

Memo

To: Village Board

Fr: Mark Roberts, Code and Safety Coordinator

Re: Pool Barriers

Date: August 7, 2014

This summer I have been notified about and have observed several above-ground pools that did not comply with ordinance 26.08 – Swimming Pool Fences. Our ordinance states that a fence must be erected around the pool no less than 50 inches in height, with a maximum gap of four inches, constructed and maintained to prevent unguarded entry of children.

The ordinance furthers states that an above-ground pool that has a self-providing fence is acceptable as long as it's a minimum of six feet in height and can prevent the entry of children.

A problem that arises with this ordinance is that fences do not come in a 50 inch size; they are 36, 48, 60, 72 inch sizes. The International Code Council (ICC) whom sets the regulations concerning pool barriers, states that a barrier must be 48 inches in height. This is not to say a municipality cannot improve on the regulation, but I would suggest that if the Village wants to keep the barrier height over 48 inches, it should read that a fence must be a minimum of five feet (or 60 inches) in height.

A situation I run across with residents is the complaint that their pool is 48 inches in height so they shouldn't need a fence. According to ICC, as well as International Building Codes (IBC) International Residential Code (IRC) and the International Swimming Pool and Spa Code (ISPSC), an above-ground or on-ground pool that is 48 inches in height meets the requirements for a barrier. This has to be in conjunction with the ladder or stairs being removable or being able to be locked and secured from entry. The IRC also requires a pool alarm be installed to alert residents when person is in the water, but this is not an ICC requirement.

I have scanned copies of the regulation which are available upon your request.

Village Board is asked to make suggestions to allow for changes to the Fence ordinance.

26.08 SWIMMING POOL FENCES.

- A. Barriers around a swimming pool are deemed to be necessary for the safety of children, shall be erected to comply with the provision of other applicable ordinances, shall be deemed to be fences, and shall be permitted subject to the provisions of this chapter.
- B. All outdoor swimming pools, hot tubs, wading pools, ponds, and spas having a depth of 18 inches or greater, existing and hereafter constructed shall be isolated from adjoining properties by a fence no less than 50 inches in height, with a maximum gap of four inches, of good appearance, and which is constructed and maintained so as to prevent the unguarded entry of small children. Any gate leading from the pool area to any open adjoining property shall be constructed with a latch so as to be capable of being locked, and shall be closed and secured so as to prevent unlatching by persons outside the pool area when the pool is not in use. An above-ground pool with self-providing fencing is deemed to comply with the provisions of this section providing that such self-provided fence is a minimum of six feet in height, is sufficient to prevent the unguarded entry of small children, and conforms to all other applicable ordinances of the Village. No fence shall be required for spas or hot tubs with a safety cover complying with ASTM F1346 which is closed when not in use.