ORDINANCE NO. 3

AN ORDINANCE TO REGULATE THE LOCATION, CONSTRUCTION, OPERATION AND MAINTENANCE OF PRIVATE SWIMMING POOLS AND TO PROVIDE FOR THE ISSUANCE OF PERMITS BEFORE CONSTRUCTION AND FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

The Charter Township of Grand Rapids Ordains:

Section 1. Definitions. For the purpose of this Ordinance, certain terms are herewith defined:

(a) The term Aswimming pool@ shall mean any artificially constructed pool capable of being used for swimming or bathing, having a depth of more than two (2) feet or more at any point. (Portable wading pools having a depth of less than two (2) feet shall not be considered to be ASwimming pools@.)

(b) APrivate@ shall mean that it is not open to the public, that it is not publicly owned, or not otherwise regulated by the State of Michigan either by statute or by rules or regulations of one of its administrative bodies.

Section 2. Construction Permit.

(a) A permit shall be applied for and issued by the Building Inspector before construction shall begin on any swimming pool. The application for the permit shall be accompanied by a complete and detailed set of plans and specifications of the swimming pool. Before any permit shall be issued such plans and specifications shall be approved by the Building Inspector and before any swimming pool shall be used, a final inspection and approval must be had from the Building Inspector.

Section 3. Regulations.

(a) Swimming pools shall not be constructed in any front yard and, measured from the water=s edge of the pool, shall not be any nearer than seven (7) feet from the side or rear lot lines.

(b) Any electric wire within twenty-five (25) feet from the water=s edge of the pool shall be placed underground and in appropriate conduit approved for such purposes to prevent electricity from being conducted into the water. No electric wires of any kind shall cross or be over the water surface. Any underwater lighting shall be accomplished by the use of methods and materials approved for such purposes.

(c) There shall be no cross-connections of any public water supply with any other source of water supply for the pool. The line from the public water supply to the pool shall be protected against back flow of polluted water by means of an air gap and shall discharge at least six (6) inches above the maximum high-water level of the makeup tank or the pool.

Section 4. Drain Connections.

(a) The drain line for the pool shall be connected to the storm sewer if one is available.

(b) Where a storm sewer is not available, the pool drain may be connected to a sanitary sewer subject to the payment of a reasonable annual service charge for the special sewage disposal and subject to the approval of the Building Inspector and the Township Supervisor.

(c) The construction of the pool shall be made in such a manner that all scum, splash and deck water shall not return to the pool except through the filter system.

Section 5. Sediment, Debris.

The pool shall be kept free at all times of floating material sediment and debris either by an automatic surface skimmer, scum gutter or by some other means approved by the Building Inspector.

Section 6. Re-Circulation.

The entire re-circulating system shall be capable of filtering and re-circulating the entire volume content of the pool during a twelve (12) hour period. The rate of application of pool water on the filters shall not be greater than three (3) gallons per minute per square foot of filter area. The Building Inspector may approve other rates of recirculation or rates of application of water on the filters.

Section 7. Disinfecting Agents. A provision shall be made for positive germicidal or bacterial control by the use of chlorine, cromine or other such disinfecting agents as may be approved by the Building Inspector.

(a) Such disinfecting agents shall be applied to the pool water at a uniform rate.

(b) Provisions shall be made for adjusting the application thereof so as to keep the germicidal or bacterial protection of the water in the pool equal to a standard of 0.5 parts per million to 1.0 parts per million chlorine residual.

(c) Testing devices capable of accurately measuring such residual shall be provided.

Section 8. Fences. All swimming pools as defined in this Ordinance (pools having a depth of at least two (2) feet or more at any point) shall be enclosed by a fence which shall be at least four (4) feet in height of a type not readily climbed by children. However, if the entire yard of the residence is enclosed, then this provision may be waived by the Building Inspector upon inspection and approval of the yard=s enclosure, or if the pool is of a portable type with a waist height of at least four (4) feet above the surrounding ground surface and of such construction as not to be readily climbed by children, then the ends of the fence may be attached to the pool structure and the fence need be erected only around the immediate area of the ladder, and other means of access to the pool. Gates shall be of a self-closing latch type with the latch on the inside of the gate, not readily available for children to open. Pools constructed or erected after the date of this Ordinance shall be enclosed by such a fence before water is placed in the pool. Pools which have been constructed or erected prior to the date of this Ordinance shall be enclosed by such a fence on or before May 1, 1967.

Section 9. Filtration System. All swimming pools shall be required to install and have an approved filtration system.

Section 10. Inspection. The Building Inspector shall have the right at any reasonable hour to inspect any swimming pool for the purposes of determining that all provisions of this Ordinance are fulfilled and complied with.

Section 11. Noise. The owner of the premises upon which a private swimming pool is located shall be responsible to limit the number of persons and guests using the pool at any one time, the hours the pool is used and the conduct of the persons and guests using the pool so that the noise, in relation to the time of the day and the proximity of adjacent houses, will be reasonable and not of substantial detriment to the occupants of such adjacent property.

Section 12. Nuisance. Construction, operation or maintenance of a private swimming pool in violation of the terms of this Ordinance is hereby declared to be a public nuisance.

Section 13. Municipal Civil Infraction

(a) Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than $50.00, plus costs an other sanctions, for reach violation (as authorized by Section 21 of Act No. 359 of the Public Acts of 1947, as amended, and the Grand Rapids Charter Township Municipal Civil Infraction Ordinance).

(b) Repeat offenses under this Ordinance shall be subject to increased fines as provided by this Section, below. As used in this Section, Arepeat offense@ means a second (or any subsequent) violation of the same requirement or provision of this Ordinance (i) committed by a person within any 90 day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than $250.00, plus costs.

(2) The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall be not less than $500.00, plus costs.

(c) Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense subject to separate sanctions.

(d) The Building Inspector is hereby designated as the authorized township official to issue municipal civil infraction citations for violations of this Ordinance, as provided by the Grand Rapids Charter Township Municipal Civil Infraction Ordinance. As used in this Ordinance, ABuilding Inspector@ means the township official, employee, agent or other entity appointed by resolution of the Township Board to perform the functions and tasks assigned by this Ordinance to the ABuilding Inspector.@

(e) In addition to any remedies available at law, the township may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance. **[Section 13 amended 5/3/95 by Ord. No. 325]**Section 14.

Severability. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or subsection is declared to be void or ineffective for any reason, it shall not affect any other part or portion hereof.

Section 15. Effective Date. This Ordinance shall be effective October 3, 1966.

BOCA REGULATIONS (as adopted by Grand Rapids Township)

616.9 Swimming Pool Safety Devices:

Every person owning land on which there is situated a swimming pool, which contains 24 inches (610 mm) or more of water in depth at any point, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, shall be not less than 4 feet (1219 mm) above the underlying ground. All gates shall be self-latching with latches placed 4 feet (1219mm) above the underlying ground and otherwise made inaccessible from the outside to small children.

A natural barrier, hedge, pool cover or other protective device approved by the governing body may be used so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate and latch described herein.