

ORDINANCE NO. 2019 - 03

AN ORDINANCE OF THE CITY OF FRONTENAC, KANSAS, ADOPTING REQUIREMENTS FOR SWIMMING POOLS AND HOT TUBS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FRONTENAC, KANSAS:

SECTION ONE. Findings of the Governing Body.

The governing body of the City of Frontenac, Kansas, hereby finds that to protect and preserve the public health, safety and welfare it is necessary to establish regulations governing the construction, use, and ownership of swimming pools and hot tubs located within the City.

SECTION TWO. Repeal of prior ordinance.

All prior Ordinances adopting requirements for swimming pools and hot tubs are hereby repealed.

SECTION THREE. Definitions.

Swimming Pool – Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Seasonal/Temporary Swimming or Wading Pools – Those that are constructed on or above the ground and are capable of holding water or a pool with nonmetallic, molded polymeric walls or inflatable fabric walls regardless of dimension.

SECTION FOUR. Permits.

A building permit is required for the permanent construction or placement of all swimming pools that are 24 inches or greater in depth or any swimming pool with a filter system, heater or electrical lighting.

- Registration – All pools within the City are subject to registration to alert the Public Safety Department of their existence. Seasonal/temporary pools have an annual registration.
- Plan review and inspection fee – a plan review and inspection fee is charged for residential pools. These fees are in addition to the permit fee. **(No plan review fee will be charged for seasonal/temporary swimming pools).**

Note: The pool/spa permit does not include the required fence enclosure as part of the pool/spa permit. Separate permits must be applied for and will be issued by the City.

SECTION FIVE. Plans. A complete set of plans must be submitted to City Hall, 313 East McKay, to obtain a building permit. Provide a plot plan showing the following:

- Proposed pool or spa location – show distances to property lines.
- House and adjacent structures.
- Septic system tanks and lateral lines for lots without public sewers.
- Location of overhead or underground electric lines (provide dimensions from pool or spa).
- Fence or other pool enclosure.
- Provide a deck-framing plan where decks constructed of wood are used for walkways or

- supporting spas or hot tubs.
- Setbacks of deck or pool patio from property lines.

SECTION SIX. Pumps and Filter.

- Pool pump shall be sized to provide a turnover of the pool water at least once every twelve hours.
- Pool and spa pumps shall be listed by a nationally approved testing laboratory. Motors shall comply with 313.8 ISPCS (2012 International Residential Codes hereinafter referred to as the "ISPCS").
- Filters shall be capable of maintaining water clarity.

SECTION SEVEN. Inspections - call 231-9210.

All work, especially if underground, needs to be inspected prior to coverage or concealment. To receive an inspection the following workday, you must schedule an inspection before 4 p.m. Monday through Friday. Call 231-9210, if you have questions regarding inspections. Depending on the type of pool or spa, all of the inspections listed below may not be applicable. **All installations will require a final inspection.**

- A bonding inspection is required prior to pouring concrete to verify that all metallic parts of the pool are electrically bonded (connected together) including reinforcing bars in the concrete for the pool walls, bottom and deck; diving boards, ladders, handrails, fixtures for pool lights, electrical conduits and metal fences.
- A gas line inspection is required for any relocated or added gas line. The line must be inspected and tested prior to covering.
- A wet or dry niche light electrical grounding inspection should be performed prior to filling the pool with water.
- A final inspection must be performed after all work is complete.

Note: Certificate of Compliance will be sent to the permit applicant to certify completion of the project and compliance with city code requirements when all work is inspected and approved.

SECTION EIGHT – Setbacks – location on the property.

The following setbacks for pools and fences apply to pools constructed in the R-1, R-2 and R-L Zoning Districts.

- Pool/deck setbacks include any decking or walkway around the pool/spa.
- Front yard pools/spas are not permitted.
- Side and Rear yard – 10% lot width setback for deck surfaces, patios, and pools. Additional setbacks are required on corner lots. Call 231-9210 for details.
- Easements - pool/spa and deck shall not be located over a utility easement and cannot be placed in a platted landscape easement.

