

CHAPTER 698

SWIMMING POOLS

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CROSS REFERENCES

Building Code – See Section 1420.01 et seq

Maintenance Code – See Section 1440.01 et seq

Zoning Ordinance – Section 17.12

698.01 PURPOSE

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Evert by regulating the construction of swimming pools.

698.02 APPLICABILITY

This ordinance applies to all permanent swimming pools constructed within the City of Evert.

- a) This ordinance does not apply to temporary swimming pools designed for seasonal use where the outside of the pool is no more than three feet (3) in height and is erected and removed in one summer season. The temporary type pools shall require one of the following devices to prevent access, when not in use.
 - i. A secure cover when not in use
 - ii. Drained when not in use
 - iii. Surrounded by a secure three (3) foot fence.
 - iv. If designed with a ladder, ladder to be removed when not in use.

698.03 SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

698.04 DEFINITIONS

a.) Swimming Pool: Any artificially constructed receptacle for water, or any artificial pool of water having a depth at any point of two feet or more, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment, constructed, installed and maintained in or above the ground, provided that, such private residential swimming pool is maintained by an individual primarily for the sole use of his household and guests.

b.) Private: The swimming pool is not open to the public, is not publicly owned, or not otherwise regulated by the State of Michigan.

698.05 PERMITS

Prior to construction of a swimming pool, a permit must be acquired from the City Manager.

698.06 BUILDING INSPECTOR REQUIREMENTS

Prior to the issuance of a permit for the construction of a private swimming pool, the building inspector may require the submission of drawings, plans, specifications and or site plans for the proposed swimming pool. Such plans shall be drawn to scale and indicate all distances and dimensions, lot lines, walks, patios, fences, water and waste/supply or disposal facilities and any other proposed amenities.

698.07 ZONING REQUIREMENTS

No swimming pool shall be located in a required front or side yard as set forth in the City of Evert Zoning Ordinance.

698.08 PUBLIC WATER SUPPLY

Whenever a private swimming pool is connected to a public water supply, provision shall be made to protect the public water supply from cross-connection or back siphonage.

698.09 WASTE WATER DISCHARGE

No swimming pool shall discharge waste water to a municipal sanitary sewer.

698.10 BUILDING CODE

All swimming pool and appurtenances shall be constructed in such a manner as to be in compliance with the standards set forth in the Building Code for the City of Evert.

698.11 ELECTRICAL & MECHANICAL CODE

All swimming pools and appurtenances shall be constructed in such a manner as to be in compliance with the standards set forth in the plumbing, electrical and mechanical code of the City of Evert.

698.12 EXISTING STRUCTURES CODE

All swimming pools and appurtenances shall be maintained in compliance with the standards set forth in the City of Evert Existing Structures Code.

698.13 MAINTENANCE

All private swimming pools shall be maintained in a clean and sanitary condition, all equipment shall be maintained in satisfactory operating condition during periods of pool use, and further not swimming pool shall be kept if such pool shall constitute a nuisance or be dangerous to life or detrimental to health.

698.14 FENCE

There shall be erected and maintained a good quality fence not less than four (4) feet in height, with posts embedded in concrete at intervals of not more than eight (8) feet, enclosing the entire portion of the premises upon which the pool shall be installed or entirely surrounding an area in which the pool is located.

698.99 ENFORCEMENT AND PENALTIES

- (a) **First Offense** – The first violation of the above rules shall be a civil infraction, punishable by a fine not to exceed \$100.00 plus costs.
- (b) **Second Offense** – The second violation, within a 3-year period, of the above rules, shall be a civil infraction, punishable by a fine not to exceed \$200.00 plus costs.
- (c) **Third Offense** – The third or more violations, within a 3-year period, of the above rules, shall be a misdemeanor punishable by a fine of not greater than \$500.00 plus costs and/or jail sentence not to exceed 93 days in jail.