

EUREKA CHARTER TOWNSHIP  
SWIMMING POOL ORDINANCE  
ORDINANCE NUMBER 46 as revised July 12, 2010

The Charter Township of Eureka hereby ordains:

AN ORDINANCE ESTABLISHING STANDARDS AND RULES GOVERNING THE CONSTRUCTION, MAINTENANCE, OPERATION AND USE OF PRIVATE SWIMMING POOLS.

I. PRIVATE SWIMMING POOL ORDINANCE OF 2008

This Ordinance applies only to private swimming pools and may be cited as the Private Swimming Pool Ordinance of 2008. For the purposes of this Ordinance, the term "swimming pool" shall mean any artificially-constructed pool or apparatus for the holding of water which is not completely enclosed as part of a dwelling, capable of holding in excess of 500 gallons of water and capable of holding a depth of two feet or more of water at any point. "Private" shall mean that the pool is not open for the use of the general public or that the pool is not publicly owned.

II. PERMANENT AND TEMPORARY POOLS

For purposes of this Ordinance, "Permanent" pools shall be those pools left up for at least a year. "Temporary" swimming pools shall be those pools taken down within six months.

III. PERMITS AND FINAL INSPECTION

- A. Before any person, property owner or person in possession of real property may begin construction of a permanent swimming pool, a permit shall be obtained from the Township Zoning Administrator. The application for a permit shall be accompanied by a complete, detailed set of plans and specifications that show the location of the swimming pool and the construction thereof. In the case of a swimming pool to be constructed above the ground, the specifications and location must be in compliance with the requirements of this Ordinance, with other governing state laws and other ordinances of the Township. Before any permanent swimming pool shall be used, after the construction a final inspection and approval must be obtained from the office of the Township Zoning Administrator.
- B. All applications for permits to construct a permanent private swimming pool shall be accompanied by a fee, the amount of which shall be set annually by the Township Board.
- C. Temporary private swimming pools shall not require a permit but must meet all other requirements of any Township ordinance or state law.

#### IV. REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE OF PRIVATE SWIMMING POOLS

- A. Pools shall not be nearer than 10 feet from any side or rear lot line of the land upon which the pool is situated or to be situated. Pools shall not be located within the area required as front yard by the Eureka Charter Township Zoning Ordinance. A pool shall not be closer than 10 feet from any dwelling, garage or building.
- B. The construction and installation of electrical wiring for equipment in or adjacent to swimming pools, to metallic appurtenances within five feet of the pool and to auxiliary equipment such as pumps, filters and similar equipment must conform to current electrical codes.
- C. There shall be no cross-connection of the Township water supply with any other sources of water for the pool.

#### V. DRAINAGE OF SWIMMING POOLS

Drainage of a swimming pool must comply with the following regulations:

- A. The discharge pipe leading from any private swimming pool shall not exceed four inches in diameter.
- B. No private swimming pool shall be emptied in a manner which will cause or permit water to flow onto property owned or held by another person without the written consent of the owner of said adjacent property.
- C. The pool drain shall be connected to a storm sewer if a storm sewer is available. Where a storm sewer is available, the pool shall not be connected to a sanitary sewer.

#### VI. MINIMUM STANDARDS FOR CLEANLINESS AND SAFETY

- A. All permanent private swimming pools shall be equipped with a sanitation system that meets current Health Department standards. The pool owner should be instructed in the proper care and maintenance of the pool by the supplier or builder.
- B. The source of lights illuminating the pool shall be shielded so the lighting does not illuminate the yard or dwellings of adjacent property owners.
- C. Every person owning land on which a permanent private swimming pool is located shall construct and maintain an enclosure or fence either surrounding the property or the pool area. Such enclosure, including gates, must not be less than four feet in height and of a construction not easily climbed or penetrated by small children. All gates must be self-closing and latching with the latch on the inside of the gate or with the latch in a position inaccessible to small children from the outside of the gate. Above ground swimming pools 4' or higher will only require a secure 4' high self closing latch able gate at the entrance to the pool.

Permanent private swimming pools shall provide one or more ladders or set of steps to permit a person in the pool to exit from the pool.

VII. TOWNSHIP INSPECTION AND RIGHT OF ACCESS

The Township Zoning Administrator or his delegate shall have the right to inspect any premises for the purpose of determining that all provisions of this Ordinance are fulfilled.

VIII. ENFORCEMENT AND PENALTIES

- A. This Ordinance shall be enforced by such persons who shall be so designated by the Township Board
- B. The owner, if possible, and the occupant of any property found to be in violation of this ordinance shall be notified in writing to eliminate the violation or remove said pool from such property within 10 days after service of the notice upon them. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the Enforcement Officer where bona fide efforts to remove or eliminate the violation are in progress.
- C. Failure to comply with notice within the time allowed by the owner and/or occupant shall constitute a violation of this Ordinance.
- D. Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this Ordinance or fails to comply with a duly authorized order pursuant to this Ordinance shall be deemed to be in violation of the Ordinance and subject to a municipal civil infraction.
- E. Fines for a civil municipal infraction shall be determined annually by the Eureka Charter Township Board.
- F. The violator shall pay costs which may include all expenses, direct and indirect that Eureka Charter Township has incurred in connection with the municipal infraction.
- G. The Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.
- H. Each day that a violation of this ordinance exists shall constitute a separate violation of the Ordinance.

IX. SUPPLEMENTATION, SUBORDINATION, CONFLICTS

This Ordinance in no way alters or amends the requirements of any existing or future building, housing or electrical code or state statute or statewide code, and should conflict with said Ordinance, statutes or codes

occur, then the provisions of this Ordinance shall be subordinate to the conflicting ordinance, statute or code.

X. SEVERABILITY CLAUSE

Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

XI EFFECTIVE DATE

This Ordinance shall take effect 30 days from the date of publication in The Daily News.

ADOPTED: July 12, 2010

PUBLISHED: July 17, 2010

EFFECTIVE: August 16, 2010