



City of Blaine  
Anoka County, Minnesota

Signature Copy

Ordinance: ORD 16-2341

Blaine City Hall  
10801 Town Square Dr  
Blaine, MN 55449

File Number: ORD 16-2341

SECOND READING

AMENDING CHAPTER 18, ARTICLE IX SWIMMING POOLS OF THE CODE OF  
ORDINANCE OF THE CITY OF BLAINE

THE CITY OF BLAINE DOES ORDAIN: (Added portions are underscored and deleted portions are shown in brackets with overstrike.)

ARTICLE IX. - SWIMMING POOLS  
DIVISION 1. - GENERALLY

Sec. 18-381. - 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:

Health authority means the Anoka County Health Department.

Private residential pool means a pool connected with a single-family residence or owner-occupied duplex, located on private property under the control of the homeowner, the use of which is limited to family members or the family's invited guests. A private residential pool is not a pool used as part of a business. ~~means any swimming pool, located on private residential property under the control of the property owner, the use of which is limited to swimming or bathing by members of such owner's family, tenants, or their invited guests.~~

Public swimming pool includes any pool, other than a private residential pool operated by any person whether the person is an owner, lessee, operator, or concessionaire. ~~means any swimming pool, other than a private swimming pool, intended to be used collectively by numbers of persons for swimming or bathing operated by any person, whether such person be owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for such use.~~

Swimming pool means any structure, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools. ~~means any structure, basin, chamber or tank containing an artificial body of water for swimming, diving, or recreational bathing, more than 200 square feet in or over 24 inches in depth above the ground.~~

(Code 1963, § 48.01; Code 1980, § 6-110)

Cross reference— Definitions generally, § 1-2.

Sec. 18-382. - Variances.

Any proposed deviations from these standards and requirements shall require a variance from the council in accordance with city ordinances.

(Code 1963, § 48.04; Code 1980, § 6-114; Ord. No. 85-865, 3-7-1985)

Sec. 18-383. - Inspections; water sanitation.

- (a) The building official is authorized to conduct such inspection as it deems necessary to ensure compliance with all provisions of this article, and shall have the right of entry at any reasonable hour to a swimming pool for this purpose. Water in a pool shall be maintained in a suitable manner to avoid health hazards of any type and shall be subject to periodic inspection by the health authority.
- (b) All wiring, installation of heating units, grading, installation of pipes and all other installations and construction shall be subject to inspection.

(Code 1963, § 48.04(H), (I); Code 1980, § 6-113; Ord. No. 85-865, 3-7-1985)

Sec. 18-384. - Supervision.

Every swimming pool shall be under the supervision of a capable individual who shall assume the responsibility for compliance with all parts of this article relating to pool operation and maintenance and safety of the occupants of the pool.

(Code 1963, § 48.04(M); Code 1980, § 6-123)

Secs. 18-385—18-400. - Reserved.

DIVISION 2. - BUILDING PERMIT

Sec. 18-401. - Required; application.

- (a) A building permit is required for the installation of any swimming pool except private residential prefabricated pools entirely above ground which do not exceed both 5,000 gallons in capacity and a 24 inch depth. ~~A building permit is required for the installation of any swimming pool.~~
- (b) An application for a building permit shall show, among other items, the following:
  - (1) Type and size of pool.
  - (2) A site plan indicating the following: location of pool; location of house, garage, barrier/fencing, and other improvements on the lot; ~~location of structures on all adjacent lots~~; location of filter unit, pump, and wiring, indicating the type of such unit; location of back-flush and drainage outlet; grading plan, finished elevations, and final treatment (decking, landscaping, etc.) around the pool; location of existing overhead or underground wiring, utility easements, trees, and similar features; location of any water heating unit.

(Code 1963, § 48.02; Code 1980, § 6-111)

Sec. 18-402. - Fees.

After plan review and possible site inspections of any proposed swimming pool, a permit fee shall be paid prior to issuance of the building permit. The council shall act to create a fee schedule for this section, as provided in section 18-43. ~~The permit fee for aboveground and inground pools shall be based on the valuation of estimated cost of the pool and its installation.~~

(Code 1963, § 48.03; Code 1980, § 6-112; Ord. No. 85-865, 3-7-1985; Ord. No. 88-1107, 12-1-1988)

Secs. 18-403—18-420. - Reserved.

### DIVISION 3. - DESIGN AND CONSTRUCTION STANDARDS

Sec. 18-421. - Location.

