

GAINES CHARTER TOWNSHIP

KENT COUNTY, MICHIGAN

ORDINANCE NO. 02-MY-13-BLD

The following Ordinance was offered for adoption by Township Board Member Pieters and supported by Township Board Member VanLaan:

AN ORDINANCE TO REGULATE THE INSTALLATION AND APPROVAL OF OUTDOOR SWIMMING POOLS AND FENCING RELATED THERETO; TO PROVIDE FOR REQUIRED DEPOSITS UNTIL OUTDOOR SAFETY HAVE BEEN INSTALLED AND APPROVED; AND TO PROVIDE FOR PENALTIES FOR THE VIOLATIONS OF THIS ORDINANCE.

THE CHARTER TOWNSHIP OF GAINES ("Township") ORDAINS:

Section 1. Purpose and Intent

In the past, some property owners have had outdoor swimming pools installed and have begun to fill such pools with water and utilize them prior to final Township inspections and approvals, and in some situations without any required fencing being in place. The Township Board is concerned about the safety implications of not having required fencing in place and in compliance with all applicable laws prior to the time of swimming pool is filled with water and utilized. The Township Board believes that this Ordinance is necessary to protect the public health, safety, and welfare.

Section 2. Title

This Ordinance shall be known and may be referred to as the "Gaines Charter Township Swimming Pool Deposit Ordinance."

Section 3. Building Code Requirements

All swimming pools located outdoors shall fully comply with the applicable provisions of the Michigan Building Code (as well as its successor and any other applicable codes) at all times, including regulations relating to fencing.

Section 4. Required Permit

No Swimming Pool shall be installed outdoors (nor shall any construction or installation on any such swimming pool commence) until a building permit has been issued by the Township, which expressly authorizes the installation for such a swimming pool, alternately; the Township has issued a separate permit for the pool. the installation, construction, and use of any such swimming pool shall comply with all applicable permit requirements and conditions.

## Section 5. Final Township Inspection and Approval

No swimming pool located outdoors shall be filled with water; and no such swimming pool shall be used for wading, floating, or swimming) until and unless the final inspection has been done by the Township (i.e., the applicable Township official or officials) and the Township has given final approval for the swimming pool, required fencing, and other items required by the applicable building code. The Township recognizes that some water may be needed for the proper construction of a pool and this water does not constitute filling the pool for use prior to final approval.

## Section 6. Swimming Pool Security Deposit

No permit shall be issued for the installation of a swimming pool located outdoors and no such swimming pool shall be installed, constructed, or used until the owner of the property has deposited with the Township a sum of money to ensure that the swimming pool, fencing and other required appurtenances are properly installed and that the swimming pool is not used prior to such proper installation and final approval by the Township (the "Pool Security Deposit"). The Township Board shall set forth the amount required for such Pool Security Deposit from time-to-time by resolution.

A. Full Refund of the Pool Security Deposit. The full amount of the Pool Security Deposit shall be refunded to the owner of the property involved if all of the following conditions are met:

1. The pool, fencing, and appurtenances have fully been installed as required by the building code and other applicable laws;
2. A final inspection has been done by the Township and the pool, fencing, and other appurtenances have been approved by the Township;
3. The pool has not been filled with water prior to the time of final Township inspection and approval; however, some water is allowable if it required for the proper installation of the pool during construction; and
4. No additional costs have been incurred by the Township due to multiple inspections occurring, which were necessitated due to noncompliance with this Ordinance, the building code, or other applicable codes.

B. Township Retention of the Entire Pool Security Deposit. The Township Building Inspector will make a final inspection and a follow-up inspection of the pool, fencing or appurtenances. However, should any additional inspections of the pool, fencing or appurtenances be necessitated due to the incomplete nature of the work or noncompliance with the building code, this Ordinance or other laws, the Township shall retain and keep one-half (1/2) of the Pool Security Deposit held by the Township, subsections A or B, above, shall be applicable to the remaining portion of the Pool Security Deposit depending on the fact situation.

