

ORDINANCE 08-04
TOWN OF TOWNSEND
POOLS, SPAS & HOT TUBS

An ordinance to regulate installation and construction of in-ground /above ground pools along with spas and hot tubs including fencing, decking and electrical components.

BE it enacted by the Town of Townsend.

The Town of Townsend shall adopt the following requirements for any and all pools/spas/hot tubs over 24 inches tall.

A permit from the Town of Townsend must be obtained for any and all pools/spas/hot tubs prior to installation.

A certificate of occupancy must be issued by the Town of Townsend prior to the use of any pools/spas/hot tubs.

The following rules and fees schedule shall be set forth for all pools / spas/hot tubs:

SECTION 1

IN-GROUND POOLS

- A. A plot plan or mortgage survey must accompany permit application outlining placement of pool.**
- B. A copy of pool sales brochure, plans, etc. for the description of pool.**
- C. All pools must meet electrical requirements governed by the State of Delaware. Installation and extension of lines must be done only by a licensed electrician. Electrical inspection**

sticker must be in place at the time of the inspection for the Certificate of Occupancy.

- D. Lines & Grades must be reviewed prior to any permit being issued. Must meet maximum lot coverage for your zoning. Pool may only be located in rear yard. Must be within set back requirements and no more than 40% of your yard can be impervious surface.**
- E. Perimeter Barrier and Gate- All pools must have a barrier around the perimeter of the pool that prevents access. The barrier must completely surround the pool and the top must be at least 48 inches above grade at all points. This requirement also applies to the gate that limits access to the ladder or steps used to enter the pool. In addition, the maximum clearance between the ground (grade level) and the bottom of the gate must be no more than 2 inches. The gate must open outward, away from the pool, and be self-closing with a self-latching device and shall be equipped to accommodate a locking device located on the outside (entry side) of the gate. If it is more than 54 inches above grade, it must be positioned on the inside (pool side), at least three inches below the top of the gate.**

SECTION 11

ABOVE GROUND POOLS

- A. A plot plan or mortgage survey must accompany all permit applications outlining placement of pool.**
- B. A copy of pool sales brochure, plans, etc. for the description of pool.**
- C. All pools must meet electrical requirements governed by the State of Delaware. Installation and extension of lines must be done only by a licensed electrician. Electrical inspection sticker must be in place at the time of the inspection for the Certificate of Occupancy.**
- D. Perimeter Barrier and Gate- All pools must have a barrier around the perimeter of the pool or yard that prevents access. The barrier must completely surround the pool or yard and the top must be at least 48 inches above grade at all points. This requirement also applies to the gate that limits access to the ladder or steps used to enter the pool. In addition, the**

maximum clearance between the ground (grade level) and the bottom of the gate must be no more than 2 inches. The gate must open outward, away from the pool, and be self-closing with a self-latching device and shall be equipped to accommodate a locking device may be located on the outside (entry side) of the gate if it is more than 54 inches above grade, it must be positioned on the inside (pool side), at least three inches below the top of the gate. If the pool has a barrier fencing attached, the entrance (ladder) shall be secured by a locking ladder. In the event of steps than the entrance shall be secured by a barrier as above.

- E. **Pool Decks-** If your pool will have a deck, or be connected to another structure, the following requirements must be met. Pre-fabricated decks, supplied by the manufacturer, do not require a separate permit. They must, however, be installed in strict adherence with the manufacturer's approved installation guidelines and must be properly anchored to prevent uplift by the wind or other forces. Custom or site-built decks require a separate permit and must meet all applicable building and construction codes. Specifically, the deck must be supported on pier foundations that extend at least 36 inches below grade level. If the deck floor is more than 30 inches above grade, it must be encircled by guard rails with tops that are at least 36 inches above the deck's floor surface. If the pool deck is connected in any way to an existing deck or structure, the structure must meet all current building codes and zoning rules. The stairs or ladders leading to the deck must be protected by a 48 inch high, properly designed safety gate.

SECTION III

SPAS & HOT TUBS

- A. A plot plan or mortgage survey must accompany all permit applications outlining placement of spa/hot tub.
- B. A copy of spa/hot tub sales brochure, plans, etc for the description of item.
- C. All spas/hot tubs must meet electrical requirements governed by the State of Delaware. Installation and extension of lines

must be done only by a licensed electrician. Electrical inspection sticker must be in place at the time of the inspection for the Certificate of Occupancy.

- D. Perimeter Barrier and Gate-** If the spa/hot tub has a locking cover no fencing is required. If no locking cover then a fence will be required around the perimeter of spa/hot tub or the enclosure of the yard. The enclosure must completely surround the spa/hot tub or yard and the top must be at least 48 inches above grade at all points. This requirement also applies to the gate that limits access to the ladder or steps used to enter the spa/hot tub. In addition, the maximum clearance between the ground (grade level) and the bottom of the gate must be no more than 2 inches. The gate must open outward, away from the spa/hot tub, and be self-closing with a self-latching and shall be equipped to accommodate a locking device located on the outside (entry side) of gate. If it is more than 54 inches above grade, it must be positioned on the inside (spa/hot tub), at least three inches below the top of the gate.
- E. Foundation-** No addition permits required for foundation providing the foundation is to encompass the area of the spa/hot tub only. If additional area to surround spa/hot tub then a separate permit will be required and must meet all building and construction codes.

SECTION IV

PERMIT FEES

A. In-ground pools	100.00
B. Lines & Grades Review	350.00
C. Above-ground pools	50.00
D. Spas/Hot tubs	50.00
E. Administration Fee (ALL)	50.00
F. Certificate of Occupancy (ALL)	40.00

SECTION V

CONDITIONS OF PERMIT APPROVAL

- A. Verification of Taxes and fees. We will verify that all town taxes and other fees are up-to-date prior to processing your permit application.**
- B. Building Contractor Registration.- Anyone involved with the construction, installation or placement of above-ground/in-ground pools, hot tubs and spas MUST be a registered General Contractor with The Town of Townsend. Please call the Town Hall to verify if your contractor is registered and current.**

First & Second Reading	June 4, 2008
Public Hearing	June 4, 2008
Third & Final Reading	July 2, 2008
Approved by Council	July 2, 2008

Signed by

Mayor of Townsend