(a) Proximity to utility lines; location in easements.

(1) The location of all pools in relation to all electrical wiring shall comply with ~~article 680 of "Swimming Pools, Fountains, and Similar Installations," in the 2002~~ the most current MN State / National Electrical Code.

(2) Pools shall not be located within any private or public utility, walkway, drainage, or other easement.

(b) Restrictions in ~~R-1 and R-2~~ all districts in which pools and fences are permitted.

(1) ~~In R-1 and R-2 districts,~~ Pools shall not be located within ten feet of any side or any rear lot line, nor within six feet of any principal structure or frost footing, unless part of the principal structure. Pools shall not be located within any required front yard.

(2) ~~In R-1 and R-2 districts,~~ All pool deck surrounds ~~areas,~~ adjacent patios/aprons, or other similar areas used in conjunction with the swimming pool, shall be located not closer than ten feet to any adjacent property owner's lot line.

(3) ~~In R-1 and R-2 districts,~~ The filter unit, pump, heating unit, and other noise-making mechanical equipment shall be located at least 35 feet from any adjacent or nearby residential structure and not no closer than ten feet to any lot line, and located in the rear yard.

(c) ~~Restrictions in other districts.~~

(1) ~~In districts other than R-1 and R-2, no part of the water surface of a swimming pool shall be less than 50 feet from any adjacent property owner's lot line.~~

- ~~(2) In districts other than R-1 and R-2, all deck areas, adjacent patios, or other similar areas used in conjunction with the swimming pool, shall be located not closer than 30 feet to any adjacent property owner's lot line.~~
- ~~(3) In districts other than R-1 and R-2, the pump, filter, heating units, or other apparatus used in connection with or for servicing a swimming pool shall be located at least 50 feet from any adjacent property owner's lot line.~~

(Code 1963, § 48.04(B), (C), (Q)(1), (2); Code 1980, §§ 6-115—6-117)

Sec. 18-422. - Protection of other property and occupants thereof.

- (a) In the case of underground pools, due precautions shall be taken during the construction period to:
- (1) Avoid damage, hazards, or inconvenience to adjacent or nearby property.
  - (2) Ensure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust, or other infringement on adjacent property.
- (b) All access for construction shall be via the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.
- (c) Back-flush water or water from pool drainage shall be on the owner's property or into public drainageways with the approval of the council. Water shall not drain onto adjacent or nearby private land.
- (d) Lighting for the pool shall be directed into or onto the pool and not onto adjacent property and shall measure no more than one footcandle power at any point on the boundary line of any adjacent property owner.
- (e) Nuisances such as undue noise, lighting onto adjacent property, health and safety hazards, damage to nearby vegetation and the like, shall not be permitted.

(Code 1963, § 48.04(A), (D)—(G), (J), (K); Code 1980, § 6-118; Ord. No. 85-865, 3-7-1985)

Sec. 18-423. – Interference with rights of others; noise.

No swimming pools shall be so located, designed, operated or maintained as to interfere unduly with the property rights of others. It shall be unlawful for any person to make, continue to cause to be made or continued in any swimming pool, any loud or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, peace or safety of others. The use, or permitting the use of or operation of radio receiving sets, musical instruments, or other machine or device for the producing or reproducing of sound of such in such volume as to disturb the peace, quite, comfort, or repose of adjacent property owners shall not be permitted.

(Code 1963, § 48.04(R); Code 1980, § 6-119)

Sec. 18-424. - Standards.