## Section 7. Nuisance

any swimming pool, fencing, or appurtenances installed, constructed, or used violation of this Ordinance, the building code, or any other applicable code shall be a nuisance *per se*.

#### Section 8. Penalties

Any person who violates any provision of this Ordinance shall, upon conviction, be deemed guilty of a criminal misdemeanor punishable by a fine not to exceed \$500 (plus court costs and the cost of prosecution), by imprisonment in jail for a time not exceeding 93 days, or by both such jail time and fines. Should any willful violation of this Ordinance occur, all of the owners of the property involved shall be deemed to have violated this Ordinance as well as any contractor, subcontractor or other installer of the swimming pool, fencing, or other appurtenances (if different than the owners of the property). Anyone who aids and abets another person in violation of this Ordinance shall also be deemed to be a separate offense. The penalties specified in this Section 8 shall be in addition to any full or partial forfeiture of the Pool Security Deposit by the property owner as specified in Section 6 of this Ordinance.

#### Section 9. Severability

The various portions of this Ordinance shall be deemed to be severable and should be one or more portions of this Ordinance be declared invalid by a court of competent jurisdiction, that shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

#### Section 10. Cumulative Effect

This Ordinance shall be deemed to be supplemental to and in addition to the applicable building code provisions and other code provisions.

#### Section 11. Effective Date

This Ordinance shall become effective 30 after this Ordinance (or a summary thereof) is published in the newspaper as provided by law.

YEAS: Hilton, Pieters, VanLaan, Haagsma, Giarmo, Osterink

NAYS: Fryling

ORDINANCE DECLARED ADOPTED.

TOWNSHIP BOARD  
GAINES CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN

RESOLUTION NO. 02-JN-10-BLD

The following resolution was offered for adoption by Township Board Member Van Laan and supported by Township Board Member Pieters:

A RESOLUTION TO SPECIFY THE REQUIRED SWIMMING POOL SECURITY DEPOSIT PURSUANT TO THE GAINES CHARTER TOWNSHIP SWIMMING POOL DEPOSIT ORDINANCE; TO PROVIDE FOR AN APPLICATION AND APPLICATION FEE; AND TO GENERALLY IMPLEMENT THE ORDINANCE.

WHEREAS, the Township Board has adopted the Gaines Charter Township Swimming Pool Deposit Ordinance (the "Ordinance"); and

WHEREAS, this Resolution is intended to help implement the provisions of the Ordinance.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The swimming pool security deposit which must be deposited with the Township before an outdoor swimming pool permit will be issued (and before an outdoor swimming pool can be installed, commenced, or utilized) shall be \$500.00. If installation or construction of an outdoor swimming pool is commenced prior to the issuance of a Township permit, the pool security deposit shall be \$500.00 (which shall be in addition to any potential penalties).
2. The outdoor swimming pool permit application of the Township be signed by both the owner(s) of the property involved and the installer/contractor and no outdoor swimming pool permit shall be issued until such application has been fully completed and turned in to the Township, all permit fees have been paid, the full swimming pool security deposit has been paid to the Township, and all other applicable code and ordinance requirements are met.

TK/cb

## APPENDIX G

# SWIMMING POOLS, SPAS AND HOT TUBS

### 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- and two-family dwelling.

### 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, aboveground 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 walls of said 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.

### 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, aboveground 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 (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 aboveground 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 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the hori-

zontal 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 1.75 inches (44 mm) in width.

6. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 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 1.75 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 greater than 0.5 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 F1346; or

9.2. 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 (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 so 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 aboveground 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:

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.** All walls surrounding an indoor swimming pool shall comply with Section AG105.2, Item 9.

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

**AG105.5 Barrier exceptions.** Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AG107, shall be exempt from the provisions of this appendix.

## SECTION AG106

### ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

**AG106.1 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.

**AG106.2 Suction fittings.** All Pool 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.

**Exception:** Surface skimmers

**AG106.3 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 drainage system

**AG106.4 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 piped so that water is drawn through them simultaneously through a vacuum relief-protected line to the pump or pumps.

**AG106.5 Pool cleaner fittings.** Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least (6) inches and not greater than twelve (12) inches below the minimum operational water level or as an attachment to the skimmer(s).

