

**TOWN OF BEAUX ARTS VILLAGE, WASHINGTON
ORDINANCE 187**

AN ORDINANCE governing the construction, maintenance, use of swimming pools, wading pools, hot tubs and saunas, as well as landscape and ornamental pools.

BE IT ORDAINED BY THE COUNCIL OF BEAUX ARTS VILLAGE, WASHINGTON, as follows:

SECTION 1. Purpose. The purpose of this ordinance is to insure public safety by establishing standards of control for the construction, maintenance and use of swimming pools, hot tubs and spas, as well as landscape and ornamental pools in Beaux Arts Village.

SECTION 2. Reference to Ordinance 193 and 204. Ordinance 193, which establishes the building code; and Ordinance 204, which governs zoning; may also govern certain aspects of construction and should be reviewed before proceeding.

SECTION 3. Definitions

Hot Tub: refers specifically to a hydrotherapy unit, normally constructed of wood, designed and assembled in the traditional manner of tubs or casks, with side and bottoms formed of separate boards and the whole shaped to join together by pressure at the surrounding hoops, bands, or rods as distinct from spa units formed of plastic, concrete, metal or other materials.

Landscape and Ornamental Pools: any artificially constructed body of water, either above or below grade, having a depth of more than six inches, whose primary function is for other than swimming, diving or recreational bathing.

Pool Depth: The distance between the floor of pool and the maximum operating water level.

Spa: means a unit primarily designed for therapeutic use which is not drained, cleaned or refilled for each individual. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof. Industry terminology for spa includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, etc.

Swimming Pool: any constructed or pre-fabricated pool used for swimming or bathing, twenty-four (24) inches or more in depth, either above or below grade.

Wading Pool: any constructed or prefabricated pool used for wading which is less than twenty-four inches in depth.

SECTION 4. Building Permit Requirements

4.1 Permit Required

(a) It shall be unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired, or replaced any swimming pool, wading pool, spa, hot tub or ornamental pool; any plumbing, spa or hot tub gas or drainage piping work; or any fixture, swimming

pool heater or treating equipment in a building or premises without first obtaining a building permit to do such work from the Town.

(b) A building permit shall be obtained for the construction and/or installation of each building structure or swimming pool, wading pool, spa, hot tub or ornamental pool.

(c) No person shall allow any other person to do or cause to be done work under a permit secured by a Permittee except persons in his employ.

Unless otherwise exempted by this or other pertinent codes, separate plumbing, electrical and mechanical permits will be required from the appropriate governing authorities.

4.2 Exempted Work. No permit shall be required in the case of any repair work as follows: The stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any trap, drainpipe, soil waste or vent pipe be or become defective and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered as such new work and a permit shall be procured and inspection made as hereinbefore provided. No permit shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

4.3 Application for Permit. Any person legally entitled to apply for and receive a permit shall make such application to the Town Clerk on forms provided for that purpose. He shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The Town Building Official may require plans, specifications or drawings and such other information as he may deem necessary. Application for permits for new construction shall be accompanied by plans in duplicate, and in sufficient detail including the following:

(a) The cost of the proposed work.

(b) Plot plans with site grades dimensioned, and drawn to a scale of not less than one-eighth inches (1/8") per foot, and showing at least the following:

- (1) Property lines, easements, rights-of-way of record, and overhead utilities adjacent to pool area or over the property.
- (2) Existing structures, fencing, retaining walls, and other relevant characteristics adjacent to pool, spa or hot tub area.
- (3) The proposed pool, spa or hot tub shape, dimensioned and located to show setbacks, side yards, and clearance from existing structures adjacent to pool, spa or hot tub area.
- (4) The proposed mechanical equipment pad, dimensions and location as to setbacks and side yards.
- (5) All deck equipment items, if included.
- (6) The proposed deckwork configuration, showing its anticipated drainage;
- (7) The anticipated overall drainage of the pool site.

(c) A structural plan showing at least the following:

- (1) The type of construction, whether gunite, poured concrete) prefabricated, or other.
- (2) The dimensions, including the depth, and adequate crosssections drawn to scale.
- (3) Computations, stress diagrams, and other data sufficient to show the correctness of the plans; including the reinforcing steel schedule and detail.
- (4) A statement by the applicant concerning the anticipated nature of the soil under and around the pool, spa or hot tub structure.
- (5) The interior finish details.
- (6) The pool edge details.

d) A mechanical plan showing at least the following:

- (1) The volume, system flow rate in gallons per minute, and turnover in hours.
- (2) The type and size of filtration system and means of waste disposal.
- (3) The type and size of pool, spa or hot tub heater, if included, including the method of venting and provisions for combustion air.
- (4) The pool, spa or hot tub piping layout with all sizes shown and types of material to be used, and showing the location of the main outlet, surface skimmers, and inlets.
- (5) The rated capacity of the pool pump in G.P.M. at the design head with the size and type of motor indicated and identified as to type of pump.
- (6) The means of adding makeup water.
- (7) The size, length from source to heater and routing of the gas line, if applicable.