- ~~(a) All outdoor swimming pools, existing (subject to any variance heretofore granted by the council) and hereafter constructed, shall be made inaccessible when not in use by a nonclimbable type of fence, wall or barrier. All openings or points of entry into the pool area enclosure shall be equipped with locking gates. The fence and gates shall be at least four feet in height and shall be constructed of a minimum number 11 gauge woven wire mesh corrosion resistant material, not exceeding 1½ inches mesh or other material approved by the building official. All fence posts shall be decay resistant or corrosion resistant and shall be set in concrete bases or other suitable protection. The opening between the bottom of the fence and the ground or other surface shall not be more than three inches.~~
- ~~(b) All gates shall be equipped with self-closing hinges and a self-latching device. Where the release mechanism of the self-latching device is located less than 48 inches from the bottom of the gate, the release mechanism shall be located on the poolside of the gate at least three inches below the top of the gate.~~
- ~~(c) All gates shall be equipped with a lock which will render the gate inaccessible during such times as the pool is not being used. Ladders and steps shall be capable of being secured, locked or removed to prevent access. Ladders and steps which are nonremovable or nonfolding shall be surrounded by a barrier as stated in subsection (a) of this section. All locks shall be of the type which cannot be opened without the use of a key or numerical combination.~~
- ~~(d) No person owning or operating an outdoor swimming pool shall use, operate, or allow the use of such swimming pool unless such pool complies with the provisions of this section. The required safety fencing shall be completely installed with installation of the pool.~~
- (a) All private residential outdoor swimming pools and pool barriers, existing (subject to any variance heretofore granted by the council), modified, and hereafter constructed, shall meet the requirements of these standards. Exceptions: Existing pools and equipment that complied with the City of Blaine requirements at the time they were constructed, permitted or approved by the City of Blaine.
- (b) Barrier/Fencing and post materials shall be of substantial construction, decay or corrosion resistant, and capable of resisting a 200 pound lateral load applied in any direction at any point along the top. All fence posts shall be set in concrete bases or other suitable protection. Alternative barrier construction materials, climbing protection, and design must be approved by the building official.
- (c) All private residential outdoor swimming pools shall be made inaccessible when not in use by a non-climbable barrier. It must also be positioned far enough away from permanent structures so that they do not provide climbing assistance. Exceptions: 1. Spas and hot tubs with a lockable safety cover that complies with ASTM F 1346. 2. Swimming pools with a powered safety cover that complies with ASTM F 1346.
- (d) Installed pool barriers should be at least 48 inches high from finished ground level, as measured along the outside of the barrier, and should have no more than a 2 inch gap from the bottom of the barrier to the ground. Such height shall exist around the entire perimeter for a distance of 3 feet where measured horizontally from the required barrier. Openings in the barrier shall not allow passage of a 4 inch diameter sphere.

- (e) Pedestrian access gates must be self-closing and must have a self-latching device and shall be equipped to accommodate a locking device. Utility/service gates that are not meant for pedestrian use must have a self-latching device and shall be equipped to accommodate a locking device. Double or multiple gates shall have at least one leaf secured in place and the adjacent leaf shall be secured with a self-latching device and shall be equipped to accommodate a locking device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism shall be located on the poolside of the gate at least three inches below the top of the gate, and the gate and barrier shall not have openings greater than 1/2 inch within 18 inches of the release mechanism.
- (f) Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal tolerances and tooled masonry joints.
- (g) Chain link dimensions. The maximum opening formed by a chain link fence shall be not more than 2-inches.
- (h) When fences are comprised of diagonal members, the maximum opening formed by the diagonal members shall not be more than 1-3/4 inches. The angle of the diagonal members shall not be greater than 45 degrees from the vertical.
- (i) Where the barrier is constructed of diagonal members, the maximum opening shall not be more than 1-3/4 inches. The angle of diagonal members shall not be greater than 45 degrees from vertical.
- (j) The pool side of the barrier shall not be less than 20 inches from the water's edge.
- (k) Structures can serve as a barrier as approved by the Building Official.
- (l) A pool structure wall, itself, can serve as a barrier if the wall is at least four feet above grade. If a barrier is mounted to the top of the pool structure, the barrier must be installed in accordance with the manufacturer's instructions. The ladder or steps shall be surrounded by a barrier.
- (m) Alternative barrier requirements specified in the latest version of the International Swimming Pool and Spa Code may be considered for approval by the Building Official.
- (n) No person owning or operating an outdoor swimming pool shall use, operate, or allow the use of such swimming pool unless such pool complies with the provisions of this section. The required safety fencing shall be completely installed with installation of the pool.

(Code 1963, § 48.04(P); Code 1980, § 6-121; Ord. No. 85-865, 3-7-1985; Ord. No. 02-1952, 8-1-2002)

~~Sec. 18-425. Swimmer safety.~~

- ~~(a) A safety rope, suitably anchored, shall be provided at the water line when the designed pool operating water level is 4½ feet or more.~~

~~(b) Every swimming pool shall be equipped with one or more throwing ring buoys not more than 15 inches in diameter and have a 3/16 inch line of sufficient length to reach any point in the pool, from the anchor point, and one or more light but strong poles with blunted ends, not less than 12 feet in length, for making reach rescues or assists.~~

~~(c) Diving board height above the pool edge shall be less than one meter in height and shall conform with the Minnesota Rule ch. 4717 for required depth in diving areas.~~

(Code 1963, § 48.04(N); Code 1980, § 6-122; Ord. No. 85-865, 3-7-1985)

Secs. 18-4265—18-450. - Reserved.

