

21.40.005 Scope.

The provisions of this chapter apply only to swimming pools associated with structures regulated by the International Residential Code. For other swimming pools, refer to International Building Code Section 3109.

21.40.010 Swimming pool defined.

“Swimming pool” means any structure intended for swimming or recreational bathing that contains water over eighteen inches deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs, portable and nonportable spas, and fixed-in-place wading pools

21.40.015 Fences and gates required.

Every person whether as owner, purchaser, under contract, lessee, tenant or licensee in possession of land within the city upon which is situated a swimming pool in excess of eighteen inches in depth, including portable pools, shall at all times maintain on the lot or premises upon which such pool is located and completely surrounding such pool, lot or premises, a fence or other solid structure designed to prevent small children from inadvertently wandering into the pool. Such fence or other solid structure shall be not less than five feet in height with no opening (other than doors or gates) except as follows:

(1) For a fence or other solid structure whose chief covering members are constructed in a vertical direction, there shall be no openings in a horizontal direction of more than four inches. For a fence of this type there shall be no more than three horizontal members;

(2) For a fence or other solid structure whose chief covering members are constructed in a horizontal direction there shall be no openings in a vertical direction;

(3) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designated to keep and capable of keeping such door or gate securely closed at all times when not in actual use and to prevent a small child from opening such door or gate; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped.

All latches or locking devices on doors or gates as required by this section shall be installed not less than four feet six inches above the adjoining walks, steps or ground level. No self-closing gate required by this section shall have a width in excess of four feet unless the design is specifically approved by the city building official. In no event shall a gate which services a driveway qualify as a self-closing gate for the protection of swimming pools under the requirements of this section.

21.40.020 Fence exceptions—Inaccessibility.

The requirements of this chapter relating to a fence or other solid structure surrounding a swimming pool on all sides may be waived when:

(1) Topographical features of the land upon which the pool is constructed or is proposed to be constructed are such as to make the land inaccessible and unapproachable from any portion thereof which is unfenced and unenclosed.

(2) Hot tubs or spas are provided with a solid lockable cover when serving a single-family residence or an individual unit of a multifamily residence.

21.40.025 Fence exceptions—Covered pools.

All permanent swimming pool covers shall be considered as adequate enclosure protection required in this chapter provided that:

(1) All exterior openings are constructed as herein required for gates;

(2) Exterior walls are solid and impenetrable.

21.40.030 Excavation walls—Distance from slope—Walkway.

Swimming pool excavations and swimming pools partially completed shall be protected and guarded against danger to life and property. Such excavations shall have walls of masonry or concrete of sufficient strength to retain the embankment together with any surcharged loads. No swimming pool or swimming pool excavation shall extend within one foot of the angle of repose or natural slope of the soil under any footing or foundation unless:

- (1) Such footings or foundations are first properly pinned or protected against settlement; or
- (2) The swimming pool wall is designed, through rational engineering analysis, to support the surcharge created by the building or structure resting on such footing or foundation.

Notwithstanding the proximity of a swimming pool to a foundation or footing allowed by the angle of repose, there shall be a permanently maintained walkway between buildings and a swimming pool not less than three feet in width. Diving boards and other permanently attached swimming pool accessories constructed along the perimeter of the pool shall in the aggregate not exceed five percent of the perimeter distance of the pool.

21.40.035 Plans—Compliance required.

All plans hereafter submitted to the city for swimming pools to be constructed shall show compliance with the requirements of this chapter, and final inspection and approval of all pools hereafter constructed shall be withheld until all requirements of this chapter have been complied with.

21.40.040 Requirements—Satisfactory alternate.

Notwithstanding any precise requirements of this chapter, the building official may approve alternate methods of protection and construction and maintenance of swimming pools, provided such alternate methods meet the same essential safety requirements of this chapter, and it can be demonstrated that such alternate methods are better suited because of peculiar or unusual circumstances and that it is not practical to meet the precise requirements of this chapter. Any person who seeks to obtain approval of any such alternate and who is denied approval by the building official may appeal his decision to the building code board of appeals by filing a notice of appeal with the city clerk stating the grounds for the appeal and requesting a hearing to review the decision by the building official.

21.40.045 Requirements—Retroactive effect.

Swimming pools of a type subject to the provisions of this chapter which were in existence prior to the effective date of the ordinance codified herein and where not provided with the safety requirement then in effect shall, within six months from the effective date of the ordinance codified herein be brought into conformity with the provisions and requirements of this chapter. Swimming pools not brought into conformity within the period of time herein specified are hereby declared to be a public nuisance and public hazard, and the owner of the premises upon which such pool exists shall be subject to the penalties prescribed herein.

21.40.050 Chapter enforcement.

The building official is herewith charged with the duty of enforcing this chapter and determining whether or not the provisions and requirements of this chapter have been complied with.