

RESIDENTIAL SWIMMING POOLS



MIAMI COUNTY, KANSAS
BUILDING INSPECTION DEPARTMENT

201 South Pearl Street Paola, Kansas 66071-1777

Phone: **(913) 294-4145**

Email: **comdev@miamicountyks.org**

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 twenty feet (20') 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 2018 edition of the *International Swimming Pool and Spa Code*® as adopted by Miami County.

Section 101.2 – SCOPE:

The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair, and maintenance of aquatic recreation facilities, pools and spas. The pools and spas covered by this code are either permanent or temporary and shall be only those that are designed and manufactured to be connected to a circulation system that are intended for swimming, bathing, or wading.

SECTION 305 - BARRIER REQUIREMENTS

305.1 General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a power safety cover that complies with ASTM F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Section 305.2 through 305.7

305.2 Outdoor Swimming Pools and spas. Outdoor pools and spas and indoor swimming pools shall be All outdoor aquatic vessels shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7.

305.2.1 Barrier height and clearances. Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of three (3) feet (914 mm) measured horizontally from the outside of the required barrier.
2. The vertical clearance between grade and the bottom of the barrier shall not exceed 2 inches (51 mm) from grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the pool or spa.
3. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed 4 inches (102 mm) where measured on the side of the required barrier that faces away from the pool or spa.
4. Where the top of the pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the pool or spa structure. Where the barrier is mounted on the top of the pool or spa, the vertical clearance between the top of the pool or spa and the bottom of the barrier shall not exceed 4 inches (102 mm).

305.2.2 Openings. Openings in the barrier shall not allow passage of a 4-inch-diameter (102mm) sphere.

305.2.3 Solid barrier surfaces. Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.

305.2.4 Mesh restraining barrier/fence. Mesh fences, other than chain link fences in accordance with Section 305.2.7, shall be installed in accordance with the manufacturer's instructions and shall comply with the following:

1. The bottom of the mesh fence shall be not more than 1 inch (25 mm) above the deck or installed surface or grade.
2. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not permit the fence to be lifted more than four (4) inches (102 mm) from grade or decking.
3. The fence shall be designed and constructed so that it does not allow passage of a 4-inch sphere under any mesh panel. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall be not greater than four (4) inches (102 mm) from grade or decking.
4. An attachment device shall attach each barrier section at a height not lower than 45 inches (1143 mm) above grade. Common attachment devices include, but are not limited to, devices that provide the security equal to or greater than that of a hook-and-eye-type latch incorporating a spring-actuated retaining lever such as a safety gate hook.
5. Where a hinged gate is used with a mesh barrier, the gate shall comply with Section 305.3.
6. Patio deck sleeves such as vertical post receptacles that are placed inside the patio surface shall be of a nonconductive material.
7. Mesh fences shall not be used on top of on ground *residential* pools.

305.2.5 Closely spaced horizontal members. 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 pool or spa side of the fence. Spacing between vertical members shall not exceed 1¾ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ inches (44 mm) in width.

305.2.6 Widely spaced horizontal members. 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 1¾ inches (44 mm) in width.

305.2.7 Chain link dimensions. The maximum opening formed by a chain link fence shall be not more than 1¾ inches. Where the fence is provided with slats fastened at the top and bottom which reduces the openings, such openings shall be not more than 1¾ inches.

305.2.8 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be not greater than 1¾ inches (44 mm). the angle of diagonal members shall be not greater than 45 degrees (0.79 rad) from vertical.

305.2.9 Clear Zone. There shall be a clear zone of not less than 36 inches (914 mm) between the exterior of the barrier and any permanent structures or equipment such as pumps, filters and heaters that can be used to climb the barrier.

305.2.10 Poolside Barrier Setbacks. The pool or spa side of the required barrier shall be not less than 20 inches (508 mm) from the water's edge.

305.3 Gates. Access gates shall comply with the requirements of Sections 305.3.1 through 305.3.3 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool or spa, shall be self- closing and have a self-latching device.

305.3.1 Utility or Service Gates. Gates not intended for pedestrian use, such as utility or service gates, shall remain locked when not in use.

305.3.2 Double or multiple gates. Double gates or multiple gates shall have not fewer than one leaf secured in place and the adjacent leaf shall be secured with a self-latching device. The gate and barrier shall not have openings larger than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. The self-latching device shall comply with the requirements of section 305.3.3.

305.3.3 Latches. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from grade, the release mechanism shall be located on the pool or spa side of the gate at least 3 inches (76 mm) below the top of the gate, and the gate and barrier shall not have openings greater than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

305.4 Structure wall as a barrier. Where a wall of a dwelling or structure serves as part of the barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be *listed* and *labeled* as a water hazard entrance alarm in accordance with UL 2017. In dwellings or structures not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor. In dwellings or structures required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.
2. A safety cover that is *listed* and *labeled* in accordance with ASTM F1346 is installed for the pools and spas.
3. An *approved* means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by item 1 or 2.
4. Openings created by the securing, locking or removal of ladders and steps do not allow the passage of a 4-inch (102 mm) diameter sphere.
5. Barriers that are mounted on top of on ground *residential* pool walls are installed in accordance with the pool manufacturer's instructions.

305.5 Onground residential pool structure as a barrier. An Onground residential pool wall structure or a barrier mounted on top of an on ground residential pool wall shall serve as a barrier where all of the following conditions are present:

1. Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of Section 305.2 and the pool manufacturer allows the wall to serve as a barrier.
2. Where a barrier is mounted on top of the pool wall, the top of the barriers not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of Section 305.2
3. Ladders or steps used as means of access to the pool are capable of being secured, locked or removed to prevent access except where the ladder or steps are surrounded by a barrier that meets the requirements of Section 305.
4. Openings created by the securing, locking or removal of ladders and steps do not allow the passage of a 4-inch (102 mm) diameter sphere.
5. Barriers that are mounted on top of on ground residential pool walls are installed in accordance with the pool manufacturer's instructions.

305.6 Natural barriers. In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge a minimum of eighteen (18) inches, a barrier is not required between the natural body of water shoreline and the vessel.

305.7 Natural topography. Natural topography that prevents direct access to the pool or spa area shall include but not be limited to mountains and natural rock formations. A natural barrier approved by the governing body shall be acceptable provided that the degree of protection is not less than the protection afforded by the requirements of Sections 305.2 through 305.5.

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 required to be prepared by an architect or engineer.

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

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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 2018 edition of the *International Residential Code for One and Two Family Dwellings*®, 2018 edition of the *International Building Code*®, the 2018 edition of the *International Plumbing Code*®, the 2018 edition of the *International Mechanical Code*®, the 2018 edition of the *International Fire Code*® and the 2017 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 2018 edition of the *International Residential Code for One and Two Family Dwellings*® and the 2018 edition of the *International Swimming Pool and Spa 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.

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.

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

- A. Yes. **Section 305** the 2018 edition of the *International Swimming Pool and Spa Code*® as adopted by Miami County requires barriers at all pools and spas.

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.

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 305 of the 2018 edition of the *International Swimming Pool and Spa 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