

## Chapter 5

### BUILDING, CONSTRUCTION AND RELATED ACTIVITIES\*

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\***Cross references**--Floodplain regulations, Ch. 8; historic preservation, Ch. 9; public safety, Ch. 12; subdivisions, Ch. 17; trees and landscaping, Ch. 20; zoning, Ch. 22.

**State law references**--Governing body may enact standards to determine safety of buildings, Ga. Const., art. 1, sec. 4, par. 1; authority of city or county to provide codes, including building, housing, plumbing, and electrical codes, Ga. Const., art. 9, sec. 2, par. 3(12); providing of fire escapes by building owners, O.C.G.A. § 8-2-50; The Uniform Standards Code for Manufactured Homes Act, O.C.G.A. § 8-2-130 et seq.; The Uniform Act for the Application of Building and Fire Related Codes to Existing Buildings, O.C.G.A. § 8-2-200 et seq.; access to and use of public facilities by physically handicapped persons, O.C.G.A. § 30-3-1 et seq.; authority for municipalities to repair, close or demolish unfit buildings or structures, O.C.G.A. § 41-2-7.

#### Section 5-260A ARTICLE X. SWIMMING POOLS\*

\***Editor's note**--An ordinance adopted April 22, 1991, § I, repealed provisions formerly set out as §§ 5-261--5-267 of the Code, which pertained to swimming pools and derived from the 1958 Code, §§ 7-257--7-263. Section I (7-257--7-267) of the ordinance adopted April 22, 1991, added new provisions to the Code, which have been included herein as §§ 5-261--5-271 at the discretion of the editor.

#### Section 5-261 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial swimming pool* shall mean any swimming pool which is operated for profit or for which an admission fee is charged.

*Private swimming pool* shall mean any swimming pool located at a private residence or private club or similar facility, used and intended to be used not by the public but solely by the owner or occupant of such premises or the family, membership or guests of such owner or occupant, as applicable.

*Semiprivate pool* shall include all swimming pools which are used in connection with multiple family dwellings, cooperative groups or neighborhoods, including, but not limited to,

apartments, motels, and subdivisions, and available only to such groups and their private guests but not available to the general public.

*Swimming pool* whether indoor or outdoor, shall mean an artificial pool, including all appurtenances to its use and used for swimming, wading or recreative bathing. "Swimming pool," whether above ground or below or both, refers to an artificially constructed pool having a wall depth at any point of two (2) or more feet. Any terms associated with swimming pool shall be construed in their normal and ordinary use and sense.

(Ord. of 4-22-91, § I(7-257))

**Cross reference--**Definitions and rules of construction generally, § 1-2.

#### Section 5-262 Compliance required.

It shall be unlawful to construct, install, alter, maintain, or use any pool in the city except in compliance with the provisions of this article.

(Ord. of 4-22-91, § I(7-258))

#### Section 5-263 Permits.

(a) *Required.* No person or organization shall construct, install, or alter any pool in the city unless a construction permit therefor shall first have been obtained from the chief building official.

(b) *Application.* The application for a construction permit shall be in writing, in the form prescribed by the chief building official. Such application shall contain information as shall be required by the chief building official for a proper understanding of the proposed work.

(Ord. of 4-22-91, § I(7-259))

#### Section 5-264 Location.

(a) For any commercial or semiprivate pool, the front and rear setbacks for any pool, walkway, pool house, bath house or any structure or facility associated with a commercial or neighborhood pool, excluding fences, shall be the same as existing zoning requirements.

(b) For any commercial or semiprivate pool, side yard setbacks shall be a minimum of twenty-five (25) feet.

(c) Private pool setbacks shall be the same as existing zoning requirements.

(Ord. of 4-22-91, § I(7-260))

#### Section 5-265 General requirements.

(a) *Compliance with building, plumbing and electrical codes.*

(1) All swimming pools, as required by this article shall also comply with the Southern Standard Swimming Pool Code, 1994 Edition, building, plumbing, and electrical codes of the city.

(2) No current carrying electrical conductors shall cross pools, either overhead or underground, or be located so close thereto as to constitute a hazard. All metal fences, enclosures or railings near or adjacent to said pools, which might become electrically charged as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

(b) *Heaters.* Gas-fired pool heaters and pool boilers shall comply with all applicable American Standards approval requirements, including A.G.A. and A.S.M.E. standards. Oil-

burning equipment must be approved by U.L. or other nationally recognized testing agency. All such equipment shall carry the corresponding seal of approval by the appropriate agency.

