

Town of Lovettsville

TOWN COUNCIL PUBLIC HEARING

STAFF REPORT

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| ITEM IDENTIFICATION | LVZA 2010-0003 Outdoor Swimming Pools |
| TYPE OF ITEM | Zoning Ordinance Amendment |
| DATE OF HEARING | June 24, 2010 |
| APPLICANT | Town of Lovettsville |
| PURPOSE | To provide a staff evaluation of need for modifying the swimming pool regulations in the Zoning Ordinance and provide the Planning Commission recommendation for this item. |

BACKGROUND: On February 11, 2010 the Town Council directed staff and the Zoning Administrator to develop an evaluation of the private outdoor swimming pool regulations because it is not practical to enforce all of the current regulations. The Council voiced interest in simplifying the regulations so that they only address the visual impact of swimming pools on adjacent properties. An ordinance amendment would remove those provisions that currently require the Town to undertake electrical inspections and enforce safety aspects. These particular regulations are already controlled through the County building permit process, which is required by the County for swimming pools in the Town as well as the County. The Council wants to modify the Town regulations so they are similar to County regulations for swimming pools and do not duplicate the County regulations. On May 5 the Planning Commission discussed the issues raised by staff regarding changes in the outdoor residential swimming pool regulations and discussed in general terms the staff's recommendation for amending the current Zoning Ordinance regulations. The Commission held a public hearing for this item, June 2, 2010.

An advertisement for the Town Council public hearing of this item is appearing in the June 11 and June 18 issues of the Purcellville Gazette.

DISCUSSION:

The current Zoning Ordinance regulations for private outdoor swimming pools are in Article 4 General Regulations, Section 4-8 PRIVATE OUTDOOR SWIMMING POOLS, and read as follows:

“A location permit shall be granted for the installation or construction of a private outdoor swimming pool on the same lot as the principal residence, subject to the following conditions:

- (a) Such pool may be erected on the required rear yard but not in the required side or front yard.
- (b) The edge of such pool shall not be located nearer than ten (10) feet to any lot line.
- (c) Any pool with a surface of one hundred fifty (150) square feet or more or a depth in excess of two (2) feet shall be completely surrounded by a fence or wall six (6) feet in height designed to prevent access thereto by small children and animals.
- (d) All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-latching gate to prevent unauthorized use of the pool.
- (e) All electrical wiring used in conjunction with such pool shall be installed below the ground or in a conduit to the nearest point of use. All wiring shall be waterproof. All connections shall be waterproof. All electric motors, lights, pumps, and like items shall be properly grounded.”

The following issues pertain to streamlining the regulations for outdoor residential swimming pool:

1. The subject heading for swimming pools in the Zoning Ordinance could more precisely fit the type and location of swimming pools that should be regulated. Regulating only private swimming pools excludes swimming pools in commercial and light industrial districts and those owned by public agencies, such as the Loudoun County Parks, Recreation and Community Services agency that owns and operates the Lovettsville Community Center and its pool.
1. The introductory paragraph of Section 4-8 of the Zoning Ordinance should identify what type of pool would be subject to regulation. One option would be to do this as Loudoun County does. The County building permit process required for outdoor swimming pools only regulates those pools where the water depth is two feet or more without regard to area of the water surface. The Town regulation does not regulate a swimming pool if it has a surface area of less than 150 square feet. It can be argued that it is the depth of a swimming pool, not its surface area that presents a potential safety risk. The Town and County regulations do not coincide in this respect.
2. The Town Zoning Ordinance does not indicate if temporary pools or in-ground or above ground outdoor swimming pools are regulated. Some homeowners have permanent pools and some have inflatable pools that are deflated part of the year. Regulations for outdoor in-ground, above ground, permanent and temporary pools all can have a visual impact on adjoining residential properties. The Town Zoning Ordinance regulations could be improved by making it clear that all types of residential and non-residential swimming pools are regulated.

3. Loudoun County requires a building permit for all swimming pools with a water depth of two feet or more. The County permit requires a variety of safety features, including fencing and certain access, gating and alarm requirements. These specifications are contained in the current edition of the Virginia Uniform Statewide Building Code as set forth in Title 36 of the Code of Virginia, which is based upon the International Residential Building Code guidelines and specifications to regulate swimming pool safety, shown in Appendix G of the IRC. If some pool, fence, gate or door alarm features related to swimming pools are served by electricity, these elements have to be inspected, for example. The current Town regulations are such that fencing, electrical wiring, lights, pumps, door alarms and self-latching gates have to be inspected. The Town is not in a position to undertake such inspections. The County is responsible for this type of inspection and currently has this responsibility in the Town. The Town regulations could make this shared responsibility clear.
4. The current Town regulations do not make it clear that swimming pools need a permit. If the Zoning Ordinance were to include such a statement this would help the public understand that there is a permit requirement.