THE APPROVED WIRING METHOD FOR A POOL PUMP MOTOR IS AS FOLLOWS. THE WIRING METHOD SHALL CONTAIN AN INSULATED GROUNDING CONDUCTOR NO SMALLER THAN # 12. INSTALLED WITH THE CIRCUIT CONDUCTORS

**EXTERIOR OF THE DWELLING/ UNDERGROUND** WIRING SHALL BE INSTALLED IN: RIGID METAL CONDUIT, INTERMEDIATE METAL CONDUIT OR RIGID NONMETALLIC CONDUIT (electrical metallic tubing may be used on the exterior walls of the dwelling.)

**INTERIOR OF THE DWELLING** WIRING MAY BE INSTALLED IN ELECTRICAL METALLIC TUBING (EMT). TYPE NM CABLE (ROMEX) CAN ALSO BE USED.

**Romex and UF cable do not contain an insulated grounding conductor and cannot be run inside the conduit to the pump motor. A junction point (proper junction boxes and fittings to be used) must be made either immediately outside or inside the dwelling to change to the approved wiring method. It is not permitted to pull any SO, SJ type cord in a conduit or tubing.**

THERE ARE NO SPECIAL WIRING REQUIREMENTS FOR WIRING THE GENERAL RECEPTACLES OR GENERAL LIGHTING THAT MAY BE INSTALLED AROUND A POOL EXCEPT FOR THE DISTANCE LIMITATIONS AND GROUND FAULT PROTECTION ALREADY MENTIONED. ALL WIRING METHODS MUST BE SUITABLE FOR LOCATION INSTALLED

## **CAUTION**

**Underwater lighting fixtures have very specific wiring requirements. You should contact the electrical inspector if you are planning to install this type of fixture as well as consult the installation instructions that are supplied with the light fixture.**

THESE RULES APPLY TO BOTH POOLS AND HOT TUBS.  
THIS IS ONLY A SUMMARY OF THE RULES, IT IS INTENDED TO BE USED AS AN AIDE IN UNDERSTANDING THE CODE REQUIREMENTS ONLY. **ALL WIRING SHALL CONFORM TO ARTICLE 680 OF THE NATIONAL ELECTRICAL CODE.**

THE WIRING REQUIREMENTS AROUND POOLS AND FOR POOL ASSOCIATED EQUIPMENT IS VERY SPECIFIC REGARDING METHODS THAT MAY BE USED. AS A HOMEOWNER YOU HAVE THE LEGAL RIGHT TO DO THIS WORK ONCE PROPER PERMITS (THE ELECTRICAL PERMIT IS IN ADDITION TO THE REQUIRED BUILDING PERMIT) HAVE BEEN OBTAINED.

