ORDINANCE NO. 2017-03

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING SECTION 16.12.119 OF THE IVINS CITY CODE REGARDING SWIMMING POOL ENCLOSURE REQUIREMENTS

WHEREAS by Ordinance 2005-13 the Ivins City Council adopted Section 16.12.119 regarding swimming pool enclosure requirements; and

WHEREAS by Ordinance 2014-06 the Ivins City Council also adopted the pool enclosure requirements of Appendix G of the 2012 International Residential Code (IRC); and

WHEREAS although the 2015 IRC Appendix G no longer address pool enclosure requirements, Section 16.12.119 entitled "Swimming Pool Enclosures" still exists; and

WHEREAS the Ivins City Planning Commission held a Public Hearing on January 31, 2017, regarding the Planning Commission's recommendation to approve requirements similar to former Appendix G as amendments to Section 16.12.119; and

WHEREAS on April 6, 2017, the Ivins City Council held a Public Hearing to consider the Planning Commission's recommendation to approve zoning text amendments on swimming pool enclosure requirements; and

NOW, THEREFORE, BE IT ORDAINED by the Ivins City Council that Section 16.12.119 be amended to now read as follows:

16.12.119 SWIMMING POOL ENCLOSURES:

(1) All swimming pools, or other artificially created pools more than eighteen inches (18") deep, shall be surrounded by a protective fence. This requirement includes spas and hot tubs.

(2) Swimming Pools. Any structure intended for swimming or recreational bathing that contains water more than 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

(a) In-ground pools shall be designed and constructed in compliance with American National Standards Institute (ANSI)/National Spa & Pool Institute (NSPI)-5, Standards for Residential In-ground Swimming Pools.

(b) Above-ground and on-ground pools shall be designed and constructed in compliance with ANSI/NSPI-4, Standard for Above-ground/On-ground Residential Swimming Pools.

(c) Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3, Standard for Permanently Installed Residential Spas.

(d) Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6, Standard for Residential Portable Spas.

(3) Barrier Requirements. Controls on the design of barriers are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, shall be surrounded by a barrier which shall comply with the following:

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(a) The top of the barrier shall be at least 48 inches 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 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 above-ground 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.

(b) Openings in the barrier shall not allow the passage of a 4-inch diameter sphere.

(c) 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.

(d) 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 shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 ¾ inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 ¾ inches in width.

(e) 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 shall not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 ¾ inches in width.

(f) Maximum mesh size for chain link fences shall be a 2 ¼ inch square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1 ¾ inches in width.

(g) 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 ¾ inches.

(h) Access gates shall comply with the requirements of the foregoing subparagraphs (a) through (h) 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 from the bottom of the gate, the release mechanism and openings shall comply with the following:

(i) The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate; and

(ii) The gate and barrier shall have no opening larger than ½ inch within 18 inches of the release mechanism.

(i) Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:

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(i) The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346, Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools Spas and Hot Tubs.

(ii) 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/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches above the threshold of the door.

(j) Where an above-ground 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:

(i) The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

(ii) The ladder or steps shall be surrounded by a barrier which meets the requirements of the foregoing subparagraphs (a) through (j). When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter sphere.

(4) Prohibited Barrier Locations. Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

(5) Barrier Exceptions. A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346.

(6) Access to indoor pools shall be restricted by the surrounding structure in a manner that is at least as secure as provided for outdoor pools as provided above. (Ord. 2017-03, 2017)

Severability. If any section/portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Effective Date: This Ordinance shall take effect immediately upon its adoption and posting.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS _____ DAY OF APRIL, 2017 BY THE FOLLOWING VOTE:

	AYE	**NAY**	**ABSTAIN**	**ABSENT**
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Steven Roberts	_____	_____	_____	_____
Ron Densley	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder

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