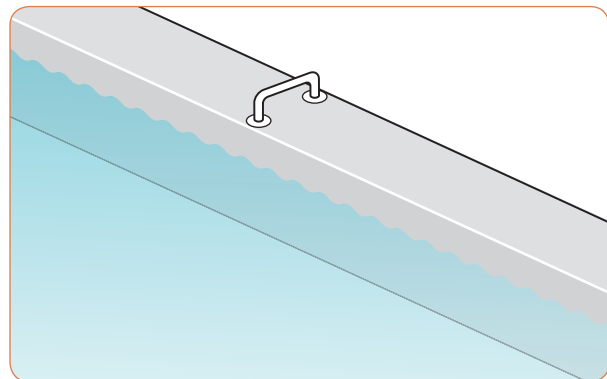
wide and the lift must have a weight capacity of 300 pounds. Additionally, the lift must submerge the user a minimum of 18 below the water level and must be equipped with foot rests. There should be ample clear deck space around the lift to facilitate transfers and the distance from the top of the seat surface to the pool deck should be a minimum of 16 inches.

Sloped entries must comply with ADAAG accessible route provisions. These provisions call for a minimum width of 36 and a maximum slope of 1:12 (1 foot of drop for every 12 feet of run). Sloped entries must extend to a depth of between 24 and 30 below the stationary water level. If the sloped entry is over 30 feet in length, an intermediate landing is required. Landings must be a minimum of 36 inches wide and 60 inches long. Sloped entries must have handrails on both sides. Facilities that use sloped entries are required to provide a mobile aquatic chair designed for pool access.

Secondary Means of Access

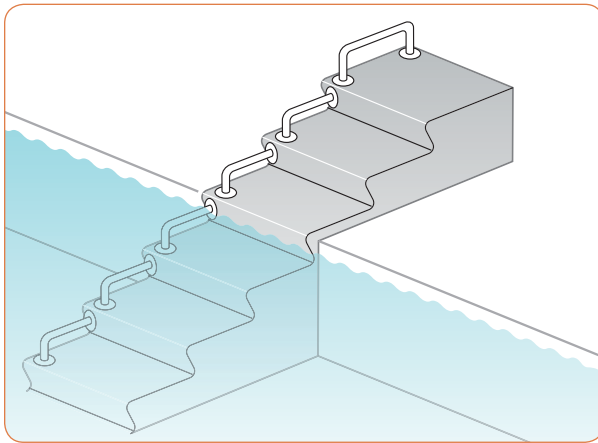
There are three approved secondary means of access: Transfer Walls, Transfer Systems and Pool Stairs. Secondary means can only be used on pools that already have a primary means of access in place. Additionally, primary means of access (pool lifts, sloped entries) also qualify as secondary means.

A transfer wall is a wall that allows a person to transfer from their wheelchair onto the pool wall and then into a pool or spa.

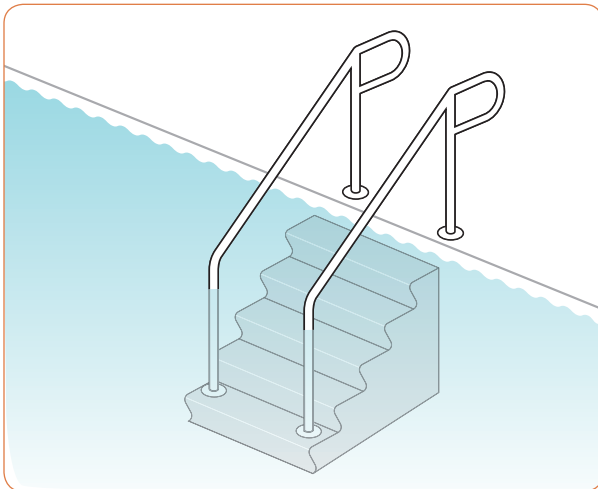


Transfer Wall

Transfer systems consist of a transfer platform and a series of transfer steps that descend into the water. Users transfer from a wheelchair onto the platform, then down into the water using the transfer steps.



Transfer System



Pool Stairs

Accessible pool stairs help provide balance and support for ambulatory users while transferring from the deck to the swimming pool.

Since secondary means of access can only be used in the presence of a primary means, this report will focus on the advantages and disadvantages of pool lifts and sloped entries.

Access Planning Considerations

When planning for swimming pool access, there are several important areas to consider before deciding which means of access to use: Location, Application (Commercial, Multi-Use, Competition, Therapy, etc), Clientele, Available Space, and Budget are all key considerations.

