

Charter Township of Shelby

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OUTLINE PROCEDURES FOR PRIVATE RESIDENTIAL OUTDOOR SWIMMING POOL, HOT TUB OR SPA

PERMIT PROCEDURE

A building permit is required by the person or company installing the pool, hot tub or spa. Submit the information indicated below and allow approximately two weeks for plan review and processing. The permit applicant will be contacted when the permit is ready to be picked up. An application fee \$25.00 is required at the time the application is submitted.

- 1) **Permit Application** Complete all applicable sections of application. Missing information will cause delays.
- 2) **Plot Plan (3 copies)** Provide copies of a mortgage survey or scaled drawing that indicates the location of the pool, hot tub or spa. Also, indicate the locations of the safety enclosure (i.e. fence), streets, easements, existing buildings, septic system, and property lines. Provide setback dimensions to all property lines, existing buildings, septic systems, wells, easements, decks, underground/overhead wires, and streets.
Existing and proposed grades at property lines, pool, and existing house must be provided on the plot plan for inground pools.
See the attached example.
- 3) **Construction Plans** Provide detailed plans of the proposed pool, hot tub or spa (see attached swimming pool plan information sheet). Provide brochures if they are available.
Note: Separate permits are required for any fence (if obtained by separate contractor), or deck, and proposed electrical, plumbing, or mechanical work in conjunction with the pool, hot tub or spa.
- 4) **Pool Alarm Affidavit
(For doors w/access
to the pool area)** The affidavit for door alarm(s) or alternative compliance shall be signed by the property owner and contractor and shall be submitted with application.

GENERAL REQUIREMENTS

(see the code for full text and additional requirements)

A. Swimming pools, hot tubs and spas shall be located as follows:

- 1) A minimum of **five (5) feet** from the principal residential structure pursuant to Section 4.04 of the Township Zoning Ordinance.

- 2) Shall not encroach into any easement, including any structural supports. Further, the pool shall not rely on earth within the easement for support.
- 3) Shall be setback a minimum of **five (5) feet** from any side or rear yard property line.
- 4) Shall not be located in a front yard or a side yard abutting a street.
- 5) Shall be setback a minimum of ten feet from any portion of a septic tank/drain field.
- 6) Swimming pools, hot tubs and spas shall be a minimum of **ten (10)feet** horizontally from any Secondary overhead electrical lines and a minimum of **five (5) feet** horizontally from underground electrical lines.
 *** Please see National Electric Code for minimum distance to Primary power lines.***

B. Private swimming pools, spas and hot tubs shall be enclosed with a barrier (i.e. fence) that complies with the following:

- 1) The top of the barrier shall be at least 48 inches (1219 mm) above finished ground level measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between finished ground level and the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above finished ground level, such as an above-ground pool, the barrier shall be at finished ground level, such as the pool structure, or shall be mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the opening between the top surface of the pool frame and the bottom of the barrier shall not allow passage of a 4 inch diameter sphere.
- 2) Openings in the barrier shall not allow passage of a 4-inch (102 mm) diameter sphere.
- 3) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- 4) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 ¾ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 ¾ inches (44 mm) in width.
- 5) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Decorative cutouts shall not exceed 1 ¾ inches (44 mm) in width.
- 6) Maximum mesh size for chain link fences shall be a 1 ¼ inch (32 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1 ¾ inches (44 mm).
- 7) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be not more than 1 ¾ inches (44 mm).
- 8) Access gates shall comply with the requirements of items 1 through 7 of Section AG105.2, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - 8.1 The release mechanism shall be located on the pool side of the gate at least 3 inch (76 mm)

below the top of the gate; and

8.2 The gate and barrier shall not have an opening greater than ½ inch (13 mm) within 18 inches (457 mm) of the release mechanism.

- 9) Where a wall of a dwelling serves as part of the barrier and contains a door that provides direct access to the pool, one of the following conditions shall be met:
- 9.1 The pool shall be equipped with a power cover in compliance with ASTM F1346; or
 - 9.2 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 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. 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 15 seconds. The deactivation touchpads or switches shall be located at least 54 inches (1372 mm) above the threshold of the door.
 - 9.3 Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.
- 10) Where an above-ground pool structure is used as a barrier or where the barrier mounted on top of the pool structure, and the means of access is a fixed or removable ladder or steps, then:
- 10.1 The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
 - 10.2 The ladder or steps shall be surrounded by a barrier which meets the requirement of Section AG105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
- AG105.3 **Indoor Swimming pool.** All walls surrounding an indoor swimming pool shall comply with Section AG105.2, Item 9.
- AG105.4 **Prohibited locations.** Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.
- AG105.5 **Barrier exceptions.** Spas or hot tubs with a safety cover, which complies with ASTM F 1346, as listed in Section AG107, shall be exempt from the provisions of this appendix.