SECTION NINE - Accessory structures.

Solid or membrane covers including shade structures shall meet the setback requirements for accessory structures – separate plans are required.

SECTION TEN – Enclosures.

To restrict access by children to the pool, spa or hot tub, a barrier must be constructed to surround the pool, spa or hot tub.

Barrier options – any one or combination barriers			
*Barrier type	Spa/hot tub	Pools	Comments
Fence enclosure	X	X	Minimum height 4-foot; special construction for fence and gates
Dwelling wall as part of barrier	X	X	Special alarm requirements for doors in walls serving as part of the wall barrier.
Spa/hot tub covers	X		Labeled cover – lockable and cover can support weight of 250 pounds
Above ground pools		X	Pool Walls must meet requirements for fence enclosure; access must be enclosed by fence or have retractable ladder.

- **Fence**

- a) The height of the fence must be at least 4 feet (measured from the adjacent ground level to the top of the fence on the side that faces away from the pool) – maximum height 6 feet.
- b) Openings in the fence shall not allow passage of a 4-inch diameter sphere.
- c) Where the fence 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 1-3/4 inches width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1-3/4 inches width.
- d) Where the fence 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.
- e) Fence enclosures shall also comply with the city requirements for fences.
- f) Some homes associations have special requirements or covenants regarding fence locations and materials. You may wish to check with your homes association prior to selecting a fence design.

- **Gates**

- a) Gates in the enclosure must swing away from the pool area and be self-closing and self-latching. Where the release mechanism is located less than 54 inches from the bottom of the gate, the release mechanism and opening shall comply with the following:
- b) The release mechanism shall be located on the poolside of the gate at least 3 inches below the top of the gate.
- c) The gate and barrier shall have no opening greater than 1/2 inch within 18 inches of the release mechanism.

- A dwelling unit wall that serves, as part of the barrier shall comply with one of the following:
- All 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 its screen are opened. The alarm shall sound for a minimum of 30 seconds immediately after the door is opened and shall be heard throughout the house. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touch pad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches above the threshold of the door; or
- Other means of equivalent protection, such as self-closing doors with self-latching devices, which are approved by the City of Frontenac. Exceptions:
 - a) Ladder – a ladder on above ground pools is considered as complying with the gate requirements for restriction of access if it is lockable or removable.
 - b) Spa and hot tub cover – spa and hot tub covers that comply with ASTM F 1346, as set forth in the 2012 ISPSC, shall be exempt from the barrier requirements listed above.
 - c) The pool/spa shall be equipped with a safety cover or be appropriately fenced.

SECTION ELEVEN. Building Codes.

The pool/spa or hot tub must be constructed in accordance with Chapter 42 of the 2012 ISPSC

In-ground pools shall be designed and constructed in conformance with ANSI/NSPI5 (American National Standard Institute/National Swimming Pool Code, herein referred to as ANSI/NSPI).

Above-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4.

Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3.

Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6.

Decks and elevated walking surfaces – decks for one- and two- family dwellings shall be designed to support a minimum 40 pounds per square foot live load. Decks supporting spas or hot tubs shall be designed to support the weight recommended by the manufacturer plus a 40-pound per square foot live load on adjacent deck areas. A plan of the deck is required to verify that adequate support is provided.

Electrical Installations

- a) All electrical wiring for the pool must be in accordance with Section Chapter 42 of the 2012 ISPSC
- b) Clearance from services - residential pools/spas/hot tubs must be located so that there is at least a 10-foot horizontal clearance from the edge of the pool to any overhead power line and at least a 5-foot horizontal clearance from the edge of the pool to any underground electrical wiring.

