

§ 157.050 SWIMMING POOLS.

(A) *General provisions.* The purpose of the following provisions is to prescribe rules and regulations controlling the construction, maintenance and operation of private swimming pools in the unincorporated areas of the county to protect the public health, safety and welfare from the dangers which are often associated with a private swimming pool. It shall be the duty of the owner of a private swimming pool to comply with the provisions set forth in this private swimming pool section, as such provisions now exist or may hereinafter be amended.

(B) *Location and setbacks.*

(1) The owner of the proposed private swimming pool or his or her representative or agent shall install the same in conformance with the applicable requirements set forth in this section as well as setbacks from appurtenances, lot lines, buildings, walks, fences and electrical service lines established herein.

(2) The location of the pool shall adhere to the following minimum setbacks:

(a) Five feet from walls, landscaping elements, trees and other appurtenances;

(b) Ten feet linear and 18 feet diagonally from electric services lines (it is recommended that such service lines be placed underground to provide additional safety);

(c) Ten feet from principle or accessory structures, excluding decks;

(d) Accessory structure property and building line setbacks for the Zoning District in which it is located.

(e) No pool shall be located in any required front yard or between any principal structure on any zoning lot and any adjacent right-of-way.

(C) *Fences.*

(1) It shall be the duty of the owner of a private swimming pool to either:

(a) Install a fence not less than five feet in height which shall completely surround the swimming pool except for those portions of the enclosure where there is a building that would serve as a five-foot barrier; or

(b) Install a barrier which may include the sides of the pool structure of aboveground pools, not less than five feet in height which shall completely surround the swimming pool except for those portions of the enclosure where there is a building that would serve as a five-foot barrier.

(2) The following requirements shall apply to all private swimming pool owners:

(a) Each fence shall be equipped with a gate with self-closing and self-latching devices placed at the top of the gate on the pool side. Such self-closing and self-latching devices shall be installed at such a height so as to be inaccessible to small children, but in no case shall such device be installed at a height lower than 48 inches as measured from grade.

(b) All pool fence gates shall be closed and locked when the pool is not in use.

(c) There shall be no fixed objects, tree limbs, and the like adjacent or extending over the fence that may be used by a child to climb over the fence top.

(d) The maximum vertical clearance between grade and the bottom of the barrier shall be two inches.

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

(f) 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.

(g) Where barriers are composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and seven-eighths inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters inches in width.

(h) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters inches in width.

(i) Where a chain-link fence is provided, the opening between the links shall not exceed two and three-eighths inches.

(j) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-quarters inches.

(k) All fencing shall comply with setback requirements as established in § 157.049(H)(3).

(l) Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:

1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;
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 54 inches above the threshold of the door; or
3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the Community Development Administrator, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded in subsections 1. and 2. above.

(m) 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 one of the following shall be met:

1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
2. The ladder or steps shall be surrounded by a barrier which meets the requirements of subsections (a) through (j) above. When the ladder or steps are secured, locked or removed, any opening created shall allow the passage of a four-inch diameter sphere.

(3) The installation of electric wiring and equipment associated with all swimming pools shall comply with the NFPA 70: National Electrical Code, 2011 Edition.

(4) Once construction of the pool is complete, it shall be the responsibility of the property owner or tenant in control to ensure that a temporary barrier be placed around the pool until all permit requirements have been met and approved by the Community Development Administrator, and such temporary barrier shall adhere to the following minimum standards:

- (a) Four feet in height, as measured vertically from grade; and

(b) Supporting poles or members shall be placed at intervals which maintain the barrier in a vertically upright position however such poles or supporting members shall not be placed less than every ten feet.

(Prior Code, 7 TCC 1-5(p)) (Ord. LU-17-05, passed 9-27-2017) Penalty, see § 157.999