

ORDINANCE MC35-07

AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE 2006 INTERNATIONAL BUILDING CODE AND AMENDMENTS AND ADDITIONS THERETO; THE 2006 INTERNATIONAL RESIDENTIAL CODE AND AMENDMENTS AND ADDITIONS THERETO; THE 2006 INTERNATIONAL EXISTING BUILDING CODE AND AMENDMENTS AND ADDITIONS THERETO; AND FOR THE REPEAL OF ALL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

BE IT ORDAINED BY MINNEHAHA COUNTY, SOUTH DAKOTA:

3109.1 General. Swimming pools shall comply with the requirements of this section and other applicable sections of this code. These requirements shall be applicable to all new swimming pools hereafter constructed and shall apply to all existing pools which have a depth of 18 inches or more of water. No person in possession of land within the unincorporated area of the county, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool having a depth of 18 inches or more shall fail to provide and maintain such a fence or wall as herein provided. The fence or wall shall be installed, inspected, and approved prior to filling with water.

Exception: A property which meets all of the following standards and has an outdoor swimming pool shall be exempt from the requirements of Sections 3109.4.1 & 3109.4.7. 1. The property is not within a residential zoning district. 2. The property is not located within a platted subdivision of five or more lots. 3. The swimming pool is greater than 500 feet from any dwelling other than a dwelling located on the same property.

3109.2 Definition. The following word and term shall, for the purposes of this section and as used elsewhere in this code, have the meaning shown herein.

SWIMMING POOLS. Any structure intended for swimming, recreational bathing, or wading that contains water over 18 inches (457 mm) deep. This includes in-ground, above-ground, and on-ground pools; hot tubs; spas, and fixed-in-place wading pools.

3109.4.1 Barrier height and clearances. The top of the barrier shall be at least 42 inches (1,066 mm) above graded measured on the side of the barrier that 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 that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

3109.4.4 Modifications. Modification in individual cases, upon a showing of good cause with respect to height, nature, or location of a fence, wall, gates, or latches, or the necessity thereof, may be made by the building official, provided the protection as sought hereunder is not reduced thereby. The building official may grant permission for other protective devices or structures to be used as long as the degree of protection afforded by this substitute device or structure is not less than the protection afforded by the wall, fence, gate, and latch described herein. A reasonable period within which to comply the requirements of this section for existing swimming pools shall be allowed, which period shall not exceed 90 days after notification by the building official.

3109.4.5 Spas and Hot Tubs Exception. A self contained spa or hot tub equipped with a listed safety cover shall be exempt from the requirements of 3109.4.1 & 3109.4.7.