At the May 5, 2010 Planning Commission meeting the Commission asked to see the regulations that Loudoun County uses for a swimming pool building permit. This is attached with a Fence Letter form that the County requires an applicant to fill out and sign as part of the building permit approval process. These documents could also be attached to the Town permit application so an applicant would know what the combined Town/County approval process is.

CONCLUSION: The Zoning Ordinance regulations for private outdoor swimming pools should be amended so that swimming pools in all districts and in both private and public ownership are under regulation whether they are permanent, temporary, in-ground or above-ground. The Town Zoning Ordinance should also be amended to reflect the fact that both the Town and the County share responsibility for regulating outdoor swimming pools. Under an amended set of regulations the Town would control the visual impact of outdoor swimming pools on neighboring residential property by regulating the yard and setback limits. Fencing, which is both a visual control and a safety measure, would be the responsibility of both the County and the Town.

In addition to amending the Zoning Ordinance regulations for swimming pools, the Town should create an application process that includes attaching a copy of Appendix G of the International Residential Building Code for Swimming Pools, Spas and Hot Tubs; Section 3109 of the International Building Code for non-commercial outdoor swimming pools; and the Fence Letter form required by the County to the Town application so an

applicant knows when they obtain an application for that a County building permit is required and what needs to be provided for such a permit. It should be noted that the Town does not intend to regulate spas and hot tubs even though the County requires building permits for these.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission held a public hearing on this item, June 2. There were no speakers. After the Commission deliberated, it recommended that the following be adopted by the Town Council:

(A) Zoning Ordinance text amendment:

~~"4-8 PRIVATE OUTDOOR SWIMMING POOLS~~

A zoning permit shall be granted for the installation or construction of a temporary or permanent ~~private~~ outdoor swimming pool with a water depth of two (2) feet or more in any zoning district, subject to the following conditions:

- (a) In residential districts and the residential portions of other districts an outdoor swimming pool shall only be located in a rear yard ~~but not in the required side or front yard~~. A swimming pool is permitted in a front yard on a through lot only if it is located in the front yard opposite the front entrance of the building on the lot.
- (b) A outdoor swimming pool in a residential district or in the residential portion of other districts shall ~~not be~~ set back at least ~~located nearer than ten (10) feet to~~ from any lot line.
- (c) In commercial districts and the light industrial district a swimming pool is permitted to be located in a front, side and rear yard only if they are set back at least 50 feet from an adjacent residential district or from the residential section of the Town Center Planned Development T-C or Retirement Community R-C districts.
- (d) A property owner or tenant who is granted an approval by the Town for an outdoor swimming pool must provide the Town a copy of the Loudoun County building permit for said swimming pool prior to grading or installation.
- (e) ~~Any pool with a surface of one hundred fifty (150) square feet or more or a depth in excess of two (2) feet shall be completely surrounded by a fence or wall six (6) feet in height designed to prevent access thereto by small children and animals.~~
- (d) ~~All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-latching gate to prevent unauthorized use of the pool.~~
- (e) ~~All electrical wiring used in conjunction with such pool shall be installed below the ground or in a conduit to the nearest point of use. All wiring shall be waterproof. All connections shall be waterproof. All electric motors, lights, pumps, and like items shall be properly grounded."~~

- (B) Establish a new application process for obtaining approval for an outdoor swimming pool [This would *not* amend the Zoning Ordinance] :

The Town should endorse an application process for permanent and temporary outdoor swimming pools wherein there is a separate swimming pool application that has three attachments: 1) the Fence Letter form (does not have to be filled out) required in the Loudoun County building permit process for these swimming pools; 2) Appendix G of the International Residential Building Code for Swimming Pools, Spas and Hot Tubs; and Section 3109 of the International Building Code for swimming pools that is used by Loudoun County to regulate outdoor swimming pools. The Town swimming pool application form should state that Spas and Hot Tubs are not regulated in the Town Ordinance even though Loudoun County requires a building permit.

DRAFT RESOLUTION: Will be attached in the public hearing packet.

ATTACHMENTS:

- 1) Appendix G of the International Residential Code, Swimming Pools, Spas and Hot Tubs, 2006.
- 2) Section 3109 of the International Building Code for swimming pools, 2006.
- 3) The Loudoun County Fence Letter form that is required as part of the County building permit process for outdoor swimming pools.

APPENDIX G

SWIMMING POOLS, SPAS AND HOT TUBS

SECTION AG101 GENERAL

AG101.1 General. The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- and two-family dwelling.

SECTION AG102 DEFINITIONS

AG102.1 General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

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

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three stories in height.

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, aboveground 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 walls of said structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION AG103 SWIMMING POOLS

AG103.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Section AG107.

AG103.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in Section AG107.

