

CHAPTER 138, ARTICLE III GENERAL PROVISIONS DIVISION 1.
SECTION 138-60 SWIMMING POOLS

Definitions: Accessory building and structures shall be classified as herein defined and, unless otherwise provided in this Chapter, shall be subject to the following regulations.

- a. By their definition and nature, accessory buildings and structures shall be secondary and clearly incidental to the principal building on a parcel of land. Such building or structures shall therefore not be permitted as the only building or structure on a parcel of land.

Swimming Pools: For private residential use only, means a swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence. This includes hot tubs and Jacuzzi's as installed outside and accessory to the main residence.

A wall of a swimming pool shall not be located less than 6 feet from any rear or side property line. Swimming pools shall be erected in the rear yard.

A wall of a swimming pool that has a capacity greater than 600 gallons shall not be located less than 6 feet from the main building or other accessory building or structure. Swimming pools that have a capacity of 600 or fewer gallons may be excepted from this setback requirement.

Construction shall require a site plan, building permit, and all applicable electrical heating and plumbing permits. All pools, which contain 24 inches (610 mm) or more of water in depth at any point, shall have erected an adequate enclosure in accordance with the city's current building codes. Electrical service conductors and other overhead wires shall be located a minimum of 10 feet from the pool's edge or a minimum of 22 feet above the pool surface. A ground fault interrupter shall be required for the circuit from the electrical panel to the receptacle for filtration. Pool heaters shall be installed according to the current adopted city code. All swimming pools shall be provided with a recirculating skimming device. The water of all swimming pools shall be sanitized.

Zoning Board of Appeals: When a detached accessory building or structure other than as defined in Chapter 138, construction or placement of the accessory building or structure shall be subject to the approval of the Zoning Board of Appeals.

Frequently Asked Questions About Swimming Pools, Spas, and Hot Tubs

Q: Are Permits required for the installation of a swimming pool, spa, or hot tub?

A: Yes. A Building Permit is required for the installation of any swimming pool spa, or hot tub that contains water over 24 inches deep. All pools, spas, or hot tubs that use pumps, filters, heaters, lights, or any other electrical devices, regardless of water depth, must have an Electrical Permit.

Q: Why are these permits required?

A: For your safety. A Building Permit allows for an inspection to make sure you have the proper enclosure around your pool, spa, or hot tub, and that the structure is properly located within your property. An Electrical Permit ensures that all electrical devices serving your structure are correctly installed to guard against any chance of electrocution.

Q: What information do I need to obtain permits for my swimming pool, spa, or hot tub?

A: You will need two copies of a "site plan" that clearly shows where you want to put the structure. This plan may be hand drawn or can be a copy of a mortgage survey of your property, or any other type of drawing that clearly shows all the dimensions of your property and any buildings on it, and where you want to place the pool, spa, or hot tub. This drawing must also indicate the approximate location of any overhead wires. You will also need to supply us with a copy of your manufacturer's installation instructions for the pool, spa, or hot tub. This information must be brought in to the Building Department and attached to an application form available at our counter.

Q: Who can obtain the permits for my pool, spa, or hot tub?

A: State law allows you as the homeowner/occupant of a dwelling to obtain your own permits for the installation of a pool, spa, or hot tub. In the event that someone else is going to do the work for you, State Licensed Contractors must secure their own permits to perform the installation. Any Contractor you are considering hiring for the installation of your structure should be familiar with the permitting process.

Q: What kind of enclosure do I need around my pool, spa, or hot tub?

A: There are strict rules governing enclosures, referred to in the 2009 Michigan Residential Code as "barriers", around swimming pools, spas, or hot tubs. As mentioned above, these rules were designed with safety in mind. By following these provisions, you reduce the chance for accidental drowning or electrocution. Please refer to Appendix G of the 2009 Michigan Residential Code for specific Code language about barrier requirements. The electrical requirements for swimming pools, spas, and hot tubs are outlined in Chapter 41 of the 2009 Michigan Residential Code.

Q: Can you explain the barrier requirements?

A: While the requirements are numerous and some situations may occur that require further discussion, there are basic rules. All outdoor swimming pools, including in-ground pools, spas, and hot tubs, must be completely enclosed with barriers that comply with these rules:

1. Barriers (fences, etc.) surrounding the pool, spa, or hot tub must be at least 48" tall, measured on the outside of the barrier, away from the pool, spa, or hot tub. The barrier cannot have a gap between it and the ground that is any bigger than 2" anywhere. **Note: This rule could affect existing stockade type fences.**
2. The pool, spa, or hot tub itself can act as its own barrier if it is at least 48" above the ground.
3. If the pool, spa, or hot tub itself is not at least 48" above the ground, barriers may be installed on top of the pool, spa, or hot tub to raise the height to at least 48". If barriers (wall, etc.) are installed on top of the pool, spa, or hot tub, any gaps between the pool, spa, or hot tub and the bottom of the barrier cannot be any bigger than 4".
4. No openings in any barrier can be big enough to allow the passage of a 4" ball or other type of sphere.
5. Concrete block walls, brick walls, stone walls, etc., can be used as barrier walls as long as there aren't any projections other than normal mortar joints that could be used for climbing.
6. If you have a wooden fence that has top and bottom rails that are less than 45" apart from one another, then those rails must be on the poolside of the fence. Spacing between spindles or vertical slats in that barrier cannot be any more than 1 ¾". Any holes or other cutouts in the fence cannot be any bigger than 1 ¾" in any direction, regardless of the shape of the cutout.
7. If you have a wooden fence that has top and bottom rails that are spaced farther apart than 45" from one another, then the distance between spindles or vertical slats can be 4". Any hole or other cutouts cannot be any bigger than 1 ¾" as mentioned above.
8. The maximum mesh size for a chain link fence used as a barrier around a pool, spa, or hot tub is 1 ¼". **Note: This could be a problem with existing chain link fences if you are trying to use them as the barrier.**
9. If you use lattice as part of the barrier, the openings in the lattice cannot be any bigger than 1 ¾".

Remember: These requirements are in place to make sure no fence, wall, or any other kind of "barrier" surrounding your pool, spa, or hot tub can be used as a ladder to get into the area. Every effort must be made to discourage any "unwanted" guests from visiting your structure and getting hurt.

Q: What about gates to the fenced-in area?

A: Any gates leading to the pool, spa, or hot tub area have to comply with all the rules stated above as far as height, spacing of members, hole size, etc., and must be built to hold a locking device. Pedestrian gates must open outward, away from the pool, spa, or hot tub, and must have self-closing and self-latching devices. In other words, when you leave the area of the pool, spa, or hot tub, the gate you walk through has to swing out and then close and latch by itself when you let go of it.

Gates other than pedestrian gates (automobile gates, etc.) must have self-latching devices. See the Code for the requirements for those kinds of devices. (Please note that it is assumed that these kinds of gates will remain closed when not in use so that the barrier is always in place around the pool, spa, or hot tub.)

Q: Can the back of my house be used as part of the barrier?

A: Yes. However, you must have one of the following:

A powered cover over the pool, spa, or hot tub, that is in place when not in use, **or**

All doors in that wall must have an alarm that can be heard anywhere in the house and sounds for at least 30 seconds after the door has been open (this includes screen doors). This alarm has to be able to reset itself, and have some way to temporarily be shut off for no more than 15 seconds, **or**

All doors in that wall must be self-closing and have self-latching devices as approved by the Building Department.

Q: If the pool, spa, or hot tub is tall enough to use as its own barrier, what about the ladder?

A: If your pool, spa, or hot tub is at least 48" tall and you want to use it as its own required barrier, any ladder leading to the water must be able to be removed, secured in some fashion, or locked so it can't be used when the pool, spa, or hot tub is not being used. Or, if you want, you can permanently secure the ladder or steps and put up a barrier around the ladder or steps that matches all the barrier requirements listed above, including the rules for gates.

Remember: The idea is to make sure no one can easily get into the pool, spa, or hot tub when you are not around. Every effort must be made to make sure children don't find a way to get to the water while no one is around.

Q: I have a spa or hot tub. Do all the rules for a swimming pool apply?

A: If your spa or hot tub is equipped with a safety cover (make sure the manufacturer says it complies with ASTM F 1346), then the requirements for barriers as outlined above are not needed. Only when your spa or hot tub does not have the approved safety cover will all of the above rules apply. While the choice is yours, it may be less expensive to purchase an approved cover as a means of protection than to comply with all the barrier requirements listed above.

Q: Where can I install my pool, spa, or hot tub?

A: A wall of a swimming pool shall not be located less than 6 feet from any rear or side property line.

A wall of a swimming pool that has a capacity greater than 600 gallons shall not be located less than 6 feet from the main building or other accessory building or structure. Swimming pools that have a capacity of 600 or fewer gallons may be excepted from this setback requirement.

Q: Speaking of electricity, what do I need to know about the electrical connections for my pool, spa, or hot tub?

A: The rules that apply to the hook up of any electrical part needed for a swimming pool, spa, or hot tub are quite extensive, as outlined in the 2009 Michigan Residential Code, Chapter 41. Unless you have had a lot of experience with electrical work, you are much better off hiring a competent Electrical Contractor to install all the wiring, outlets, and devices you might need. Regardless, as mentioned above, an Electrical Permit is required for all the work involved, and final approval from the Electrical Inspector is required before the pool, spa, or hot tub is used.