

ORDINANCE C-43-08

AN ORDINANCE TO AMEND CHAPTER 1325 OF THE CODIFIED ORDINANCES TITLED SWIMMING POOLS

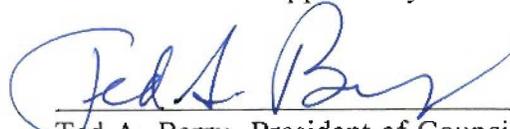
WHEREAS; the State of Ohio has enacted a Residential Code that must be used for all municipalities; and

WHEREAS; it is in the best of interest of the City to adopt better requirements for swimming pools.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, COUNTY OF FRANKLIN, AND STATE OF OHIO, THAT:

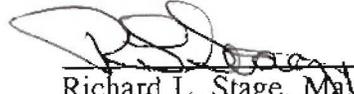
SECTION 1. Chapter 1325 is hereby amended as attached hereto as Exhibit "A".

SECTION 2. This ordinance shall take effect at the earliest opportunity allowed by law.



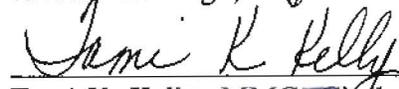
Ted A. Berry, President of Council

Passed: 05-05-08
Effective: 06-04-08



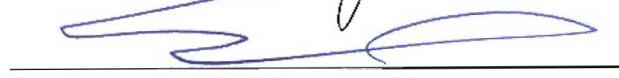
Richard L. Stage, Mayor

Attest:



Tami K. Kelly, MMC, Clerk of Council

I Certify that this ordinance is correct as to form.



Stephen J. Smith, Director of Law

Exhibit "A"

CHAPTER 1325
Swimming Pools

- 1325.01 Definitions.
- 1325.02 Permit and authorization required; exceptions.
- 1325.03 Compliance required.
- 1325.04 Enclosures.
- 1325.05 Entrapment
- 1325.06 Location.
- 1325.07 Compliance with Zoning district regulations.
- 1325.08 Swimming prohibitions.
- 1325.09 Structural safety.
- 1325.10 Off-street parking and loading requirements.
- 1325.99 Penalty.

CROSS REFERENCES

City Planning Commission - see CHTR., Art. IV, 4.01

Power to regulate fences - see Ohio R.C. 715.27; GEN. OFF. 521.07

Swimming pool fences - see P. & Z. 1137.05

Permits and fees - see BLDG. 1305.01 et seq.

1325.01 DEFINITIONS.

As used in this chapter:

- (a) "Health Commissioner" means the health authority of the City, or his authorized representatives.
- ~~(b) "Building Inspector" means the officer charged with the administration and enforcement of the Building Code and the Zoning Code, or his regular authorized deputy.~~
- (c) "City Planning Commission" means the Planning Commission of the City, or its authorized representatives.
- ~~(d) "Person" means any person, firm, corporation, association, organization or institution.~~

(e) "Swimming pool" means an artificial construction either permanent or portable filled or capable of being filled with water to a depth of ~~thirty~~ **twenty four (24)** or more inches at any point therein and used, or designed to be used, for swimming or recreational bathing. **This includes hot tubs and spas.**

(f) "Wading pool" means an artificial construction either permanent or portable filled or capable of being filled with water at any point therein to a depth of more than twelve inches and less than thirty inches and used, or designed to be used for wading, swimming or other aquatic recreation.

(g) "Private swimming pool" means a swimming pool used only by the owner of the pool and friends as an additional accessory use at a private residence.

(h) "Public swimming pool" means any swimming pool other than a private swimming pool, provided with an approved water supply, public or semipublic in character.

(i) "Club swimming pool" means a public swimming pool used by any group or institution on a noncommercial basis or on a membership basis for members and friends only.

(j) "Commercial swimming pool" means a public swimming pool, with an approved water supply, which is located on land not publicly owned and operated on a commercial basis or primarily for private gain.

(k) "Private wading pool" means a wading pool used only by the owner of the pool and friends.

(l) "Public wading pool" means any other pool.

(m) "Approved water supply" means water supply approved by the Health Commissioner.

(n) "Prohibited pools" means all other bodies of water and watercourses, where bathing and wading are prohibited.

(o) "ANSI" means the American National Standards Institute.

(p) "ASTM" means the American Society for Testing and Materials.

(q) "NSPI" means the National Spa and Pool Institute.

(Ord. C45-66. Passed 7-11-66.)

1325.02 PERMIT AND AUTHORIZATION REQUIRED; EXCEPTIONS.

(a) No person shall locate, construct or install any swimming pool or wading pool or make any change in such pools or appurtenances thereof, unless and until such person has submitted an application and plans therefor, and has secured a permit and authorization from the Building Inspector.

(b) No person shall use, operate, repair or maintain any swimming pool or wading pool except as authorized by the Inspector.

(c) Private wading pools that are portable or of temporary construction are exempted from the requirement of a building permit.

(Ord. C45-66. Passed 7-11-66.)

(d) The fee for any in-ground swimming pool, shall be ~~fifty dollars (\$50.00)~~. The fee for an above-ground swimming pool, **or Spa shall be as set forth in Section 1305.17** shall be ~~twenty-five dollars (\$25.00)~~.

(e) The fee for a public swimming pool, privately owned, shall be based upon the square footage of the area covered by concrete construction and shall be the same as a commercial fee as set forth in Section 1305.11(e)(2) **7 – Commercial Projects**.

(Ord. C30-88. Passed 5-16-88.)