SECTION AG104 SPAS AND HOT TUBS

AG104.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI NSPI-3 as listed in Section AG107.

AG104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6 as listed in Section AG107.

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.

AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with 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 aboveground 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 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 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 1.75 inches (44 mm) in width.
 6. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 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 1.75 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 greater than 0.5 inch (12.7 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 F1346; or
 - 9.2. All 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 its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal house-hold activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such 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 aboveground 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, then:
 - 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. All walls surrounding an indoor swimming pool shall comply with Section AG105.2, Item 9.

AG105.4 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

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.

SECTION AG106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

AG106.1 General. Suction outlets shall be designed to produce circulation throughout the pool or spa. Single outlet systems, such as automatic vacuum cleaner systems, or other such multiple suction outlets whether isolated by valves or otherwise shall be protected against user entrapment.

AG106.2 Suction fittings. All Pool and Spa suction outlets shall be provided with a cover that conforms with ANSI/ASME A112.19.8M, or a 12" × 12" drain grate or larger, or an approved channel drain system.

Exception: Surface skimmers

AG106.3 Atmospheric vacuum relief system required. All pool and spa single or multiple outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. Such vacuum relief systems shall include at least one approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release system conforming to ASME A112.19.17, or
2. An approved gravity drainage system

AG106.4 Dual drain separation. Single or multiple pump circulation systems shall be provided with a minimum of two (2) suction outlets of the approved type. A minimum horizontal or vertical distance of three (3) feet shall separate such outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum relief-protected line to the pump or pumps.

AG106.5 Pool cleaner fittings. Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least (6) inches and not greater than twelve (12) inches below the minimum operational water level or as an attachment to the skimmer(s).

**SECTION AG107
ABBREVIATIONS**

AG107.1 General.

ANSI—American National Standards Institute
11 West 42nd Street, New York, NY 10036

ASTM—American Society for Testing and Materials
1916 Race Street, Philadelphia, PA 19103

NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue, Alexandria, VA 22314

**SECTION AG108
STANDARDS**

AG108.1 General.

ANSI/NSPI

ANSI/NSPI-3-99 Standard for Permanently Installed Residential Spas AG104.1

ANSI/NSPI-4-99 Standard for Above-ground/On-ground Residential Swimming Pools AG103.2

ANSI/NSPI-5-99 Standard for Residential In-ground Swimming Pools AG103.1

ANSI/NSPI-6-99 Standard for Residential Portable Spas AG104.2

ANSI/ASME A112.19.8M-1987 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs and Whirlpool Bathing Appliances AG106.2

ASTM

ASTM F 1346-91 (1996) Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs AG105.2, AG105.5

ASME

ASME A112.19.17 Manufacturers Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool AG106.3

noncombustible covers and shall be either fixed, retractable, folding or collapsible.

3105.4 Canopy materials. Canopies shall be constructed of a rigid framework with an approved covering that meets the fire propagation performance criteria of NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E 84.

SECTION 3106 MARQUEES

3106.1 General. Marquees shall comply with this section and other applicable sections of this code.

3106.2 Thickness. The maximum height or thickness of a marquee measured vertically from its lowest to its highest point shall not exceed 3 feet (914 mm) where the marquee projects more than two-thirds of the distance from the property line to the curb line, and shall not exceed 9 feet (2743 mm) where the marquee is less than two-thirds of the distance from the property line to the curb line.

3106.3 Roof construction. Where the roof or any part thereof is a skylight, the skylight shall comply with the requirements of Chapter 24. Every roof and skylight of a marquee shall be sloped to downspouts that shall conduct any drainage from the marquee in such a manner so as not to spill over the sidewalk.

3106.4 Location prohibited. Every marquee shall be so located as not to interfere with the operation of any exterior standpipe, and such that the marquee does not obstruct the clear passage of stairways or exit discharge from the building or the installation or maintenance of street lighting.

3106.5 Construction. A marquee shall be supported entirely from the building and constructed of noncombustible materials. Marquees shall be designed as required in Chapter 16. Structural members shall be protected to prevent deterioration.

SECTION 3107 SIGNS

3107.1 General. Signs shall be designed, constructed and maintained in accordance with this code.

SECTION 3108 RADIO AND TELEVISION TOWERS

3108.1 General. Subject to the provisions of Chapter 16 and the requirements of Chapter 15 governing the fire-resistance ratings of buildings for the support of roof structures, radio and television towers shall be designed and constructed as herein provided.

3108.2 Location and access. Towers shall be located and equipped with step bolts and ladders so as to provide ready access for inspection purposes. Guy wires or other accessories shall not cross or encroach upon any street or other public space, or over above-ground electric utility lines, or encroach upon any privately owned property without written consent of the owner of the encroached-upon property, space or above-ground electric utility lines.

