

ORDINANCE NUMBER 2022-494
AN ORDINANCE REPEALING SECTIONS 10-181 THROUGH 10-183 AND
CREATING SECTIONS 10-181 THROUGH 10-184 OF THE CODE OF ORDINANCES
OF THE CITY OF MILTON REGULATING SWIMMING POOLS

WHEREAS, outdoor swimming pools are currently regulated by the provisions of Section 10-181 through 10-183 of the Code of Ordinances; and

WHEREAS, the Common Council of the City of Milton has concerns over whether the existing provisions adequately address the various types of swimming pools utilized by individuals within the City of Milton; and

WHEREAS, the Common Council of the City of Milton having determined that it is appropriate to specifically address the requirements for the various types of swimming pools utilized within the city including permanent pools, temporary pools and wading pools in order to adequately provide for public safety, especially as it concerns children, in the utilization of swimming pools in residential districts.

NOW, THEREFORE, the Common Council of the City of Milton do ordain as follows:

Section I. Section 10-181 through Section 10-184 of the Code of Ordinances of the City Milton are hereby created to read as follows:

Sec. 10-181 Definitions.

Swimming Pool: A swimming pool is a body of water or an outdoor structure containing a body of water in a receptacle or other container located above or below the surface of ground elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. A swimming pool is used or intended to be used for swimming solely by the owner, operator, or lessee thereof and his family, and by friends invited to use it. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of the swimming pool.

Temporary Swimming Pool: A temporary swimming pool is a body of water or an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, which is constructed so that it may be readily disassembled for storage and reassembled to its original integrity. A temporary swimming pool is used or intended to be used for swimming solely by the owner, operator, or lessee thereof and his family, and by friends invited to use it. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of the temporary swimming pool.

Wading Pool: A wading pool is a storable children's pool which is one and one-half (1-1/2) feet deep or less and is constructed so that it may be readily disassembled for storage and reassembled to its original integrity. A wading pool is used or intended to be used for swimming or wading solely by the owner, operator, or lessee thereof and his family, and by friends invited to use it.

Sec. 10-182 Exempt Pools.

Unless otherwise regulated, wading pools are exempt from the provisions of this section. Hot tubs located outside a structure are exempt from the provisions of this section except for the following: hot tubs cannot be located in a front or street side yard; hot tubs must be ten (10) feet from a property line; hot tubs must be covered when not in use; and all electrical installations, shall be in conformance with the State laws and City ordinances regulating electrical installations.

Sec. 10-183 Swimming Pool Construction Requirements.

(a) Permit Required.

Before work is commenced on the construction or erection of swimming pool or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the City Building Code shall accompany such application. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction of a swimming pool as provided for in subsection (1), unless the following construction requirements are observed:

(b) Approved Materials.

All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and installation shall be in accord with all state regulations and code and with any and all ordinances of the City now in effect or hereafter enacted.

(c) Plumbing.

All plumbing work shall be in accordance with all applicable ordinances of the City and all state codes. Every swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

(d) Electrical Installations.

All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool, shall be in conformance with the state laws and City ordinances regulating electrical installations.

(e) Setbacks and Other Requirements.

1. No portion of a swimming pool or any pool equipment located outside a building shall be erected or constructed in any front or street yard. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
2. All swimming pools shall be at least ten (10) feet from any lot line or building unless designed and approved as an addition to a building.

(f) Enclosure.

1. Fence; In-Ground Pools.

a. All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool or yard in which the pool is located. The fence or solid structure shall comply with minimum building codes for deck railings regarding spacing of spindles or opacity. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

b. The barrier described in subsection (3)(f)(1)(a) may be reduced to 3 feet if a safety cover is installed. A safety cover covers all of the water surface of the pool and meets ASTM F1346-91 standards for safety covers. The safety cover shall be in place at all times when the pool is not in actual use.

2. Above-Ground Swimming Pools

a. An approved barrier shall consist of a solid wall or fence that complies with minimum building codes for deck railings regarding spacing of spindles or opacity and shall be installed directly above the vertical water-enclosing wall of the pool. Such barrier shall extend more than three (3) feet above the top rim of the pool. Such a barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

b. The barrier installed directly above the water-enclosing wall of the pool described in subsection (3)(f)(2)(a) may be omitted in the following instances:

1. Where the yard in which the pool is located is completely enclosed by a minimum four-foot-tall fence or other solid structure;
2. The above ground swimming pool has a raised deck around the entire pool perimeter with an attached, minimum of thirty-six (36) inches high, fence or solid structure. The fence or solid structure shall

comply with minimum building codes for deck railings regarding spacing of spindles or opacity; or

3. Where the pool has installed a safety cover meeting the specification of subsection (1)(b) and has a three (3) feet fence installed enclosing the structure.

Section 10-184 Temporary Swimming Pool Construction Requirements.

(a) Permit.

No permit is required for temporary swimming pools.

(b) Approved Materials.

All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and installation shall be in accord with all state regulations and code and with any and all ordinances of the City now in effect or hereafter enacted.

(c) Plumbing.

All plumbing work shall be in accordance with all applicable ordinances of the City and all State codes. Every temporary swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity. Provisions may be made for draining the contents of any temporary swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Public Works Director.

(d) Electrical Installations.

All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool, shall be in conformance with the state laws and City ordinances regulating electrical installations.

(e) Setbacks and Other Requirements.

1. No portion of a temporary swimming pool or any pool equipment located outside a building shall be erected or constructed in any front or street yard. No temporary swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

2. All temporary swimming pools shall be at least ten (10) feet from any lot line.

(f) Access.

Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

4

Section II. This ordinance shall take effect upon passage and publication as provided by law.

Approved by the Common Council of the City of Milton this 6th day of April, 2022.

CITY OF MILTON

Anissa Welch, Mayor

Attest:

Jenny Salvo, Clerk

1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Date Adopted: _____

Effect of Ordinance: Establishes definitions for various types of swimming pools and provides for regulation of the various types of swimming pools.