Pool Lifts

Pool lifts are the most flexible means of access. They come in a variety of shapes & sizes and offer a wide range of price points. ADA compliant pool lifts allow for independent operation by both ambulatory and non-ambulatory users. Pool lifts are generally easy to use. Transferring is straight forward and often facilitated by the lift's ability to position the chair in a favorable position for the transfer. Both portable and removable pool lifts can be stored away when not needed, or at times when they may interfere with an activity, such as a swim meet or a day camp. Since pool lifts are mechanical pieces of equipment, they do require regular routine maintenance.* Installation of non-portable lifts (removable and fixed) is fairly simple, requiring only a deck anchor to be installed. Portable lifts require no physical installation.

*The ADA's "Maintenance of Accessible Features" provision states that "a public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities."

Sloped Entries

Sloped entries provide a safe and easy way for ambulatory individuals to gain swimming pool access. Once installed, sloped entries are virtually maintenance free. This method of access does, however, require significant space adjacent to the pool. A sloped entry that brings the user into 30 inches of water will be a minimum of 30 feet

long and three feet wide. Ideally, this entry would be constructed off to the side of the main pool in order to prevent interference with swimming lanes. Construction costs for sloped entries can be substantial, with estimates ranging from \$25,000 \$40,000, depending on the design of the ramp area.

Besides the cost and space requirements, the main downside of sloped entries is that they do not

provide universal independent access. Select users who can transfer on and off of a pool lift, may not have the strength to push an aquatic wheelchair up the ramp following an in-pool aquatic exercise session.

The following table illustrates the key points of difference between pool lifts and sloped entries:

Issue	Pool Lifts	Sloped Entries
Cost	\$4,000-\$8,000	\$25,000-\$40,000
Installation	None to simple	Major construction
Independent operation	Yes	Yes for ambulatory, no for non-ambulatory
Maintenance required	Yes	Generally, nothing beyond standard pool maintenance
Compatible with any pool?	Yes	Depends on available space
Requires a transfer	Yes	Yes for non-ambulatory, no for ambulatory
Requires an aquatic wheelchair	No	Yes

Sources: United States Access Board, ADA.Gov

For more information contact S.R.Smith at 1.877.325.0768 or email your questions to: access@srsmith.com

ADA Swimming Pool Compliance — Understanding the Safe Harbor Provision.

The recently published revision to the Americans with Disabilities Act contains a provision that is known as Safe Harbor. The purpose of this document is to clarify this provision as it relates to swimming pool accessibility.

Following the passage of the Americans with Disabilities Act (ADA) in 1990, the Department of Justice issued an initial set of accessibility guidelines in 1991. These standards covered items that would immediately improve accessibility for people with disabilities. Although these guidelines covered many parts of society, there were a number of areas that were either not included or were incomplete.

The 2010 revision to ADA expanded several existing areas that were covered in the 1991 guidelines and also introduced new standards for areas that were not covered in the 1991 version.

In order to ease the financial burden on existing ADA compliant facilities, these new regulations provide a Safe Harbor provision with respect to the 2010 Standards. For example, if there is a requirement in the 2010 Standards that is either an enhancement or a change from the modifications made to comply with the 1991 guidelines, an existing facility would not be required to make that change until alterations to the facility are made.

In the case of swimming pools, the Safe Harbor provision does not apply since there were no technical or scoping requirements contained in the 1991 guidelines that directly addressed swimming pools. According to the 2010 Standards

“...the safe harbor provided in § 36.304(d)(2)(i) does not apply to those elements in existing facilities that are subject to supplemental requirements (i.e., elements for which there are neither technical nor scoping specifications in the 1991 Standards), and therefore those elements must be modified to the extent readily achievable to comply with the 2010 Standards.” Additionally, “Elements in the 2010 Standards not eligible for... Safe Harbor are identified as follows - (j) Swimming Pools, Wading Pools and Spas, sections 242 and 1009.”

The bottom line is that swimming pools are not eligible for Safe Harbor and therefore, will need to provide accessibility as outlined in the 2010 Standards.

For more information on this swimming pool accessibility, please contact the ADA at www.ada.gov, or visit www.poollifts.com.

Selecting a Swimming Pool Lift

Swimming pools can be a fountain of youth for people with disabilities. Water based activities provide a myriad of benefits for anyone, but are especially important for anyone living with mobility challenges.

Pool lifts are the most flexible and efficient method for enabling swimming pool access. When selecting a lift, there are many factors to consider in order to ensure that the lift you purchase fits your needs. These factors include; the type of pool, the type of programming, the design of the pool, and, of course, your available budget.

