

**STATE OF GEORGIA
COUNTY OF NEWTON**

ORDINANCE NO. 091917

An Ordinance to provide for the required barrier for residential swimming pools, spas and hot tubs and the adoption of the 2012 International Residential Code, Appendix G; to promote the public health, safety and welfare; and for other purposes.

WHEREAS, effective January 1, 2014, the Georgia State Minimum Standard One and Two Family Dwelling Code was amended to include the International Residential Code for One and Two Family Dwellings, 2012 edition; and

WHEREAS, as part of the amendment, the State did adopt Appendix G "Swimming Pools, Spas and Hot Tubs" as mandatory, effective January of 2014 (hereafter "Appendix G") attached as **Exhibit A**; and

WHEREAS, the County has previously adopted the provisions of the International Residential Code as it applies to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of every building or structure; and

WHEREAS, the County has previously adopted the provisions of the Standard Swimming Pool Code, as amended by the Georgia Department of Community Affairs, for the minimum standards for the design, construction or installation, repair and alterations of swimming pools and equipment related thereto; and

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County; and

WHEREAS, the governing authority of Newton County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

WHEREAS, the Newton County Board of Commissioners (the "Board") finds that it is in the public interest to enact local regulations governing the use of restraining barrier fences surrounding residential swimming pools, spas and hot tubs; and

NOW THEREFORE BE IT RESOLVED by the Newton County Board of Commissioners as follows:

Section 1. Appendix G, attached hereto as **Exhibit A**, is hereby adopted to govern the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling.

Section 2. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section 3. If there is a conflict between any provisions of this ordinance or any other ordinances previously adopted by the Board, the stricter requirements shall apply.

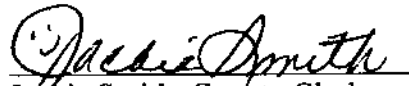
Section 4. This ordinance shall take immediate effect upon its adoption.

So resolved this 19th day of September, 2017.

NEWTON COUNTY BOARD OF COMMISSIONERS


Marcello Banes, Chairman

Attest:


Jackie Smith, County Clerk

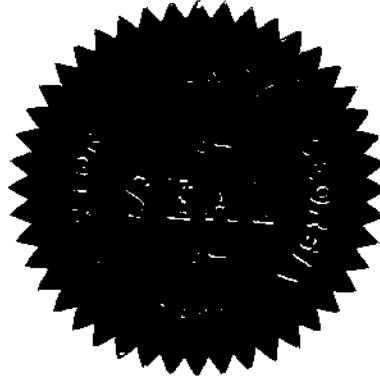


Exhibit A
[Attach Appendix G: Swimming Pools, Spas and Hot Tubs]

APPENDIX G

SWIMMING POOLS, SPAS AND HOT TUBS

(The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.)

SECTION AG101 GENERAL

AG101.1 General. The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the *lot* of a one- or two-family dwelling.

AG101.2 Pools in flood hazard areas. Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Section AG101.2.1 or AG101.2.2.

Exception: Pools located in riverine flood hazard areas which are outside of designated floodways.

AG101.2.1 Pools located in designated floodways. Where pools are located in designated floodways, documentation shall be submitted to the *building official* which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the *jurisdiction*.

AG101.2.2 Pools located where floodways have not been designated. Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the *jurisdiction*.

SECTION AG102 DEFINITIONS

AG102.1 General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling, or a one-family *town-house* not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating *equipment* are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION AG103 SWIMMING POOLS

AG103.1 In-ground pools. In-ground pools shall be designed and constructed in compliance with ANSI/NSPI-5.

AG103.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in compliance with ANSI/NSPI-4.

AG103.3 Pools in flood hazard areas. In flood hazard areas established by Table R301.2(1), pools in coastal high-hazard areas shall be designed and constructed in compliance with ASCE 24.

SECTION AG104 SPAS AND HOT TUBS

AG104.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3.

AG104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6.

SECTION AG105 BARRIER REQUIREMENTS

AG105.1 Application. The provisions of this appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near drownings by restricting access to swimming pools, spas and hot tubs.

AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above *grade* measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of 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 grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow the passage of a 4-inch-diameter (102 mm) 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 $\frac{3}{4}$ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 $\frac{3}{4}$ 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). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 $\frac{3}{4}$ inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2 $\frac{1}{2}$ -inch (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1 $\frac{3}{4}$ 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 not be more than 1 $\frac{3}{4}$ inches (44 mm).
8. Access gates shall comply with the requirements of Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward 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 inches (76 mm) below the top of the gate; and
 - 8.2. The gate and barrier shall have no opening larger than $\frac{1}{2}$ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a *dwelling* serves as part of the barrier, one of the following conditions shall be met:
 - 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;
 - 9.2. 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/or its screen, if present, are opened. The alarm shall be listed and *labeled* in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
 - 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 as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described herein.
 10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
 - 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 requirements of 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. Walls surrounding an indoor swimming pool shall comply with Item 9 of Section AG105.2.

AG105.4 Prohibited locations. Barriers shall be located to prohibit permanent structures, *equipment* or similar objects from being used to climb them.

AG105.5 Barrier exceptions. Spas or hot tubs with a safety cover which comply with ASTM F 1346 shall be exempt from the provisions of this appendix.

SECTION AG106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

AG106.1 General. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7