



## SWIMMING POOLS, SPAS AND HOT TUBS

**APPLICABLE CODES:** City of Miamisburg Planning & Zoning Code and the 2012 International Property Maintenance Code, as adopted by reference in Section 1490.01 of the codified ordinances of the city.

### MIAMISBURG PLANNING & ZONING CODE

Section 1230.08(b)(233) SWIMMING POOL: A pool, pond, lake or open tank containing over 3.5 feet of water at any point and maintained by the owner or manager.

A. Private. Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development or a community, the members and guests of a club or the patrons of a motel or hotel; an accessory use.

B. Community. Operated with a charge for admission; a primary use.

1289.04(g) Swimming Pool Fences. Permanent fencing and gated enclosures are required for all pools in the City. Fence design shall not produce a ladder effect on the outside of the fence facing away from the pool that could aid in unauthorized climbing. Pool fences must include at least one gated exit with a minimum width of 36 inches wide. This exit must open outward and be self-closing and self-latching. The minimum height of pool fences shall be four feet.

### 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE

Section 303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Section 303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. 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.