Pool Lift Maintenance

Before diving into the different types of pool lifts, it is worth noting that all types of pool lifts require maintenance under ADA's "Maintenance of Accessible Features" provision. This provision states that "a public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and useable by persons with disabilities".

Lift Types

Pool lifts can be broken down into three categories: electronic (battery powered) lifts, water powered lifts and manual Lifts.

Electronic swimming pool lifts, brought proven hospital patient lifting technology to the industry. These battery powered units helped create a new category of lifts that offered increased flexibility and enhanced mobility.

The battery, in these types of lifts, powers an electronic actuator which drives the lifting operation. This powerful actuator provides a high degree of lifting capacity and flexibility which in turn allows the lift to work reliably on virtually any type of swimming pool.

Interested in seeing which type of lift will work best in your facility? Then visit www.liftconfigurator.com

Electronic Lifts

Electronic lifts come in three styles: portable, removable and permanent (fixed).

Portable Lifts

Portable lifts are perfect for busy, multi-use commercial facilities. These lifts require no physical installation or anchoring to the pool deck since stability is provided by a counter weight system. They are simply moved into place for use, and stored when not in use. They can be used at virtually any point along the pool deck* and most meet established ADA guidelines.



Portable Pool Lift

Lift Location

Pool lifts should be placed along the pools edge in a location that allows for a minimum submerged depth of 18" below the stationary water line and where the waters total depth does not exceed 48".

Removable Lifts

Removable lifts are anchored into the deck and can be removed from their anchoring system and stored away when not in use. Normally, there is some form of transport mechanism available to facilitate the lift's relocation. Removable lifts have the same features as portable lifts, however they can only be used from a fixed deck location. Because they are mounted into the deck, these types of lifts have a greater weight lifting capacity than their portable counterparts. In addition, removable lifts are generally less expensive than portable lifts however they do carry the added cost of installation.



Removable Pool Lift

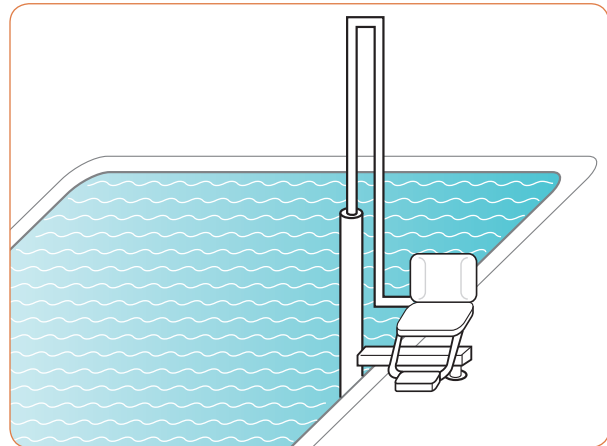
Permanent Lifts

Permanent lifts are fixed to the deck and typically have a higher lifting capacity than portable lifts. However, because they are not removable they have the potential to be viewed as a play structure by young swimmers. In light of this, it is recommended that facilities regularly check the unit to ensure it has not become an attractive nuisance and install signage that discourages misuse.



Water Powered Lifts

Water powered lifts operate on a fairly simple hydraulic concept. Water fills a sealed cylinder, which creates pressure and causes the lift to rise. When the cylinder is emptied, the pressure is released and the lift is lowered. The inside of the cylinder is machined in so that the raising and lowering action of the seat is channeled to rotate around the cylinder.



Water Powered Lifts

Water powered lifts are connected to a facility's water supply through either a hose or a feed pipe. The valve that controls the lift either fills or drains the cylinder. This results in a seat position that is either up or down, there is no intermediate stop. The operation of the lift and its lifting capacity are dependent on the local water supply. If the water pressure is too low, the lifting capacity is compromised. In areas of regular low water pressure, booster pumps can be used to maintain operational pressure.

Water powered lifts are generally permanent installations. The cylinder runs down the pool wall, encroaching into the useable area of the pool, and extends upwards high enough to allow the seat to rest approximately 16 inches above the deck. Due to the cylinder having to be against the pool wall, water powered lifts can only be effectively used with simple gutter designs. Many commercial pools, which feature rim flow and roll out gutters, curbs, and other complex designs, are not suitable for water powered lifts.

Water powered lifts are capable of being operated independently and meet ADA requirements when used on a compatible pool.