(c) *Fences.*

(1) Every pool shall be enclosed to make the pool inaccessible to small children. All fence openings or points of entry to the pool area enclosure shall be equipped with gates or doors having self-closing and self-latching devices placed at the top of the gate or door or otherwise made inaccessible to small children. For commercial or semiprivate pools, the fence and gates or door shall be at least six (6) feet in height above the grade walk level and shall be constructed of decay or corrosion-resistant material approved by the chief building official. For private pools, fence or gates shall be at least four (4) feet in height above grade level and shall be constructed of corrosion-resistant material. A building or existing wall complying with the height requirements set forth in this section, may be used as part of the enclosure, with the approval of the chief building official, if the resultant enclosure is sufficient to make the pool inaccessible to small children. All gates or doors shall be kept latched when the pool is not attended by a responsible swimmer.

(2) Aboveground pools need not be enclosed by a fence if the pool has a side wall at least four (4) feet high, measured from the ground surface to the top of the side wall; provided, however, that any steps, ladders or other means of access to the pool shall be enclosed with a fence and gate as provided in subsection (c)(1) of section 5-265, or otherwise made inaccessible to small children by some other method approved by the chief building official.

(d) *Steps or ladders.* Two (2) or more means of egress from the pool by steps or ladders shall be provided for all pools. At least one (1) such means of egress shall be located at the deep end and one (1) at the shallow end of the pool. Treads of steps and ladders shall be constructed of nonslip material. Ladders or step holes shall have handrails on both sides.

(Ord. of 4-22-91, § I(7-261); Ord. of 5-27-96, § IV)

Section 5-266 Operation and maintenance.

(a) *Wastewater.* The disposal or discharge of pool wastewater must be accomplished in such a way that nuisance or damage to other property is avoided. Water may be discharged into a storm sewer provided permission is obtained from the city engineer.

(b) *Health hazard or nuisance prohibited.* No pools shall be used, kept, maintained or operated if such use, keeping, maintaining or operating shall constitute or be the occasion of any nuisance of any kind, or shall be dangerous to life or limb, or detrimental to health in any way.

(c) Each person or organization operating a commercial swimming pool or a semiprivate pool shall designate a person or persons who will be responsible for the maintenance of the pool and the landscaped areas required by this article and related matters. The name, address and telephone number of each such person shall be furnished by the organization to the chief building official for the city and shall be kept current at all times.

(d) Each organization operating a semiprivate pool by way of a membership plan shall establish bylaws which govern the operation and maintenance of the pool.

(Ord. of 4-22-91, § I(7-262))

Section 5-267 Landscaping requirements.

As to semiprivate pools and commercial pools, there shall be a ten-foot landscaped area on all sides of the property located between the property line and the required fencing. The landscaped area shall include shrubs planted a minimum of five (5) feet on center, and the shrubs shall be a minimum of twelve (12) inches in height at the time of planting. The landscaping material, not

including the shrubs referred to herein, shall consist of at least fifty (50) percent living vegetation, such as lawn grasses, ground cover, vines or similar vegetation.  
(Ord. of 4-22-91, § I(7-263))

Section 5-268 Required number of parking spaces.

(a) As to semiprivate pools, the number of required on-site parking spaces will be calculated as one (1) space per two hundred (200) square feet of pool surface or a minimum of ten (10) parking spaces, whichever is greater. One (1) of the parking spaces shall be designated as handicapped accessible.

(b) As to commercial pools, the requirements of section 22-291 shall be met.  
(Ord. of 4-22-91, § I(7-264))

Section 5-269 Zoning.

(a) As to commercial pools, zoning shall be as set forth in section 22-106 of the Code of the City of Thomasville.

(b) As to an existing subdivision, a request for rezoning the property to conditional use--semiprivate swimming pool will be required. As to a proposed subdivision, where a pool is identified at the time of the preliminary and final plat approval, no rezoning will be required.

(c) A request for rezoning by an organization operating a semiprivate pool by way of a membership plan shall be accompanied by a copy of the proposed bylaws for the organization which will operate the pool, and the proposed bylaws shall specify the maximum number of memberships which will permit use of the pool.

(Ord. of 4-22-91, § I(7-265))

**Cross reference**--Zoning regulations relative to swimming pools, §§ 22-35, 22-36.

Section 5-270 Lighting.

Lighting for pool areas and associated structures or facilities shall be configured and positioned so as not to shine on any adjacent property.

(Ord. of 4-22-91, § I(7-266))

Section 5-271 Penalty.

If the chief building official shall find that the construction or operation of a pool does not meet any of the requirements of the applicable laws, this Code, ordinances and regulations, including the requirements of this article, the official may direct that the pool be closed forthwith until the requirements have been duly complied with.

(Ord. of 4-22-91, § I(7-267))

Section 5-272 5-272--5-285. Reserved.