If the Town Building Official determines that the plans, specifications, drawings, descriptions, or information furnished by the applicant is in compliance with this Code, he shall recommend approval of the application to the Town Council. The Town Building Official shall further require that permits be obtained by the persons responsible for all of the electrical, plumbing, related utility connections and heating work prior to or in conjunction with issuance of the building permit for the pool, spa or hot tub structure.

The above requirements shall not void any requirements by any other department having jurisdiction.

All plans and documents submitted shall be on substantial paper and shall show the name and address of the person under whose supervision the documents were prepared.

4.4 Application Processing. The permit application will be processed in accordance with Ordinance 174 (Building Code Ordinance), paragraph 4e, or as amended.

4.5 Permit Issuance. The permit will be issued in accordance with Ordinance 174 (Building Code Ordinance), paragraph 4f, or as amended.

4.6 Building Permit Fees. The building permit fees will be in accordance with Ordinance 174 (Building Code Ordinance), paragraph 4g, or as amended.

4.7 Plan Review Fee. A plan review fee will be required in accordance with Ordinance 174 (Building Code Ordinance), paragraph 41, or as amended.

4.8 Fee Refunds. Fee refunds may be authorized in accordance with Ordinance 174 (Building Code Ordinance), paragraph 41, or as amended.

4.9 All Work to Be Inspected. All swimming pool, spa or hot tub installations or alterations thereto including equipment, piping and appliances related thereto shall be inspected by the Town Building Official to insure compliance with all the requirements of this Code.

4.10 Notification. It shall be the duty of the person doing the work authorized by the permit to notify the Town Building Official orally or in writing, that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the person doing the work authorized by the permit, to make sure that the work will stand the test prescribed elsewhere in this code, before giving the above notification.

4.11 Stop Orders. Whenever any work is being done contrary to the provisions of this Code, the Town Building Official or his authorized representative may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Town Building Official to proceed with the work.

4.12 Suspension or Revocation. The Town Building Official may, in writing, suspend or revoke a permit issued under provisions of this Code, whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any provisions of this Code.

SECTION 5. Construction, Operation and Maintenance

5.1 Construction

(a) Adoption of Uniform Swimming Pool, Spa and Hot Tub Code. Construction of swimming pools, spas, hot tubs and site built wading pools will be governed by the 1982 Uniform Swimming Pool, Spa and Hot Tub Code (or as amended), as published by the International Association of Plumbing and Mechanical Officials. This Code and amendments thereto is hereby adopted by reference.

(b) Discharge. Waste water disposal piping size must be considered with care by the Town Building Official so that the discharge rate cannot exceed the capacity of the receptor to which the water will be delivered. A permit establishing the maximum disposal rate allowable and the receptor for each swimming pool, wading pool, spa or hot tub must be obtained from the Town Building Official and kept available on the premises at all times. Disposal may be made to one of the following sources at the discretion of the Town building official.

- (1) Sanitary sewer.
- (2) A drywell with a minimum depth of ten feet.
- (3) Surface or subsurface irrigation (watering).

The Town Building Official shall inspect the premises on which the pool is planned to be constructed in order to determine the proper place and type of connection with the drainage system. Approval shall not be given to discharge water at the curb or upon the surface of any street. Swimming pools shall be initially filled or initially drained only on application and permission from the Town Building Official.

(c) Setbacks. Minimum setback requirements will be governed by the town building and zoning codes for appurtenant structures and/or devices.

(d) Lot Coverage. Swimming pools, wading pools, hot tubs and spas will be considered as impervious surfaces and therefore will be included in the calculation of lot coverage under the requirements of the Building Code.

5.2 Operation and Maintenance

(a) Maintenance. The owners of every private swimming pool shall be responsible for maintaining said pool in such condition as to prevent breaks in the pool chassis or water from the pool overflowing into adjacent public or private property, and shall be liable for any damages so incurred. An adequate filter shall be provided for all swimming pools, wading pools, spas and hot tubs.

(b) Lighting. No artificial lighting shall be maintained or operated in connection with swimming pools in such a manner as to be a nuisance or an annoyance to neighboring properties.

(c) Abatement of Nuisances. Any nuisance or hazard to safety or health which may exist or develop in or in consequence of or in connection with any pool, hot tub, spa, or landscape and ornamental pool, as determined by the Town Council, shall be abated and removed by the owner, lessee or occupant of the premises as directed by the Town Council.