Manual Lifts

Manual lifts are usually powered by a hydraulic cylinder or a hand crank that operates a turning gear. Manual lifts often times provide a sling for transferring the user and the rotational operation is provided by the attendant. These lifts are mounted to the pool deck via an anchor and are usually considered permanent installations. Manual lifts require someone to assist the user, and, for this reason, cannot be used in any public facility that

comes under the jurisdiction of the Americans with Disabilities Act (ADA). Manual lifts may work well in a residential setting and are an inexpensive alternative when compared to electronic and water powered lifts.

The following chart describes various types of swimming pool applications and makes recommendations regarding the most appropriate lift for the application.

Installation Type

Discussion

Municipal or Community Center Pool

In a busy, multi-use environment, either a portable or removable lift will work, although our recommendation would be portable. Permanent lifts can become an attractive nuisance as kids look to climb and potentially may become an obstruction during swim competitions.

School or University Pool

Since these pools are used by fewer young children, the chance of the lift becoming an attractive nuisance is diminished. In light of this, either a portable or removable lift would be acceptable. Fundamentally, the choice will come down to what best supports the facility's programming.

Therapy Pool

Pools located in health care facilities are normally application specific (e.g. Therapy). As space is generally an issue in these types of applications, a removable lift would be the first choice. Additionally, these lifts can provide greater lifting capacity which may better serve the facility's interests.

Hotel or Resort Pool

Both portable and removable lifts are acceptable for this type of application but portable would be the recommended standard. Besides the possible aforementioned attractive nuisance safety issues, many of these facilities invest a small fortune in their swimming pools. So having a lift that is highly mobile, can be used where it's needed and then stored away to ensure the architectural intent of the environment are key considerations.

Residential Pool

All types of pool lifts are appropriate for this type of installation. Since ADA rules do not apply, a manual lift would work as long as there is always someone available to assist the swimmer.

For more independence, either water powered or electronic lifts could also be used. Since most residential pools have simple gutter designs, almost any lift would be compatible.

If the residence has a pool and a spa, either a portable or removable lift would be more desirable. Depending on the layout of the pool area, a single deck mounted lift may be able to service both the spa and the pool.

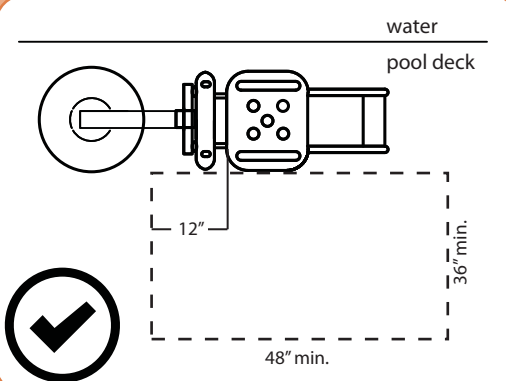
Understanding the Pool Lift Clear Deck Space Requirement (1009.2.3)

Section 1009.2 of the most recent ADA legislation addresses the requirements for Pool Lifts. There are a host of requirements outlined in 1009.2 but one in particular can have an adverse impact on compliance: 1009.2.3 Clear Deck Space.

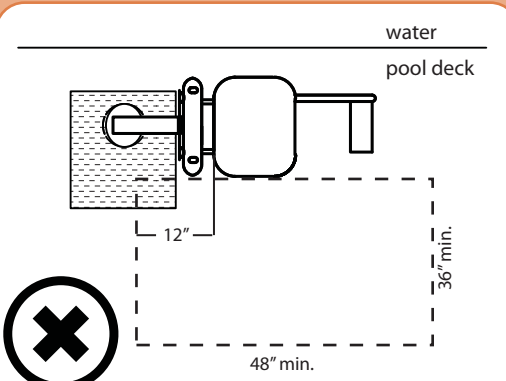
This Clear Deck Space requirement states: **On the side of the seat opposite the water, a clear deck space shall be provided parallel with the seat. The space shall be 36 inches (915 mm) wide minimum and shall extend forward 48 inches (1220 mm) from a line located 12 inches (305 mm) behind the rear edge of the seat. The clear deck space shall not have a slope not steeper than 1:48.¹**

inches of Clear Deck Space that is specified behind the rear edge of the seat provides an unobstructed area for transfer assistance if necessary.

