

VILLAGE OF DANSVILLE
INGHAM COUNTY, MICHIGAN

ORDINANCE NO. 51

PREAMBLE

AN ORDINANCE TO DEFINE SWIMMING POOLS; TO PROVIDE FOR INSTALLATION REQUIREMENTS AND SAFETY BARRIERS; TO PROVIDE PENALTIES FOR VIOLATION OF THE ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

The Village of Dansville, Ingham County, Michigan, ordains:

Section 1. Title.

This Ordinance shall be known as the Village of Dansville Swimming Pool Ordinance.

Section 2. Definitions.

“Swimming pool” shall be defined as any structure for swimming or recreational bathing that contains water over twenty-four inches (24”) deep at any point. This includes above-ground, in-ground and on-ground swimming pools, hot tubs and spas.

Section 3. Installation Requirements.

For a swimming pool located on private property having a depth of more than two (2) feet, the following installation requirements shall apply:

1. The swimming pool shall be constructed only after a permit has been obtained from the Village of Dansville.
2. A vacuum breaker must be installed on any outside faucet that will be used to fill the pool with a hose. For in-ground pools or any pool equipped with a permanent water supply, the filter pipe shall be built with an approved air gap.
3. An electrical permit is required for any lights, outlets or electrical equipment to be installed, including pool filter equipment, and shall be obtained prior to construction.
4. Every person owning land on which there is situated a swimming pool which contains twenty-four inches (24”) or more in depth of water at any point shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area,

sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, shall not be less than four feet (4') above the underlying ground. All gates shall be self-closing and shall have a self-latching device and open outward away from the pool. Access gates shall be equipped to accommodate a locking device. Where the release mechanism if the self-latching device is located less than fifty-four inches (54") from the bottom of the gate: (a) the release mechanism shall be located on the pool side of the gate and at least three inches (3") below the top of the gate; and (b) the gate and barrier shall not have an opening greater than one-half inch ($\frac{1}{2}$ ") within eighteen inches (18") of the release mechanism.

(5) Openings in the barrier shall not allow passage of a four inch (4") diameter sphere. Solid barriers shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

(6) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches (45"), the horizontal members shall be located on the swimming pool side of the fence. Decorative cutouts shall not exceed one and three-fourths inches ($1\frac{3}{4}$ ") in width.

(7) 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 one and three-quarters inches ($1\frac{3}{4}$ ").

(8) Maximum mesh size for chain link fences shall be one and one-quarter inch ($1\frac{1}{4}$ ") square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than one and three-quarters inches ($1\frac{3}{4}$ ").

(9) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches (45") or more, spacing between vertical members shall not exceed four inches (4"). Decorative cutouts shall not exceed $1\frac{3}{4}$ " in width.

(10) Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

a. 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, if present, are opened. The alarm shall sound continuously for a minimum of thirty seconds immediately after the door is opened. The alarm shall have a minimum sound pressure of 85dBA at 10 feet and the sound of the alarm shall be distinctive from other household sounds, such as smoke alarms, telephones, and door bells. The alarm shall automatically reset under all conditions. The alarm shall be equipped with manual means, such as touchpads or switches, to deactivate temporarily the alarm for a single opening from either direction. Such deactivation shall last for not more than fifteen

seconds. The deactivation touchpads or switches shall be located at least fifty-four inches (54") above the threshold of the door; or

- b. The pool shall be equipped with an approved power safety cover.

(11) Where an above-ground pool is used as a barrier or where the barrier is mounted to the top of the pool structure, and the means of access is a ladder or steps, then:

- a. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

- b. The ladder or steps shall be surrounded by a barrier which meets the requirements of the Michigan Residential building Code. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4" sphere.

(12) The following plans must be submitted to the Village of Dansville at the time of permit application:

- a. Above-ground and on-ground pools:

- i. Site Plan:

- a) Show location of pool in reference to property lines, principle building, accessory structure;
 - b) Show location, height and style of enclosures (fences);
 - c) Show location of overhead power lines (distance to pool);
 - d) Indicate location of electrical and pump/filter.

- ii. Pool Plan:

- a) Show description of pool – shape and size;
 - b) Indicate materials used;
 - c) Show supports and height off grade.

- b. In-ground pools:

- i. Site Plan:

- a) Show location of pool in reference to property lines, principle building and accessory structures;
 - b) Indicate materials used;
 - c) Indicate steel layout;

- d) Show electrical grounding;
- e) Provide a sectional view showing depth, location of diving board, steps and ladder;
- f) Show composition and width of walking surface around the pool;
- g) Indicate plumbing and heating.

Section 4. Code Compliance.

The installation and operation of swimming pools as defined by this Ordinance shall at all times comply with the requirements of the Michigan Residential Code, as amended, in addition to the requirements of this Ordinance, and the Michigan Residential Code shall control in the event of conflicting provisions.

Section 5. Severability.

The various parts, sentences, paragraphs, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this Ordinance.

Section 6. Authorized Village Officials.

The Village Building Official and the Village President or his or her designee are hereby designated as the authorized Village officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the Municipal Violations Bureau) for violations of this Ordinance.

Section 7. Municipal Civil Infraction.

A person who violates any provision of this Ordinance or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to a civil fine as established from time to time by Resolution of the Village Council. Nothing in this Section shall be construed to limit the remedies available to the Village in the event of a violation by a person of this Ordinance or a permit.

Section 8. Repealer.

All Ordinances and portions of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 9. Effective Date.

This Ordinance shall become effective after its adoption and publication as required by law.

VILLAGE OF DANSVILLE

By: Carol L. Colburn
Carol L. Colburn, President

And: Cheri Foster
Cheri Foster, Clerk

I, Cheri Foster, Clerk of the Village of Dansville, hereby certify that the foregoing is a true and complete copy of Ordinance No. 51, which Ordinance was duly adopted by the Village Council of the Village of Dansville at a meeting held on the 9th day of October, 2006, and was published in the Community News on the 15th day of October, 2006 as required by law.

Cheri Foster
Cheri Foster, Clerk