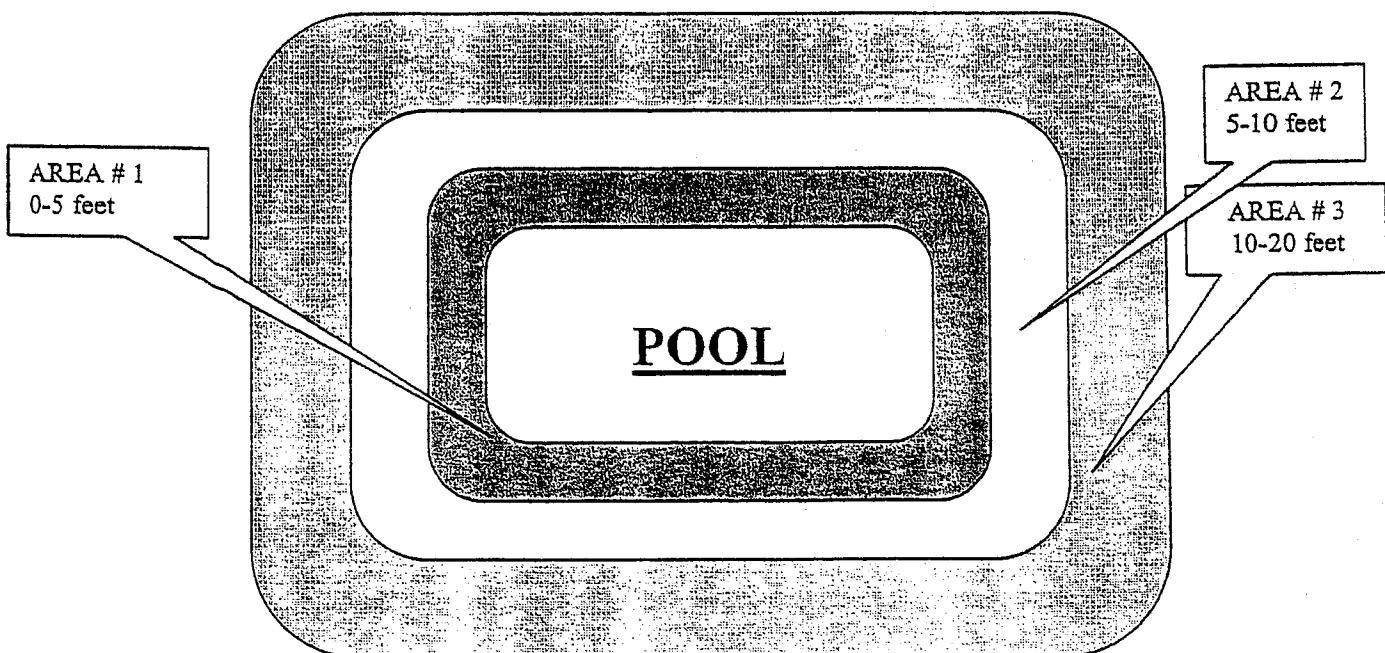
FOLLOWING IS A SUMMARY OF THE REQUIREMENTS FOR POOL WIRING INSTALLATION, COMPLETE REQUIREMENTS WILL BE FOUND IN THE NATIONAL ELECTRICAL CODE, ARTICLE 680. THOSE ATTEMPTING TO DO THIS WORK SHOULD BE FAMILIAR WITH THIS ARTICLE.

PLEASE REFER TO THE DIAGRAM FOR REFERENCE

**AREA #1: 0-5 FEET** from inside edge of pool. No electrical devices are allowed in this area, e.g. switches, receptacles, light fixtures. No underground electrical wiring allowed in this area except for that which supplies pool equipment but it must be run in one of the following types of conduit, rigid metal, intermediate metal, (which is a threaded type) or rigid nonmetallic (ELECTRICAL PVC GRAY IN COLOR NOT WHITE PLUMBERS OR BLACK IRRIGATION)

**AREA #2: 5-10 FEET.** Switches are permitted. Lights are permitted if protected by a ground fault circuit interrupter (GFCI). No receptacles are permitted except for the pump motor receptacle which it must be a combination; single locking and grounding type, and must be protected by GFCI and have a wet location cover that is capable of being closed while the cord is plugged in.

**AREA #3: 10-20 FEET.** At least one receptacle is required to be located in this area for general use. All receptacles located in this area must be protected by GFCI Switches are also permitted, as well as light fixtures.





## **SECTION 2.54 SWIMMING POOL.**

A Structure either above or below or partly above and partly below grade, whether located inside, outside or partly in each, designed to hold water to a depth of greater than two (2) feet when filled, and intended to be used for swimming purposes.