1325.03 COMPLIANCE REQUIRED.

No person shall locate, construct, use, operate, repair or maintain any swimming pool or wading pool except in compliance with:

(a) The provisions of this chapter;

(b) The Building Code and other ordinances, standards, rules and regulations enforced by the Building Inspector;

(c) Standards, rules and regulations of the health authority of the City and as enforced by the health authority of the City;

(d) Standards, rules and regulations of the State Board of Health governing public swimming pools.

(Ord. C45-66 Passed 7-11-66.)

1325.04 ENCLOSURES.

No person shall locate, construct, install, make, change, maintain or use a private swimming pool unless the pool or the premises upon which it is located is enclosed by a fence or other boundaries ~~not less than sixty inches in height, measured from the ground level, so constructed and of such strength that children under the age of seven years are unable to pass through. Any entrance or exit gate in such fence shall be equipped with a spring latching type lock or catch and shall automatically close by spring action to the locked or latched position or shall be equipped with a lock requiring a key or the working of a combination to open and be kept securely locked at all times.~~ As designated herein.

(a) Outdoor Swimming Pools – An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches 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 2 inches 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 4 inches.
2. Openings in the barrier shall not allow passage of a 4-inch diameter 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, the horizontal members shall be located on the swimming pool side of the

fence. Spacing between vertical members shall not exceed 1.75 inches in width. Where there are decorative cut-outs within vertical members, spacing within the cut-outs shall not exceed 1.75 inches 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 or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cut-outs within vertical members, spacing within the cut-outs shall not exceed 1.75 inches in width.
6. Maximum mesh size for chain link fences shall be a 2.25 inch square unless the fence is provided with slats fastened at the top or the bottom which reduces the openings to not more than 1.75 inches.
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 1.75 inches.
8. Access gates shall comply with the requirements of numbers 1 through 7 of this Section 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 from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - A. The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate, and
 - B. The gate and barrier shall have no opening greater than 0.5 inches within 18 inches 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. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
 - B. All 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 its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches above the threshold of the door; or
 - C. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the Chief Building Official or his designee, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by A or B 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, then:

- A. The ladder or steps shall be surrounded by a barrier which meets the requirements of items 1 through 9 of this Section. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter sphere.

- b. Indoor Swimming Pool. All walls surrounding an indoor swimming pool shall comply with 1325.04(a)9.
- c. Prohibited Locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.
- d. Barrier Exceptions. Spas or hot tubs with a safety cover shall be exempt from the provisions of this appendix.

1325.05 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

- a. General. Suction outlets shall be designed to produce circulation throughout the pool or spa. Single outlet systems, such as automatic vacuum cleaner systems, or other such multiple suction outlets whether isolated by valves or otherwise shall be protected against user entrapment.
- b. Suction Fittings. All Pools and Spa suction outlets shall be provided with a cover that conforms with ANSI/ASME A112.19.8M , or a 12" x 12" drain grate or larger, or an approved channel drain system. The exception to this shall be for surface skimmers.
- c. Atmospheric Vacuum Relief System Required. All pool and spa single or multiple outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. Such vacuum relief systems shall include at least one approved or engineered method of the type specified herein as follows:
 - 1. Safety vacuum release system conforming to ASME A112.19.17, or
 - 2. An approved gravity drain system.
- d. Dual Drain Separation. Single or multiple pump circulation systems shall be provided with a minimum of two (2) suction outlets of the approved type. A minimum horizontal or vertical distance of three (3) feet shall separate such outlets. These suction outlets shall be peped so that water is drawn through them simultaneously through a vacuum relief-protected line to the pump(s).
- e. Pool Cleaner Fittings. Whre provided, vaccum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least six (6) inches and not greater than twelve (12) inches below the minimum operational water level or as an attachment to the skimmer(s).

1325.056 LOCATION.

No swimming or wading pool shall be located in any front yard on any lot or between any street and any required building line. A swimming pool may be located in part of the rear yard behind a residence as an additional authorized accessory use. (Ord. C45-66. Passed 7-11-66.)

1325.06-7 COMPLIANCE WITH ZONING DISTRICT REGULATIONS.

No swimming pool and no wading pool shall be located, constructed, installed, used operated or maintained except in compliance with the provisions and regulations for each zoning district and the off-street parking requirements of this chapter. Commercial pools shall be restricted to commercial and industrial districts.

(Ord. C45-66. Passed 7-11-66.)

1325.078 SWIMMING PROHIBITIONS.

Rivers, creeks, runs, ditches, lakes, ponds, water-filled quarries and other natural bodies of water shall not be used for swimming or bathing purposes. Any body of water not complying with the conditions of Sections 1325.01 and 1325.02 shall not be used for swimming or wading pools and swimming and wading therein shall be prohibited, unless and until the same have been approved by the Building Inspector as to any structural work and by the health authority. However, natural bodies of water, such as impounded reservoirs, basins, ponds, lakes, creeks and rivers of a sanitary quality may be used for private wading pools.

(Ord C45-66 Passed 7-11-66.)

1325.089 STRUCTURAL SAFETY.

No swimming pool and no wading pool shall be located, constructed or used unless and until the plans therefor have been approved, and the construction of the same has been approved by the Building Inspector as to structural safety.

(Ord. C45-66. Passed 7-11-66.)

1325.0910 OFF-STREET PARKING AND LOADING REQUIREMENTS.

Provisions shall be made for access, and off-street parking and loading facilities, as required by the Zoning Code.

(Ord. C45-66. Passed 7-11-66.)

1325.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100 00). A separate offense shall be deemed committed each day during or on which an offense occurs or continues.