

SWIMMING POOLS AND SPAS

§ 150.055 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PRIVATE SWIMMING POOLS. Are regulated by this subchapter and are defined as any enclosure, designed or intended or used for the containment of water, whether constructed below ground level or above ground level, having a surface area exceeding 100 square feet and a depth exceeding 18 inches which is designed, intended, or used for swimming, wading, or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by their family or invited guests.

SPAS. Are regulated by this subchapter and are defined as a unit primarily designed for therapeutic use which is not drained, cleaned, or refilled for each individual use. It may include, but not be limited to, hydrojet circulation, hot water, cold water mineral baths, air induction bubbles, or any combination thereof. Industry terminology for a ***SPA*** includes but is not limited to therapeutic pool, hydrotherapy pool, whirlpool, hot spa, hot tub, and the like.
(Ord. 76, passed 5-23-1989)

§ 150.056 PERMIT REQUIRED.

No swimming pool shall be constructed or established and no pool construction shall be commenced in the City of North Oaks without first obtaining a permit from the Building Official.
(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.057 APPLICATION FOR PERMIT.

(A) Applications for a swimming pool permit shall be made to the City Clerk. A fee shall be collected commensurate with the estimated value of the construction to cover the costs of inspection.

(B) The application for the permit shall include, without limitation, the following information:

(1) Complete plans and specifications for the construction of the pool;

(2) A site plan showing the location of all structures on the lot, including the house, garage, fences, trees, overhead or underground wiring, utility easements, sewage systems, and other significant improvements or natural features;

(3) The proposed location of pumps, filters, electrical power source (if applicable), flushing and drainage outlets, and other operational features; and

(4) Location and specifications of protective fencing.
(Ord. 76, passed 5-23-1989)

§ 150.058 CONSTRUCTION SETBACK REQUIREMENTS.

(A) *Generally.* Private swimming pools shall be constructed so as to avoid hazard or damage to the occupants of the subject property or the occupants of adjacent property and shall meet the following minimum requirements.

(B) *Minimum requirements.*

(1) Underground or overhead utilities shall be located in conformance with the National Electrical Code.

(2) No pool shall be located within any private easement, public or private utility easement, ingress or egress easement, drainage way, marsh, or other location in which it will represent a threat to the natural environment.

(3) (a) In areas zoned or used for single-family residential purposes, pools are prohibited in the front yard and shall not be located within 30 feet of any lot line, nor within 10 feet of any principal structure or accessory buildings except accessory buildings without frost footings.

(b) No mechanical equipment, ~~fence~~, or accessory building shall be located closer than 30 feet to any lot line. Fences may be located on the property line in conformance with 150.059 and 151.034.

(4) (a) In areas zoned or used for multiple-family residential purposes, pools are prohibited in the front yard and shall not be located within 30 feet of any lot line, nor within 30 feet of any side lot line, nor within 30 feet of any principal structure or accessory buildings except accessory buildings without frost footings.

(b) No mechanical equipment shall be located closer than 30 feet to any lot line.

(5) No portion of any swimming pool or appurtenances thereto shall be located less than 10 feet to any portion of a sewage disposal line or sewage treatment system, nor shall any water supply line for a swimming pool be less than 15 feet to any portion of the sewage treatment system.

(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.059 SAFETY FENCE REQUIRED.

(A) (1) A safety fence of at least 5 feet in height shall completely enclose the pool.

(2) All openings or points of entry into the pool area shall be equipped with self-closing and self-latching gates or doors.

(3) All gates and doors shall have a latch which is no less than 4 feet above the ground level and which shall be so constructed and so placed as to be inaccessible to small children.

(4) All gates and doors shall be latched when the pool is not in use or is unattended by an adult with demonstrated swimming ability.

(5) Any opening between the bottom of the fence and the ground level shall not exceed 3 inches.

(B) (1) Safety fences shall be constructed of materials with minimum spaces between the materials and shall be constructed so as to inhibit the climbing thereof by any person.

(2) If a safety fence is located within an area subject to and covered by a homeowners association, and if the homeowners association has an architectural review committee, then the architectural review committee shall approve the location and style of the fence.

(C) (1) Above-ground pools of 4 feet or more in wall height shall be exempt from complete closure by a type of fence resistant to being climbed, however, above ground pools shall be equipped with a fence and gate system at all points of entry to the pool.

(2) The fence and gate system shall effectively control access to the pool and shall be constructed pursuant to the specifications herein contained for underground pools.

(D) No person shall introduce or cause to be introduced any water to a depth of more than 18 inches into the shallowest portion of any swimming pool newly constructed or being constructed until the time as the Building Official authorizes the filling of the pool with water. The authorization shall be withheld until, as a minimum, the permittee has caused the pool to be completely enclosed by a swimming pool construction fence. The construction fence shall:

(1) Be of snow fence like or similar design and be securely anchored in place;

(2) Be constructed with its base flush to the ground;

(3) Be at least 4 feet in height and have supportive posts placed no more than 8 feet apart; and

(4) Remain in place until a permanent fence completely enclosing the swimming pool is installed.

(E) (1) All outdoor spas shall have either a fence as described in this section or a latchable cover.

(2) The cover should be constructed of a material impenetrable by toddlers and subject to inspection by the Building Official.

(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.060 MISCELLANEOUS REQUIREMENTS.

(A) All back-flushing water or pool drainage water shall be directed on to the property of the owner or on to approved drainage ways. Drainage onto public or private streets or other public or private drainage ways shall require a permit from the Building Official.

(B) Any outdoor lighting of the pool shall not be permitted to spill or shine upon adjacent properties.

(C) All electrical installations shall comply with the State Electrical Code.

(D) Precautions during construction:

(1) Avoid damage, hazards, or inconvenience to adjacent or nearby property;

(2) Assure that proper care shall be taken in stockpiling excavating materials to avoid erosion, dust, or other infringements upon adjacent property; and

(3) All access for construction shall be over the owner's land and due care shall be taken to avoid damage to streets and adjacent private or public property.

(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.061 NUISANCE.

The conduct of persons and the operation of pools shall be the responsibility of the owner and any tenant thereof and the conduct of persons and operation of the pool shall be done in a manner so as to avoid any nuisance or breach of the peace, and it shall be unlawful to allow loud noises to go beyond the boundaries of the property upon which the pool is located to adjacent property.

(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.062 EFFECTIVE DATE.

This subchapter shall take effect and be in force after its passage and official publication.

(Ord. 76, passed 5-23-1989)