All S.R.Smith Pool Lifts meet the requirements of 1009.2.3

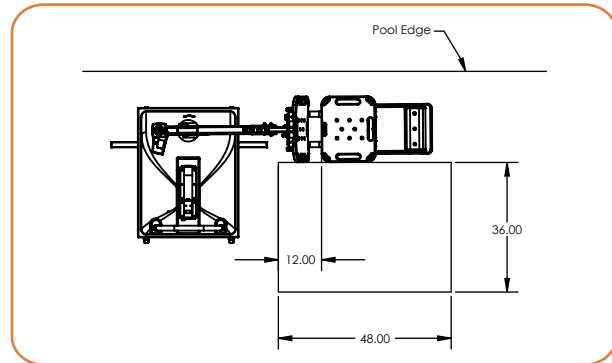


Conforming Clear Deck Space

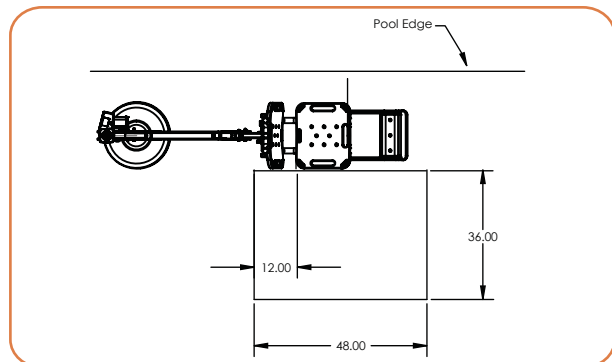


Non-Conforming Clear Deck Space

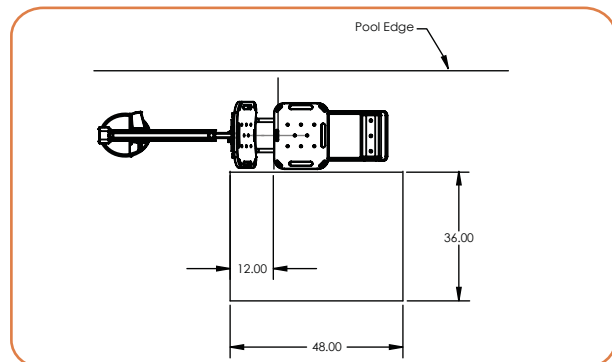
The Clear Deck Space requirement is designed to provide an unobstructed area next to the Pool Lift that will allow the user to easily and safely transfer from their wheelchair or other mobility device onto the lift. Additionally, the 12



PAL (Portable Aquatic Lift)



Splash! Lift



aXs Lift

Source:
¹<http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#c10>

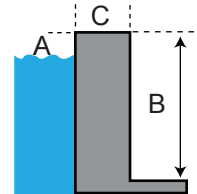
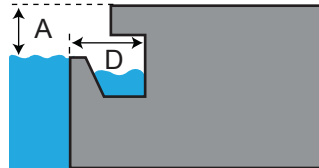
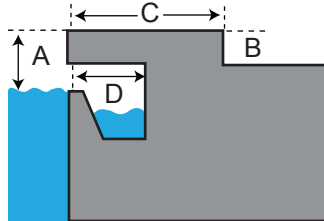
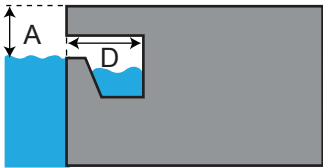
deck profile sheet

pool lifts

1. Preferred Lift: PAL Splash! aXs

2. Gutter Configuration:

Fully recessed gutter Fully recessed gutter w /parapet Partially recessed gutter Above ground spa

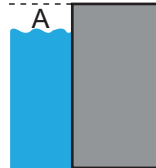
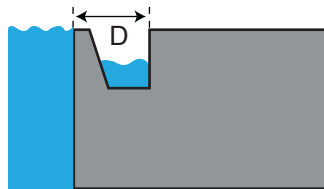
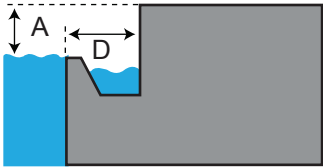


Rollout gutter

Flush gutter and deck w/ or w/o bullnose

Standard backyard pool

Other: (please draw)



3. Deck Material (check one): Concrete Pavers Wood (Please request wood deck worksheet)

4. Distance from pool deck to water line (A): _____

If applicable:

5. Height of curb (B): _____

6. Width of curb (C): _____

7. Width of gutter (D): _____

8. Decorative stone setback: _____

Note: As pools may vary, please insert accurate measurements for your pool in the space provided. Manufacturer will configure the lift to match your unique poolside specifications. Order cannot be processed without the required fields entered above.

Fax this completed form to 513.777.1062 or email to poollifts@kastawayswimwear.com

Project Name	City	State
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Project Contact Name	Email	Phone
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S.R.Smith Customer Name	PO Number
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Contact Name	Email	Phone
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toll free **800.543.2763**
 fax **513.777.1062**
 web **www.kastawayswimwear.com**

