CITY OF GALESBURG
KALAMAZOO COUNTY, MICHIGAN

ORDINANCE 274

AN ORDINANCE TO AMEND CHAPTER 14, ARTICLE III (SWIMMING POOLS) OF THE
GALESBURG CITY CODE OF ORDINANCES; DEFINING ABOVE-GROUND OR PORTABLE
SWIMMING POOLS, AMENDING WATER DEPTH, AND FENCING AND GATE REGULATIONS
PURSUANT TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

THE CITY OF GALESBURG ORDAINS:

ARTICLE I

Sec. 14-33. Construction permit for permanent/below ground pools.

No person shall construct, operate, maintain or use a swimming pool in the first instance, as herein defined, without first having obtained a permit from the city in accordance with the provisions hereof. The application for such permit shall be accompanied by a complete and detailed set of plans and specifications for the swimming pool, including the following: Plot plan; pool dimensions; location and type of waste disposal system; structural calculations and details; fence and gate details. Before any permit shall be issued, such plans and specifications shall be approved by the building inspector. Before any swimming pool shall be used, a final inspection shall be made and written approval obtained from the building inspector. A building permit fee as set by the city council from time to time shall be paid for the permit. All electrical, plumbing or other permits or fees otherwise imposed by the city shall be deemed required in addition thereto.

Sec. 14-34. Above-ground/or portables pools.

No person shall construct, operate, maintain or use an above-ground or portable swimming pool, as herein defined, without first having registered with the City in accordance with the provisions hereof. The application for such registration shall be accompanied by a copy of the specifications of said above-ground or portable pool including the following: Plot plan, pool dimensions, fence and gate details. A registration fee as set by the city council from time to time shall be paid.

Sec. 14-35. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Private* means not public or semiprivate as provided in current swimming pool regulations established by the state department of health.

*Permanent Below Ground Swimming pool* as used herein means a constructed area capable of containing water and of being used for swimming, wading or bathing having a depth of two feet or more at any point.

*Above Ground Swimming or portable pool* as used herein means any contained body of water being used for swimming, wading or bathing having a depth of two feet or more at any point, having no permanent attachment to the ground, and which is readily disassembled and may be moved.
Sec. 14-36. Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Sec. 14-37. Application.
This article shall apply to all pools, except where state regulations are more restrictive, they shall apply.

Sec. 14-38. Construction standards.

(a) Swimming pools shall conform to setbacks as required for accessory structures by the city zoning code. No pool edge shall be located closer than eight feet to any side or rear lot line.

(b) All electrical wiring used on, in or about the premises upon which the pool is located shall conform in all respects with article II of this chapter.

(c) The drain line for the pool may not be directly connected to the City sewer or storm sewer systems.

(d) Pool construction shall be such that all scum, splash and deck water shall not return to the pool except through a filter system.


(a) Swimming pools shall be provided with a potable water supply. The water supply line to the pool shall be protected against back flow of water by means of a fixed air gap of six inches or more above the highest possible water level, or by an approved vacuum breaker installed in an approved manner. All filler pipe shall be located so as to prevent hazards to bathers.

(b) Provisions shall be made for adequate recirculation and filtration of pool water.

Sec. 14-40. Enclosures.

Private swimming pools, hot tubs spas, and artificial ponds containing water more than 24 inches (610 mm) in depth, shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool.

(a) Such fence shall be one of the following types:

(1) Chain link fences with mesh not exceeding 2¼ inches.

(2) Vertical board or pole fences with boards or poles spaced not greater than two inches and all horizontal members shall be on the pool side of the fence.

(3) Solid fences having a flush exterior shall be acceptable.

(b) Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed replaced or changed in a manner that reduces its effectiveness as a safety barrier. (Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.)
(c) Above ground pools or portable pools having a minimum outside vertical height of four feet with the outside of the walls perpendicular to ground level need not be fenced provided there is no climbable stationary object within three feet of the wall except a stairway to the pool. The stairway shall have sides of at least four feet in height covered by the same fencing material as provided in subsection (a) of this section. The area between risers shall be similarly covered to prevent entry onto the stairway except through a gate at ground level conforming to the gate standards of subsection (b) of this section. Other methods of stairway and fence construction may be allowed if approved by the city council and if such methods reasonably prevent unauthorized entry.

(d) All gates shall be kept locked when the pool is not being used by the owners or persons using the pool with the owners' consent.

**Sec. 14-41. Penalties.**
Violations of this chapter shall be punishable as prescribed in section 1-10 of this Code.

**Sec. 14-42. Civil actions.**

The standards herein contained for the construction, operation, maintenance or use of swimming pools shall also be enforceable by suit for injunction, damages or other appropriate legal action.

**ARTICLE II**

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

**ARTICLE III**

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

**ARTICLE IV**

This Ordinance shall take force and effect on 9/30, 2019.
Motion R. Pawlawski; Support L. Marble

CERTIFICATE

I, Karen Bresson, Clerk, for the City of Galesburg, do hereby certify that the foregoing Galesburg Ordinance No. 274 was adopted by the City Council at a regular meeting held on 9/9, 2019, and that the following is a record of the vote of the members of said City Council on said Ordinance.

AYES: Harmon, Pawlawski, Marble, Wortinger, Smith, West

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Karen Bresson
City Clerk