

RESIDENTIAL SWIMMING POOLS



MIAMI COUNTY, KANSAS
BUILDING INSPECTION DEPARTMENT
201 South Pearl Street Paola, Kansas 66071- 1777
Phone: (913) 294-4145
Fax: (913) 294-9545
www.miamicountyks.org

*Miami County's Mission is to provide the Community with professional services and effective use of resources through responsive, interactive and progressive government;
To safeguard community trust and funding; and
To promote and enhance the highest possible quality of life, while respecting individual rights and human dignity.*

“This institution is an equal opportunity provider and employer.”

HOW DO I GET STARTED?

Preliminary issues which can be addressed prior to an application for a building permit being made in order to save time during the plan review and permitting process are explained below.

- **Zoning;**

- Is the property zoned for how I intend to use my building?**

- If the intended use of a building is planned for anything other than normal residential accessory or agricultural use, you should contact the Miami County Planning Department at 913-294-9553 to discuss the proposed use. If the intended use is for any type of commercial or industrial activity including the storage of contractors equipment, commercial trucks, or the repair or servicing of commercial equipment may require special zoning.

- **Wastewater Treatment:**

- A swimming pool, either inground or above ground, cannot be installed within 15 feet of a septic tank or any part of the absorption field. If you have any questions, please contact the Miami County Environmental Health Department at (913) 294-4117.

WHAT INFORMATION IS NEEDED TO APPLY FOR A BUILDING PERMIT?

Applications for building permits shall contain the following information in order to be considered acceptable for review:

1. A completed application form with all requested information provided.
2. A copy of the deed to the property with a full legal description included
3. Signed letters, copies of contracts or affidavits from each contractor that will perform work that requires a license on the swimming pool installation.
4. Completed affidavit from property owner acknowledging requirements for barrier enclosing pool.
5. Two (2) site plans prepared in accordance with enclosed standards.
6. Two (2) full sets of building plans and swimming pool equipment specifications.

SITE PLANS

A site plan is generally not required to be prepared by a registered surveyor, however when a proposed building is planned to be within ten feet (10') of a setback required by regulations or a parcel is less than one-hundred feet (100') in width a site plan and construction staking shall be required to be prepared by a registered surveyor. The county reserves the right to require a professionally prepared site plan and construction staking of a proposed building site whenever conditions warrant.

Site plans that do not show the information that is requested will be rejected during plan review and the site plan will be required to be prepared to acceptable standards, either by an individual or by a registered surveyor.

Site plan requirements:

- ◆ Site plans shall be drawn on paper adequate in size to accurately reflect the parcel and existing conditions and proposed construction as required.
- ◆ Site plans shall be drawn to scale and the scale shall be shown on the plans.
- ◆ North shall be indicated by an arrow on the drawing.
- ◆ Show the dimensions of all property lines and indicate the area or size of the property in acres or square feet.
- ◆ Indicate the location of public or private roads and show the name or number of the road.
- ◆ The location of any creeks, streams or drainage ditches and the boundaries of any flood hazard zone.
- ◆ The location of any utilities and recorded easements if known.
- ◆ The location of all existing buildings with the distance shown between building and property lines. The use and dimensions of existing buildings shall be indicated on the site plan.
- ◆ The approximate location of the septic tank, lateral field, lagoon or other component of a private sewage disposal system; buildings or access drives shall not be placed over septic tanks or disposal fields and proposed buildings shall maintain the required minimum setbacks.
- ◆ The location of proposed swimming pool and required barrier with the distance between the proposed swimming pool and existing structures and property lines shown.

The following requirements are taken from the 2006 edition of the *International Residential Code®* as adopted by Miami County.

SECTION AG105 - BARRIER REQUIREMENTS

AG105.1 Application. The provisions of this chapter 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.

Definitions:

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

HOT TUB. See "Swimming pool."

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 over 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.

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 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 $\frac{1}{4}$ -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 Section AG105.2, 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 (13 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; or
 - 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 in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a

manual means, such as touch pad or switch, to temporarily deactivate the alarm for a single opening. Deactivation shall last for not more than 15 seconds. 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 so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.
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 Section AG105.2, 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 Section AG105.2, Item 9.

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 complies with ASTM F 1346, as listed in Section AG107, shall be exempt from the provisions of this appendix.