Receptacles

- a) Receptacles that provide power for water-pump motors or other loads directly related to the circulation and sanitation system shall be permitted to be located between 5 feet and 10 feet from the inside walls of pools, outdoor spas and hot tubs and, where so located, shall be single and of the locking and grounding type and shall be GFCI-protected (Ground Fault Circuit Interface of the 2012 ISPSC).
- b) At least one 125-volt, 15- or 20-ampere receptacle supplied by a general-purpose branch circuit shall be located a minimum of 10 feet from, but not more than 20 feet, from the inside walls of pools, outdoor spas and hot tubs. This receptacle shall be located not more than 5 feet, 6 inches above the floor, platform or grade level serving the pool, spa or hot tub.
- c) All 125-volt receptacles located with 20 feet of the inside walls of pools and outdoor spas and hot tubs shall be GFCI-protected (Ground Fault Circuit Interface of the 2012 ISPSC).

Underground utility lines – care should be taken when excavating to minimize potential problems with buried gas, water, sewer, and underground electrical lines. Applicants may obtain assistance regarding the location of underground utilities by calling 1-800-DIG-SAFE (1-800-344-7233).

SECTION TWELVE. Entrapment protection.

- Suction outlets must be designed to produce circulation throughout the pool or spa.
- b) Single outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets, whether isolated by valves or other means, shall be protected to not allow entrapment.
- Suction outlets must have a cover that meets the requirements of ANSI/ASME of the 2012 ISPSC, or an 18 inch x 23 inch drain grate or larger, or an approved channel drain system; Exception: Surface skimmers.
- Pool and spa single or multiple outlet circulation systems shall be equipped with atmospheric vacuum relief grate covers should outlet covers become missing or broken. This vacuum relief system shall include at least one approved or engineered method as follows.
 - a) Safety vacuum release system conforming to ASME A 112.19.17 of the 2012 ISPSC.
 - b) An approved gravity drainage system.
- Single or multiple pump circulations systems have a minimum of two suction outlets of the approved type.

A minimum horizontal or vertical distance of 3 feet shall separate the outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum relief protected line to the pump or pumps.
- Where pool cleaning fitting(s) are provided they shall be located in an accessible position(s) at least 6 inches and not more than 12 inches below the minimum operational water level or as an attachment to the skimmer(s).

SECTION THIRTEEN. Draining of Pools.

During pool draining, the discharge should go to the storm sewer. The following options for disposal are acceptable:

Option 1: Irrigate the water on the pool grounds or a nearby area at rates that do not allow the water to run off the irrigated site.

Option 2: Discontinue chlorination of the water for 3-4 days and then discharge the water across a field/large lawn, etc. and allow the water to **slowly, over a couple of days of draining the pool**, make its way to a ditch, street, storm drain, etc.

Discharge from the swimming pools is prohibited from directly entering any natural or improved storm water drainage system. Runoff onto abutting properties will not be allowed.

The pool owner remains responsible for not creating nuisance conditions or public health problems because of the discharge.

SECTION FOURTEEN. Enforcement and Penalties.

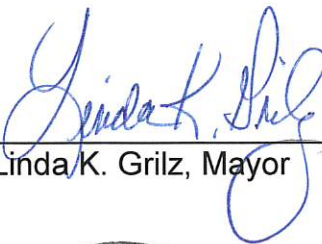
Any person convicted of the violation of any of the provisions of these Sections shall upon conviction thereof be subject to the payment of any restitution medical expense of a victim whether animal or human, any other costs incurred by the city or victim whether animal or human, to all applicable court costs and be fined not less than \$35.00 nor more than \$1,000.00, and that upon any second or subsequent violation shall be fined not less than \$100.00 nor more than \$1,500.00 and or imprisoned for not more than fourteen (14) days. Each consecutive day's violation shall constitute a separate punishable offense.

SECTION FIFTEEN. Separability.

The provisions of this Ordinance are separable and if any provisions, sentence, clause, section, or portion thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not effect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the intent of the governing body that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the Ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

SECTION SIXTEEN. Effective Date. This Ordinance shall take effect upon its adoption and publication in the City's designated newspaper for legal publications.

ADOPTED AND APPROVED by the Governing Body of Frontenac, Kansas, on this 15th day of April, 2019.


Linda K. Grilz, Mayor

(SEAL)

ATTEST:


Terri Kutz, City Clerk