3108.3 Construction. Towers shall be constructed of approved corrosion-resistant noncombustible material. The minimum type of construction of isolated radio towers not more than 100 feet (30 480 mm) in height shall be Type IIB.

3108.4 Loads. Towers shall be designed to resist wind loads in accordance with TIA/EIA-222. Consideration shall be given to conditions involving wind load on ice-covered sections, localities subject to sustained freezing temperatures.

3108.4.1 Dead load. Towers shall be designed for the dead load plus the ice load in regions where ice formation occurs.

3108.4.2 Wind load. Adequate foundations and anchorage shall be provided to resist two times the calculated wind load.

3108.5 Grounding. Towers shall be permanently and effectively grounded.

SECTION 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES

3109.1 General. Swimming pools shall comply with the requirements of this section and other applicable sections of this code.

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 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a fence at least 4 feet (1290 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch-diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

3109.4 Residential swimming pools. Residential swimming pools shall comply with Sections 3109.4.1 through 3109.4.3.

Exception: A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346.

3109.4.1 Barrier height and clearances. The top of the barrier shall be at least 48 inches (1219 mm) above grade 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).

3109.4.1.1 Openings. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

3109.4.1.2 Solid barrier surfaces. Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

3109.4.1.3 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 swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

3109.4.1.4 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 1.75 inches (44 mm) in width.

3109.4.1.5 Chain link dimensions. Maximum mesh size for chain link fences shall be a 2.25 inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1.75 inches (44 mm).

3109.4.1.6 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches (44 mm).

3109.4.1.7 Gates. Access gates shall comply with the requirements of Sections 3109.4.1.1 through 3109.4.1.6 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. Release mechanisms shall be in accordance with Sections 1008.1.8 and 1109.13. 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 shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and the gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

3109.4.1.8 Dwelling wall as a barrier. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

1. Doors with direct access to the pool through that wall shall be equipped with an alarm that 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 shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. In dwellings not required to be Accessible, Type A or Type B units, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be Accessible, Type A or Type B units, the deactivation switch(es) shall be located at 54 inches (1372 mm) maximum and 48 inches (1219 mm) minimum above the threshold of the door.

2. The pool shall be equipped with a power safety cover that complies with ASTM F 1346.
3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the administrative authority, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Section 3109.4.1.8, Item 1 or 2.

3109.4.1.9 Pool structure as barrier. 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, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets the requirements of Sections 3109.4.1.1 through 3109.4.1.8. 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.

3109.4.2 Indoor swimming pools. Walls surrounding indoor swimming pools shall not be required to comply with Section 3109.4.1.8.

3109.4.3 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

3109.5 Entrapment avoidance. Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or other such multiple suction outlets whether isolated by valves or otherwise shall be protected against user entrapment.

3109.5.1 Suction fittings. All pool and spa suction outlets shall be provided with a cover that conforms to ASME A112.19.8M, a 12-inch by 12-inch (305 mm by 305 mm) drain grate or larger, or an approved channel drain system.

Exception: Surface skimmers.

3109.5.2 Atmospheric vacuum relief system required. All pool and spa single- or multiple-outlet circulation systems shall be equipped with an atmospheric vacuum relief should grate covers located therein become missing or broken. Such vacuum relief systems shall include at least one

approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release systems conforming to ASME A112.19.17; or
2. Approved gravity drainage system.

3109.5.3 Dual drain separation. Single- or multiple-pump circulation systems shall be provided with a minimum of two suction outlets of the approved type. A minimum horizontal or vertical distance of 3 feet (914 mm) shall separate such outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum-relief-protected line to the pump or pumps.

3109.5.4 Pool cleaner fittings. Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least 6 inches (152 mm) and not greater than 12 inches (305 mm) below the minimum operational water level or as an attachment to the skimmer(s).



Loudoun County, Virginia

Department of Building and Development

1 Harrison Street, S.E., P.O. Box 7000, Leesburg, VA 20177-7000

Administration: 703-777-0397 Metro: 478-8432 Fax: 7031771-5215

Inspections Information Only: 7031777-0220 Metro: 478-8414 Fax: 7031771-5522

LOUDOUN COUNTY FENCE LETTER

Date: _____

We/I _____ hereby state that, prior to filling my swimming pool with water, we/I will build a fence that will meet the requirements for the Current Edition of the Virginia Uniform Statewide Building Code as set forth in Title 36 of the Code of Virginia (available at the Loudoun County Department of Building and Development upon request).

Owner's Signature: _____

Address: _____

Telephone: _____

STATE OF VIRGINIA
COUNTY OF LOUDOUN

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that _____ whose name(s) is/are signed to the foregoing Loudoun County Fence Letter, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

Given under my hand and seal this _____ day of _____, 200 ____.

My Commission Expires: _____

Notary Public