

Agenda Report

August 5, 2013 City Council Meeting

August 5, 2013

Item No. 15

ISSUE: UPDATE SWIMMING POOL CODE REQUIREMENTS TO ADOPT SOME OF THE STANDARDS IN THE 2012 INTERNATIONAL POOL AND SPA CODE STANDARDS

This will be the first reading for review of Chapter 155: Specific Provisions Dealing with Swimming Pools.

BACKGROUND:

City staff has reviewed current swimming pool requirements and those of Clive and Urbandale. Cities can formally adopt the entire 2012 International Pool and Spa Code, but staff has found the need to only adopt the provisions in the code that would apply to Windsor Heights. This update is being recommended to keep the City in line with new standards. Staff is also working on updating all building codes to the 2012 version.

MAJOR ADDITONS BEING PROPOSED TO THE CODE

- Permit fees to be adopted by resolution as all other fees and not based on valuation.
- The openings of a barrier around the pool cannot allow a passage of a 4 inch sphere.
- If chain link fences are used as a barrier the maximum mesh size of the fence is 2.25 square inches unless slats are installed at the top or bottom of the fence with openings no more than 1.75 inches.
- A dwelling wall can act as a barrier if one of the following apply:
 - o Doors that access a pool must be equipped with an alarm in accordance with the proposed updated.
 - o The pool must be equipped with a power safety cover.
 - o Other means of protection such as self-closing doors and self-latching devices approved by the administrator so long as the degree of protection is not less than the two options above.
- When a structure for an aboveground pool is used as a barrier and a ladder or steps are used for access, then the ladder or steps must be capable of being secured, locked or removed to prevent access, or the steps and ladder must completely surrounded by a barrier. When the steps or ladders are secured, locked or removed any opening created cannot allow a 4 inch sphere to pass through.

- Any existing pool of which has been in place before this code, and which for the most part will apply to in-ground swimming pools will not be required to comply with this chapter unless the pool is being replaced or altered. Any new or temporary swimming pools that are put up and taken back down will need to comply with this code.
- Pools must be de-chlorinated before being emptied to prevent any chemicals from entering the storm sewers.
- Any electrical wiring will need a permit through the State as the City no longer issues electrical permits.

MAJOR REQUIREMENTS THAT CURRENTLY EXIST IN THE CODE

- Barriers are required to be 6 feet and completely surround the pool.
- Gates and doors are required to be self-closing, self-latching.

RECOMMENDATION:

Staff recommends the City Council approve Ordinance 13-09 following the public hearing.

STAFF CONTACTS:

Sheena Danzer, City Inspector/Zoning Administrator
Jason VanAusdall, Public Works Director
Jeffrey A. Fiegenschuh, City Administrator

ORDINANCE NO. 13-09

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WINDSOR HEIGHTS, IOWA, BY AMENDING PROVISIONS PERTAINING TO THE SWIMMING POOL REQUIREMENTS, UNDER CHAPTER 155 OF THE MUNICIPAL CODE

Be it enacted by the City Council of the City of Windsor Heights, Iowa:

SECTION 1. AMENDMENT. Chapter 155 BUILDING CODE is hereby amended to read as follows:

155.06 SPECIFIC PROVISIONS DEALING WITH SWIMMING POOLS.

1. Definitions. The following terms are defined for use in this section:

A. "Swimming pool" means any body of water which has a minimum depth of eighteen (18) inches or more or contains one hundred (100) gallons or more of water in an artificial or semi-artificial receptacle of permanent construction and which is not emptied every night. This also includes structures capable of holding 100 gallons or more of water.

B. "Spa" means a bathing facility such as a hot tub or whirlpool designed for recreational or therapeutic use. However, "spa" does not include a facility used under direct supervision of qualified medical personnel.

(Code of Iowa, Sec. 135I.1)

~~C. "Small child" means any child twelve (12) years of age or younger.~~

2. Purpose. It is the purpose of this section to require architects, builders, contractors, pool suppliers, property owners, their agents, and others to meet their responsibilities with respect to proper construction, construction techniques, and premises safety and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this section to create any duty on the part of the City, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this section to create any duty or liability by the City, its officers, agents, or employees, to occupants of any premises, owners, tenants, or any other person.

