

CITY OF MARTENSDALE

ORDINANCE NO. 03.02.2018

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MARTENSDALE, IOWA  
BY AMENDING PROVISIONS PERTAINING TO SWIMMING POOLS, SPAS OR HOT TUBS

BE IT ENACTED by the City Council of the City of Martensdale, Iowa:

SECTION 1. Chapter 45, Section 33, of the Code of Ordinances of the City of Martensdale, Iowa is repealed and the following adopted in lieu thereof:

45.33 SWIMMING POOL BARRIER REQUIREMENTS.

1. Definition:

A. Swimming Pool. Any structure intended for swimming or recreational bathing capable of containing water over twenty four (24) inches deep. This includes in-ground, above ground and on-ground swimming pools, hot tubs and spas.

2. POOL BARRIER FENCE REQUIREMENTS:

A. Pools Must be Surrounded by a Barrier Fence.

☐ Fences or barriers must be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

☐ The top of the fence or barrier must be at least seventy two (72) inches above the ground measured on the side which faces away from the pool. Such height shall exist around the entire perimeter of the barrier and for a distance of three (3) feet measure horizontally from the outside of the required barrier.

☐ The bottom of the fence or barrier must be no more than two (2) inches from the ground.

☐ There cannot be any holes or openings that would allow a four (4) inch ball to pass through.

☐ Solid fences (i.e. masonry or stone) must not have indentions or protrusions other than those normal for construction.

☐ When fences are constructed of horizontal and vertical members, and the horizontal members are spaced less than forty five (45) inches apart:

- The horizontal members must be located on the pool side of the barrier.
- The vertical member spacing cannot exceed 1 ¾ inches.

- The spacing of decorative cutouts within vertical members cannot exceed  $1\frac{3}{4}$  inches.

☐ When fences are constructed of horizontal and vertical members, and the horizontal members are spaced forty-five (45) inches or more apart:

- The vertical members must be spaced less than four (4) inches apart.
- The spacing of decorative cutouts within vertical members cannot exceed  $1\frac{3}{4}$  inches.

☐ Chain link fences must have a maximum mesh size of  $1\frac{3}{4}$  inch square. Where slats are provided which are fastened at the top and bottom of the fence that will reduce the openings, such openings shall not be more than  $1\frac{3}{4}$  inches.

### 3. SPAS OR HOT TUBS:

A. Spas or hot tubs with a safety cover which complies with ASTM F 1346 are exempt from the pool barrier requirements.

### 4. GATES:

☐ Must meet the same construction requirements as fences.

☐ Pedestrian gates must swing outward from the pool area.

☐ Pedestrian gates must also be self-closing and self-latching and able to accommodate a lock.

☐ Non-pedestrian access gates must be self-latching and be able to accommodate a lock.

☐ Latches must have the release mechanism located at least fifty four (54) inches from the bottom of the gate or must comply with all the following:

- The release mechanism must be located on the pool side of the gate at least three (3) inches below the top of the gate; and
- The gate and barrier must have no opening larger than  $\frac{1}{2}$  inch within eighteen (18) inches of the release mechanism.

### 5. HOUSE WALL BARRIER:

A. Where the wall of a dwelling serves as part of the barrier, one of the following conditions must be met:

☐ The pool must be equipped with a powdered safety cover in compliance with ASTM F 1346; or

② Operable windows having a sill height of less than forty eight (48) inches above the indoor finished floor having direct access to the pool and doors leading to the pool through the barrier must have an alarm which produces an audible warning when the door, window and/or its screen are opened. Alarm deactivation switches must be located at least 54 inches above the threshold of the door; or

② Another means of protection, such as self-closing doors with self-latching devices, which are approved by the Building Official, may be acceptable as long as the degree of protection afforded is not less than the protection afforded by the items listed above; or

② Walls surrounding residential indoor swimming pools must meet these same requirements.

6. EFFECTIVE DATE:

A. These code requirements shall not be at retroactive. Therefore, homeowners will not be required to upgrade their existing swimming pool barrier, of it was permitted and constructed in accordance with previous City Codes. These requirements will apply to all newly constructed barriers and alterations to existing barriers. Although the 2015 International Swimming Pool and Spa Code has not been adopted by the City, the requirements above are found in this Code.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED by the City Council this 7 day of May, 2018, and APPROVED this 7 day of May, 2018.

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Brad Prichard, MAYOR

ATTEST:

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Donna Bahun, CITY CLERK