C. Where a fence is used as a barrier, the following additional requirements apply:

- 1) The entire yard, or the entire pool area, shall be completely enclosed by not less than a 4-foot high fence, measured vertically above the underlying grade as described in item B. above. All fences enclosing pools shall be permanently constructed and shall be so designed as to afford complete protection to small children (e.g., not climbable). In addition, pool enclosing fences or barriers shall be constructed to safely withstand a 200-pound horizontal concentrated load on any one-square foot area. The entire pool enclosure shall be perpetually maintained in proper working order, as herein described.

- 2) A fence permit shall be secured prior to or simultaneously with a pool permit. The fence shall be installed in accordance with the Township Fence Ordinance.
- D. The minimum water depth and distance for diving hopper for pools, based upon diving board height above water shall comply with ANSI/NSPI Standards. The last must be verified on final inspection.
- E. Any proposed electrical, plumbing and/or heating shall require the issuance of the appropriate permit, prior to undertaking any such activity.
- F. All swimming pools shall be provided with a recirculating skimming device or overflow gutters to remove scum and foreign matter from the surface of the water (See ANSI/NSPI Standards).
- G. Swimming pools shall be designed and installed so that there is a pool water turnover at least once every 18 hours (ANSI/NSPI - 4 & 5).
- H. At least one means of egress (i.e. steps or ladder) shall be provided from private pools. Treads of steps and ladders shall have slip-resistant surfaces. Where steps are used, the treads and risers shall conform to the following:
1. Step treads shall have a minimum unobstructed horizontal depth of 10 inches and a minimum unobstructed surface area of 240 square inches.
 2. Risers shall have a maximum uniform height of 12 inches as measured at the centerline of the tread.

SPECIAL NOTICE REGARDING DEED RESTRICTIONS AND EASEMENTS

Please be advised that construction activities that are permitted by the Building Department may be further regulated by Subdivision Restrictions or Easement Agreements applicable to the subject property. **In some cases, activities permitted by the Building Department may be prohibited by subdivision restrictions or easement agreements.**

You are strongly advised to check that all current and future lot improvements are in conformance with any applicable subdivision restrictions and easement agreements. Further, you should obtain approval of the subdivision association (if applicable) prior to construction. The laws pertaining thereto generally make the property owner, or agent, responsible for such, and failure to conform may subject you to prosecution.

The installation of doors and other points of ingress and egress in proximity to easements are done at the property owner's risk. No present or future construction and/or lot improvements of any kind shall be permitted within an easement.

To obtain information on recorded subdivision restrictions and easements, the Macomb County Register of Deeds provides the most complete property records and can be reached at (586) 469-5120. In many cases, the Township Clerk's office has copies of restrictions that may apply.

The permit holder is responsible to secure the appropriate approvals for placement of a fence in an easement area and compliance with all applicable subdivision restrictions. **The**

authorization of a permit by the Building Department shall not be construed as authority to violate any easement or subdivision restrictions.

INSPECTIONS

- 1) Steel inspection, if applicable
- 2) Rough Electrical, Plumbing and Mechanical (if applicable)
- 3) Final Electrical, Plumbing and Mechanical (if applicable)
- 4) Final Building (both for pool and fence)

*****PLEASE NOTE*****

***** THE ENCLOSURE AND/OR FENCE APPLICATION MUST BE SUBMITTED
*** PRIOR TO THE RELEASE OF PERMIT.**

DO NOT PLACE WATER IN THE POOL, HOT TUB OR SPA UNTIL THE ENTIRE POOL ENCLOSURE SYSTEM HAS BEEN INSTALLED, INSPECTED AND APPROVED FOR USE BY THE BUILDING DEPARTMENT.

APPLICATIONS NOT ACTIVATED WITHIN (30) THIRTY DAYS WILL BE VOIDED.

PERMITS NOT ACTIVATED WITHIN 60 DAYS WILL BE VOIDED.

PERMITS OR FEES ARE **NOT** TRANSFERABLE OR REFUNDABLE.

Rsvd 04/04