## **SECTION 3.22 SWIMMING POOLS.**

- A. **PERMIT REQUIRED.** No person shall erect, install, locate or maintain a Swimming Pool (hereinafter referred to in this Section only as "pool") unless a permit therefor has first been obtained from the Building Inspector. The application for the pool permit shall include the size of the pool, type of construction, and its position in relation to the Lot or property lines on which it is to be located and shall be on forms provided by the Township.
- B. **LOCATION.** No pool shall be located in the Front Yard. The outside edge of the pool wall shall not be located nearer than six (6) feet to any Lot or property line; provided, however, that if any part of the pool walls are more than three (3) feet above the surrounding grade level, then the outside edge of the pool wall shall not be located nearer than ten (10) feet from the Lot or property line.
- C. **CONSTRUCTION.** Any pool constructed of poured concrete shall have a bottom not less than six (6") inches thick and walls not less than eight (8") inches thick, such bottom and walls to be reinforced with metal reinforcing rods. Liner type pools may be constructed or installed if (1) the liner used is made and furnished by a manufacturing concern which, as part of its business, regularly makes pool liners out of plastic, rubber, fiberglass, steel or other suitable type product and (2) the bottom and walls of the liner type pool are constructed in accordance with the specifications of the manufacturer of the liner.
- D. **ELECTRICAL.** All electrical wiring and electrical installations shall be in conformance with the National Electrical Code, as amended from time to time.
- E. **WATER SUPPLY.** Cross-connections of the Township water supply with any other source or sources of water supply for the pool are prohibited. The line from the Township water supply to the pool shall be protected against back flow of polluted water by means of an air gap and shall discharge at the pool make up tank or the pool itself.
- F. **SEWER CONNECTION.** The drain line for the pool shall be connected to the storm sewer, if one is available within two hundred (200) feet of the pool drain outlet. Where a storm sewer is not available, the pool drain may be connected to a sanitary sewer or a combined sewer if such connection is first approved by the Building Inspector.
- G. **CONSTRUCTION AND OPERATION.** The pool shall be constructed in such a manner that all scum, splash and deck water shall not return to the pool except through the filter system. The pool shall be kept free at all times of floating materials, sediment and debris either by an automatic surface skimmer, scum gutter or by some other acceptable means approved by the Building Inspector.

- H. **FILTRATION.** The pool recirculating system shall be capable of filtering and recirculating the entire volume content of the pool during a twelve (12) hour period. The rate of application of pool water on the filters shall not be greater than three (3) gallons per minute per square foot of filter area.
- I. **CHLORINATING.** Provision shall be made in the pool design for positive germicidal or bacterial control by the use of chlorine, bromine or other such disinfecting agents as may be approved by the Kent County Health Department. Such disinfecting agents shall be applied to the pool water at a uniform rate. Provision shall be made in the pool design for adjusting the application of disinfecting agents so as to keep the germicidal or bacterial protection of the water in the pool equal to a standard 0.5 parts per million to 1.0 parts per million chlorine residual. Testing devices capable of accurately measuring such residual shall be provided as part of the permanent pool equipment.
- J. **FENCE.** Each pool which is located outside shall be enclosed by a fence of wall of a height of not less than four (4) feet or more than six (6) feet in height, which is constructed in such a manner that no person may enter the Yard or the area where the pool is located without passing through a gate or door located on the Lot or parcel of land on which the pool is situated. Such wall or fence shall be of a type not readily climbed by children. All gates and doors which permit access to the pool area shall be capable of being locked and shall be locked at all times when no person is present on the Lot or parcel of land on which the pool is located. All gates and doors shall be of a self-closing and latching type, with the latch on the inside of the gate positioned in such a manner that it is not readily available for children to open. Notwithstanding the foregoing, if the entire Lot or parcel of land on which the pool is located is enclosed, then the foregoing requirements for the maintenance of a fence or wall may be waived by the Building Inspector if he shall determine that all of the requirements for the pool fence or wall specified above are complied with in connection with the enclosure of the Lot or parcel of land. In the case of a pool, the top of which is four (4) or more feet above grade, which does not have a deck with readily climbable supports, and is, itself, constructed in such a manner that it is not readily climbable, the Building Inspector may, in his discretion, waive the requirements herein contained for a pool fence or wall if the access to the pool and the gate and door arrangements are as is provided herein. In the case of a pool which has a top which is four (4) or more feet above grade which has readily climbable supports, such pool shall either be fenced as provided herein or appropriate means shall be taken to render the supports to the deck and/or pool structure not readily climbable.
- K. **INSPECTIONS.** The Kent county Health Department and the Building Inspector shall have the right at any reasonable hour to inspect any pool for the purpose of determining compliance with this Ordinance.