

SWIMMING POOLS

Swimming Pools are governed by both the Union Township Zoning Code and the Michigan Building code, appendix G. Both codes recognize above ground pools and in ground pools as swimming pools. Exempt from the definition in the zoning code is a temporary structure holding less than 300 gallons, and the building code exempts any structure holding a depth of less than 24 ". Both codes require a 48" high minimum barrier to prevent uncontrolled accesses to the pool. The height is measure from grade, outside the pool. If the pool is partially below grade it may not meet the required 48" on the "side of the barrier facing away from the pool." The Michigan Building Code allows above ground pools with side walls of at least 48" above grade to count as the control of access.

Decks and or fences are commonly used to satisfy the controlled access requirement. Where above ground pools are less than 48" high, a deck or fence must be installed. When installing a pool with a deck, a building and zoning permit are required, when installing a pool with only a fence, only a zoning permit is required. When installing an above ground pool with a side wall of 48", the building code indicates the sides are an appropriate fence. The Union Township Zoning Code shall be deemed to be complied with if the side walls are of substantial construction (meets ANSI/NSPI – 4) and are installed 48" above grade on the outside of the pool.

Permits for pools without a deck or other construction associated are issued a zoning permit only. Permits for pools with a deck or other construction are issued a Building permit with zoning approval.

All decks and pools must conform to the zoning code for location on the property. A plan showing the lot, home, pool, means to control access, and streets will be required with the permit application.

Please review the following codes for additional requirements and explanations.

ZONING CODE EXCERPTS

3.72 SWIMMING POOL

A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas, or rubber portable pools temporarily erected upon the ground and holding less than three hundred (300) gallons of water.

3.78 YARD

A required open space unoccupied and unobstructed by any structure or portion thereof from the ground upward, provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

A. Front Yard: A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the main wall of the building, excepting steps and unenclosed porches.

8.2 ACCESSORY USE

C. Permanent swimming pools, exclusively for the use of residents, shall be permitted, provided it shall not be less than twenty (20) feet from the property line of the property on which it is located, shall be so walled, fenced or screened as to prevent uncontrolled access from the street or adjacent properties.

8.25 PRIVATE SWIMMING POOL (D, AMENDED, 1991-16 ORDINANCE)

Private swimming pools are permitted in all AG and R Districts, provided all of the following regulations are complied with.

A. The pool shall be equipped with filtration, circulation, and chlorination systems adequate to maintain the water in a clean and healthful condition in accordance with the health requirements of the County.

B. Discharge pipe leading from any private swimming pool shall be composed of a durable material and size as approved by the Zoning Official. No private swimming pool shall be wholly or partially emptied on another property, unless written permission is first obtained from the adjacent property owner.

C. A proper plumbing permit is obtained when the system is to be connected to a potable water supply.

D. Every private swimming pool shall be completely enclosed with a permanent substantial fence with gate or gates no less than four (4) feet in height above the ground level. No opening in such fence or gate shall be so designed or maintained as to permit access to the pool except under the supervision of the possessor or by his permission.

E. The swimming pool shall not be closer than twenty (20) feet to any side or rear lot line of the premises, provided on corner lots no part of any pool shall be constructed within the front yard of either street.

F. No lighting or electrical wiring shall overhang the surface of the water or be so located as to present the possibility of falling into the water. All lighting of the pool or the surrounding area shall not be so located as to reflect on adjacent property or upon adjacent buildings.

G. The provisions of this section shall apply to any basin or structure for the holding of water for swimming, diving, and other aquatic recreation, provided, however, that these regulations do not apply to any plastic, canvas, or rubber pools temporarily erected upon the ground holding less than three hundred (300) gallons of water.

APPENDIX G

SWIMMING POOLS, SPAS AND HOT TUBS

(The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.)

SECTION AG101 GENERAL

AG101.1 General. The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the *lot* of a one- or two-family dwelling.

AG101.2 Pools in flood hazard areas. Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Sections AG101.2.1 or AG101.2.2.

Exception: Pools located in riverine flood hazard areas which are outside of designated floodways.

AG101.2.1 Pools located in designated floodways. Where pools are located in designated floodways, documentation shall be submitted to the *building official*, which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the *jurisdiction*.

AG101.2.2 Pools located where floodways have not been designated. Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the *jurisdiction*.

SECTION AG102 DEFINITIONS

AG102.1 General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling or a one-family *townhouse* not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating *equipment* are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 24 inches (610

mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION AG103 SWIMMING POOLS

AG103.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Section AG108.

AG103.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in Section AG108.

AG103.3 Pools in flood hazard areas. In flood hazard areas established by Table R301.2(1), pools in coastal high hazard areas shall be designed and constructed in conformance with ASCE 24.

SECTION AG104 SPAS AND HOT TUBS

AG104.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3 as listed in Section AG108.

AG104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6 as listed in Section AG108.

SECTION AG105 BARRIER REQUIREMENTS

AG105.1 Application. 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.

AG105.2 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 2 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 4 inches (102 mm).

2. Openings in the barrier shall not allow passage of a 4-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 $1\frac{3}{4}$ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1\frac{3}{4}$ 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 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1\frac{3}{4}$ inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a $2\frac{1}{4}$ -inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than $1\frac{3}{4}$ 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 $1\frac{3}{4}$ inches (44 mm).
8. Access gates shall comply with the requirements of Section AG105.2, 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:
 - 8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
 - 8.2. The gate and barrier shall have no opening larger than $\frac{1}{2}$ 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:
 - 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346; or
 - 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
 - 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:
 - 10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
 - 10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AG105.2, 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.

AG105.3 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Section AG105.2, Item 9.

AG105.4 Prohibited locations. Barriers shall be located to prohibit permanent structures, *equipment* or similar objects from being used to climb them.

AG105.5 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in section AG107 of the code, shall be exempt from the provisions of sections AG105.2, AG105.3, and AG105.4 of the code.

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SECTION AG106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

AG106.1 General. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.