SECTION 6. Fencing Requirements

6.1 Swimming Pools, Wading Pools, Hot Tubs and Spas

(a) Outdoor pools, hot tubs or spas shall be fenced so that unsupervised children and animals cannot enter the area used by bathers. The fencing shall be a solid structure of fence material not less than five (5) feet in height with no opening therein (other than doors or gates) larger than four (4) inches and of a non-climbable design. The said fence or other solid structure shall completely surround such pool, hot tub or spa in such a manner as to minimize the danger of unsupervised children gaining access thereto. All gates or doors opening **through** such enclosure shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such door or gates securely closed at all times when not in actual use. All latches shall be placed at least five (5) feet above the ground or shall be made inaccessible to small children from the outside; provided, however, that the gate or door to any dwelling and forming any part of the enclosure hereinabove required need not be so equipped. Such fencing and latches shall be installed prior to the filling of the pool, hot tub or spa with water for use.

(b) When a pool, hot tub or spa is located within a yard enclosed by a fence which satisfies the requirements of this Code, no fence immediately surrounding said pool, hot tub or spa shall be required.

(c) An alternate method of protection for wading pools, hot tubs and spas may be a locking cover constructed of sturdy material capable of supporting 150 pounds, which cover shall be in place when the pool, tub or spa is not in use.

6.2 Ornamental Pools

(a) Fence Required. Every person, whether as owner, purchaser under contract, lessee, tenant, or licensee in possession of land upon which is situated an ornamental pool shall at all times maintain on the lot or premises upon which such pool is located and completely surrounding such pool, lot or premises a fence or other solid structure designed to prevent small children from inadvertently wandering into the pool. Such fence or other solid structure shall be not less than three feet in height and shall be constructed as follows:

(1) For a fence or other solid structure whose chief covering members are constructed in a vertical direction there shall be no openings in a horizontal direction of more than four inches. For a fence of this type there shall be no more than two horizontal members;

(2) For a fence or other solid structure whose chief covering members are constructed in a horizontal direction there shall be no openings in either a horizontal or vertical direction;

(3) All gates or doors opening through such enclosures shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such doors or gates securely closed at all times when not in actual use. To prevent a small child from opening such door or gate, the latch shall be installed on the pool side of the gate; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure need not be so equipped.

No self-closing gate required by this section shall have a width in excess of four feet. In no event shall a gate which serves as a driveway qualify as a self-closing gate for the protection of ornamental pools under the requirements of this section.

(b) Fence - Waiver of Requirements. The requirements of Paragraph 6-2a relating to a fence or other solid structure surrounding an ornamental pool on all sides may be waived to the extent that the topographical features of the land upon which the pool is constructed or is proposed to be constructed are such as to make the land inaccessible and unapproachable by an unescorted child from any portion thereof which is unfenced and unenclosed.

(c) Alternate Methods of Protection. Notwithstanding any precise requirements of this section, alternate methods of protection and construction of ornamental pools may be utilized, provided such alternative methods meet the same essential safety requirements of this section, and it can be demonstrated that such alternate methods are better suited because of peculiar or unusual circumstances and that it is not practical to meet the precise requirements of this section. Such alternates, however, must meet one of the following criteria:

(1) For one reason or another the ornamental pool is essentially inaccessible and unapproachable by an unescorted child.

(2) The deepest point of the pool is made inaccessible by methods of noncorrosive screening with openings no greater than two inches in diameter or other solid foundation inside the pool, but not deeper than six inches from the top of the lip of the pool; provided, however, that such screening must be of sufficient strength to withstand one hundred pounds of dead weight without breaking or pulling loose from its retaining walls and must be secured in such a manner that it may not be lifted or removed either purposely or inadvertently by a child under seven years of age.

SECTION 7. Enforcement and Penalties. Anyone violating or failing to comply with any of the provisions of this ordinance shall be deemed guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine in the sum of not exceeding five hundred dollars (\$500) or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment; and each day that anyone shall continue to violate or fail to comply with any of the provisions of this ordinance shall be considered a separate offense.

SECTION 8. Repealer. The following ordinances are hereby repealed:

Ordinance No. 55, approved 27 August 1968.

Ordinance No. 119, approved 14 September 1977.

SECTION 9. Limitation. The restrictions, limitations and requirements provided for in this ordinance are in addition to, and not in limitation of, any restrictions, limitations or requirements derived from any contract, deed or covenant pre-existing this ordinance.

SECTION 10. Severability. If any provision of this ordinance, or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to the other persons or circumstances is not affected.

SECTION 11. Effective Date. . This ordinance shall take effect immediately upon its passage by the Town Council.

SECTION 12. Repeal or Amendment of This Ordinance. Before the repeal or amendment of this ordinance the conditions of Ordinance 37, or as amended, and reviewed by the Town's Planning Commission as established by Ordinance 161, or as amended, under RCW 35.63, or as amended, must be met.

PASSED BY the Town Council on this 14th day of June, 1983, and signed in authentication of its passage this 6th day of July, 1983.

Mayor (Ronald A. Adolphson)

ATTEST:

Town Clerk (Susan Amato)