FREQUENTLY ASKED QUESTIONS

- Q. Are the plans required to be prepared or be sealed by an architect?**
- A. Generally, plans for construction work involving single family dwellings are not required to be prepared by an architect or engineer, however, some special features that are not covered by the prescriptive requirements of the applicable codes may require a design to be prepared by a Kansas Registered Design Professional. You may bring concept drawings into the Building Inspection Office for a consultation with a member of the Building Inspection staff prior to submitting a permit application.
- Q. How long does it take to obtain a building permit?**
- A. A full review of the plans and specifications will be completed by the departments and agencies responsible for checking the project for compliance with applicable codes and regulations. Depending on the complexity of the project and completeness of plans and specifications an answer usually can be given within five working days. During peak construction periods this time frame may be exceeded so please allow ample time when making application for a building permit.
- Please keep in mind that the more concise and complete your plans are, the faster it is to complete the review of your project and the easier it is for us for us to help you prevent costly errors and omissions once your project is underway.*
- Q. What work requires licensed contractors?**
- A. Generally property owners may perform any type of work on buildings that they own and personally occupy or propose to occupy. Individuals or companies that act as building contractors in Miami County are required to be licensed. Licensing is required for general contractors, framing contractors, roofing contractors, foundation contractors, concrete flatwork contractors, electrical contractors, plumbing contractors and HVAC contractors.
- Q. What codes have been adopted by Miami County?**
- A. Miami County currently enforces the provisions of the 2006 edition of the *International One and Two Family Dwelling Code*®, 2006 edition of the *International Building Code*®, the 2006 edition of the *International Plumbing Code*®, the 2006 edition of the *International Mechanical Code*®, the 2006 edition of the *International Fire Code*® and the 2005 edition of the *National Electrical Code*®.
- Most code provisions that will apply to a swimming pool installed for a single family residence can be found in the 2006 edition of the *International One and Two Family Dwelling Code*®.
- Q. Where can I obtain a copy of the Building Codes adopted by Miami County?**
- A. Copies of the Uniform Codes or the International Residential Code may be obtained from the International Code Council by phone at 1-800-786-4452 or can be ordered online at www.iccsafe.org/store.
- Q. What will my building permit cost?**
- A. Permit fees for swimming pool installations at one and two family dwellings are \$100.00 for an above ground pool and \$200.00 for an inground pool. Additional fees may apply if other buildings or structures associated with the pool are planned.

Q. What type of inspections are required?

A. A complete listing of required inspections will be included with the building permit. A related handout is available on request outlining required inspections and procedures for making inspection requests.

Q. How is my property zoned? What uses are allowed on the property?

A. Contact the Planning and Development Department at (913) 294-9553 for details and have the legal description, including the Section, Township and Range of the property available when calling.

Q. How close to a property line can I place a swimming pool?

A. The minimum setbacks depend on the Zoning District in which the parcel of land is located. Contact the Planning and Development Department at (913) 294-9553 for details and have the legal description, including the Section, Township and Range of the property available when calling.

Q. Do I have to install a fence or barrier around my swimming pool?

A. Yes. Appendix G, Section AG105 of the 2006 *International Residential Code*® requires barriers to be placed around swimming pools.

Q. How close to an existing onsite wastewater treatment system can I install a swimming pool?

A. Both above ground and inground swimming pools must be located at least 15 feet from and septic tank or any part of the absorption field. Special care should be taken to not disturb any part of an absorption field by excavating, running equipment or placing fill on top of the field during the installation of a swimming pool or the system may be damaged and require substantial repair or replacement. Contact the Environmental Health Department at (913) 294-4117 for further details.

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AFFIDAVIT

I, _____, (herein after referred to as affiant), first being duly sworn upon my oath, state that I/we am/are the owner(s) of that certain real property described as:

Affiant, states that he/she/they is/are constructing an **inground / above ground** swimming pool at the residence on the aforesaid property and that a barrier complying with Section AG105 of the 2006 edition of the International Residential Code as adopted by Miami County will be erected prior to allowing the swimming pool to be filled with water.

Affiant acknowledges that failure to erect the required barrier prior to filling the swimming pool with water constitutes a building code violation punishable by A FINE UP TO ONE THOUSAND (\$1,000.00) DOLLARS FOR EACH BUILDING CODE VIOLATION, AND EACH DAY THE VIOLATION IS ALLOWED TO CONTINUE SHALL CONSTITUTE A SEPARATE OFFENCE.

IN TESTIMONY, THEREOF, I the undersigned owner(s) have caused this instrument to be executed this _____ day of _____, 20_____.

SIGNATURE

.....
State of Kansas}
County of Miami} SS.

BE IT REMEMBERED that on this _____ day of _____, 20_____, before me came _____, who is personally known to me to be the same person who executed the foregoing instrument of writing and such person does duly acknowledge the execution of the same for himself/herself and for the purposes set forth herein.

Notary

Commission Expires