3. Warning. No person shall place reliance upon this chapter, any inspections performed, or certificates issued pursuant to this chapter, as indicating the safety of or quality of construction of any particular premises. Neither this chapter nor inspections made pursuant thereto nor certificates issued are intended to assume the duty of any person to adequately construct and maintain a premises or provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premises has been inspected pursuant to this chapter shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.

4. Interpretation. The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter.

5. Swimming Pool Permit; Fee. No person shall construct, enlarge, alter, or otherwise improve a swimming pool without first obtaining a permit for the same from the City's Building Official. Application for such a permit shall comply with the Administrative Code. A fee in an amount as

established by ~~resolution of the Council~~ ~~the Building Code for valuation~~ shall be paid. Issuance of such a permit shall be in accordance with the Administrative Code and all applicable Building Codes.

6. Design Requirements. The materials used for lining swimming pools shall be light in color, shall be impervious, and shall provide a tight tank with smooth, easily cleaned surfaces. No sand or dirt bottoms shall be allowed.

7. Residential Swimming Pools. Residential swimming pools must be completely enclosed by a barrier as described below. Exception: a swimming pool with a safety cover or a spa with a safety cover complying with ASTM F 1346.

- A. Barrier height and clearances. The top of the barrier should be at least 72 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier must be 2 inches measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier must be 4 inches.
- B. Openings. Openings in the barrier must not allow passage of a 4-inch-diameter sphere.
- C. Closely spaced horizontal members. 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 must be located on the swimming pool side of the fence. Spacing between vertical members must not exceed 1.75 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts must not exceed 1.75 inches in width.
- D. Widely spaced horizontal members. 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 must not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts must not exceed 1.75 inches in width.
- E. Chain link dimensions. Maximum mesh size for chain link fences is 2.25 inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1.75 inches.
- F. Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members is 1.75 inches.
- G. Gates. Access gates must comply with the requirements of a barrier and must be equipped to accommodate a locking device. Pedestrian access gates must open outward away from the pool and must be self-closing and have a self-latching device. Gates other than pedestrian access gates must 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 must be located on the pool side of the gate at least 3 inches below the top of the gate, and the gate and barrier must have no opening greater than 0.5 inch within 18 inches of the release mechanism.
- H. Dwelling wall as a barrier. Where a wall of a dwelling serves as part of the barrier, one of the following must apply:
 - 1. Doors with direct access to the pool through that wall must be equipped with an alarm which produces an audible warning when the door and its screen are opened. The alarm must 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 must automatically reset under all conditions. The alarm must be equipped with a manual means to temporarily deactivate the alarm for a single opening. Such deactivation must last no more than 15 seconds. The deactivation switch must be located at least 54 inches above the threshold of the door.

2. The pool must be equipped with a power safety cover which complies with ASTM F 1346.

3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the administrative authority, may be accepted so long as the degree of protection afforded is not less than the protection afforded by item 1 or 2.

- I. Pool structure as barrier. 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 the ladder or steps either must be capable of being secured, locked or removed to prevent access, or the ladder or steps must be surrounded by a barrier. When the ladder or steps are secured, locked or removed, any opening created can not allow the passage of a 4-inch-diameter sphere.
- J. Prohibited locations. Barriers must be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

~~7. Enclosure for In Ground Pool. Every outdoor in ground swimming pool shall be completely surrounded by a fence or wall at least six (6) feet in height and located at least six (6) feet from the side of the pool, unless the enclosure is a part of a pre-manufactured assembly, in which case it shall be no closer than four (4) feet from the side of the pool. Such fence or wall shall be reasonably non-climbable and shall be so constructed and maintained as to make such pool as inaccessible as possible to small children. There shall not be a distance greater than ten (10) feet between posts. The bottom of said fence or wall shall be at grade with no clearance between the bottom and the ground along the entire perimeter of the fence or wall. The six foot height will be determined based upon the ground elevation on both sides of the wall or fence.~~

~~8. Enclosure for Above Ground Pools. In lieu of the above, swimming pools manufactured and approved for installation above ground shall be installed in accordance with the following criteria:~~

~~A. When not in conflict with the provisions of this subsection, above ground pools shall be installed in accordance with the manufacturer's recommendations.~~

~~B. Enclosure of an above ground swimming pool shall be accomplished in an approved manner that will reasonably secure the pool and any deck or platform attached thereto from unauthorized access to small children and shall provide a degree of security at least the equivalent of that required for in ground swimming pools. For the purpose of this requirement, a fence or wall, at least six feet above any adjoining grade located within six feet of the pool enclosure, shall be used in combination with the vertical water enclosing wall of the swimming pool to provide the required degree of security, unless the enclosure or fence is part of a pre-manufactured assembly, in which case it shall be no closer than four (4) feet from the side of the pool.~~

~~J. Steps, ladders, ramps, or any other device affording access to the pool shall be constructed in a manner that will afford the same degree of security against unauthorized access as that prescribed for the pool enclosure.~~

~~K. For the purpose of this subsection, no part of a swimming pool enclosure shall be constructed within ten feet of a property line, other wall, fence, or other structure, which can be readily climbed by children under the age of twelve years of age.~~

~~9. Gates and Doors. All gates and doors providing access to the pool shall be equipped with self-closing and self-locking devices and said gates and doors shall be securely closed when the pool is not in use. The~~

~~self closing and self locking device on such gates and doors shall be equipped either with a manual latch which can only be operated at a point five (5) feet above the ground or with a lock and key.~~

8. Float Line. All swimming pools shall be equipped with a rope or line not less than one-half (½) inch in diameter and supported by floats wherever the depth of the pool increases from less than four (4) feet to more than four (4) feet.

9. Periodic Inspections. Persons maintaining an outdoor swimming pool shall be deemed to consent to periodic inspections of the pool and surrounding property at reasonable times by City employees, to assure compliance with this chapter. ~~All pools built after the effective date of the ordinance codified herein shall comply with the terms of this chapter.~~

~~12. Enclosure for Spas. The enclosure requirements contained in subsections 7 and 8 above may be satisfied in the case of outdoor swimming pools with a water surface area of less than sixty (60) square feet by equipping same with a rigid cover capable of supporting two hundred (200) pounds which, when securely locked in place, will render the water contained therein inaccessible to a person not having a key.~~

10. Locking of Covers. It is unlawful for the owner of any outdoor swimming pool enclosed pursuant to subsection 8 7 hereof to leave said pool unattended without a cover of the type described in subsection 12 7 hereof securely locked in place. As used herein, "unattended" shall mean the absence of an adult person in the outdoor swimming pool or within constant eyesight of said pool and no more than twenty (20) feet there from.

11. Wastewater. Swimming pool wastewater shall be disposed of only first if the water is dechlorinated and only through the months of ~~by extending the filtered discharge pipe to the City right of way except in the months of~~ October through April.

12. Wiring. The construction and installation of electric wiring for and equipment in or adjacent to all swimming pools shall comply with the *National Electrical Code*. ~~Any permanent wiring will require an electrical permit with the City.~~

13. Indemnity. The applicant for any permit for a swimming pool by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, arising from or in connection with or related to the issuance of such permit or the doing of anything thereunder, or the failure of such applicant or the agents, employees, or servants of such applicant, to abide by or comply with any of the provisions of this code or any other ordinance of the City; and such applicant, by making such application, forever indemnifies the City, its officers and employees, and agrees to save it and them harmless from any and all claims, demands, lawsuits, or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the City, its officers or employees, may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any permit whether expressly recited therein or not and shall apply to all assigns, assignees, subsequent owners, renters, or occupants of said property.

SECTION 2. REPEALER. All parts of the "MUNICIPAL CODE OF ORDINANCES OF THE CITY OF WINDSOR HEIGHTS, IOWA" in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall

not affect the validity of this Ordinance as a whole or any section, subsection, provision, sentence, clause, phrase or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and notice of its passage is given as provided by law.

Passed by the City Council this 15th day of July, 2013 and approved this ____ day of _____, 2013

David J. Sullivan, Mayor

Attest:

Jeff Fiegenschuh City Administrator

First Reading, July 15, 2013

Burgess: _____

Glover: _____

Jenison: _____

Willits: _____

Butz: _____

Second Reading, August 5, 2013

Burgess: _____

Glover: _____

Jenison: _____

Willits: _____

Butz: _____

Third Reading: August 19, 2013

Burgess: _____

Glover: _____

Jenison: _____

Willits: _____

Butz: _____