#### DIVISION 4. - PUBLIC SWIMMING POOLS

Sec. 18-451. - Permit required.

- (a) No person shall operate or maintain a public swimming pool until such person has obtained a permit to operate such pool from the building official. No such permits shall be issued to operate a public swimming pool unless the pool conforms ~~with~~ to the regulations in this division.
- (b) No person shall begin construction of a public swimming pool or shall substantially alter or reconstruct any public swimming pool without first having submitted plans and specifications to the city for review and approval. All plans and specifications, including site plan, shall be submitted in duplicate. The zoning administrator shall arrange for the review and approval of the plans and specifications by other appropriate departments concerned with such matters as zoning, electrical, structural and plumbing requirements. No permits to construct, alter, or renovate shall be issued until approval is granted by the other departments involved.
- (c) The application for permit to construct or remodel a public swimming pool shall be on such forms as may be prescribed by the building official, together with any supporting data as may be required for the proper review of the plans.

(Code 1963, § 48.05(A), (B), (C); Code 1980, § 6-130; Ord. No. 85-865, 3-7-1985)

Sec. 18-452. - Plans.

The plans shall be drawn to scale and accompanied by proper specifications so as to permit a comprehensive engineering review of the plans, including the piping and hydraulic details, and shall include:

- (1) Plans and sectional views with all necessary dimensions and details of ~~both~~ the pool, barrier, and surrounding areas.
- (2) A piping diagram showing all appurtenances including treatment facilities in sufficient detail, as well as pertinent elevation data, to permit a hydraulic analysis of the system.

- (3) The specifications shall contain details on all treatment equipment, including catalog identification of pumps, chlorinators, and related equipment.

(Code 1963, § 48.05(F); Code 1980, § 6-131)

Sec. 18-453. - Construction; facilities; adoption of state rules.

- (a) The pool and facilities shall be built in accordance with the plans as approved unless approval of changes has been given in writing. The owner or the owner's agent shall notify the city at specific predetermined stages of construction and at the time of completion of the pool to permit adequate inspection of the pool and related equipment during and after construction. The pool shall not be placed in operation until such inspections show compliance with the requirements of this article.
- (b) The criteria to be followed in the review and approval of plans shall be as set forth in rules and regulations of the state commissioner of health, relating to public swimming pools, being Minnesota Rules ch. 4717. The same are hereby adopted by reference, and all terms of such regulations are made a part of this division as if fully set forth in this section.

(Code 1963, § 48.05(D), (E); Code 1980, § 6-132)

~~Sec. 18-454. — Health and safety.~~

- ~~(a) No person having a communicable disease shall be employed at a public swimming pool. All patrons or swimmers suspected of having an infectious disease shall be excluded.~~
- ~~(b) Appropriate facilities shall be provided at public pools for the safety of swimmers as may be required by the health authority. This shall include, but not be limited to, lifesaving equipment, safety devices, life buoys, life hooks, first aid kits, and telephones. Adequate staff shall be on duty during swimming periods who are competent in life saving and artificial resuscitation. Such staff shall be on duty during all swimming periods when so ordered by the city manager or when a use fee is charged.~~
- ~~(c) When the swimming pool is not open for use, access to the pool shall be prevented.~~
- ~~(d) No more than the maximum design occupant capacity shall be permitted in the pool at any one time.~~

(Code 1963, § 48.05(G); Code 1980, § 6-133)

~~**Cross reference** — Health and sanitation, ch. 42.~~

~~Sec. 18-455. — Operation.~~

- ~~(a) The operator of each public pool shall keep a daily record of information regarding operation, including disinfectant residuals, maintenance and recirculation procedures, together with other data as may be required on forms furnished by the building official. These data records shall be kept on file by the operator for six months for review by the building official or submitted periodically to the building official as may be required.~~

~~(b) The pumps, filter disinfectant and chemical feeders, and related appurtenances shall be kept in operation at all times the swimming pool is in use, and for such additional periods as necessary to keep the pool water clear and of satisfactory bacterial quality. Continuous operation of the recirculation system shall be maintained in swimming pools having a capacity of 200,000 gallons or more during seasons of regular use.~~

~~(Code 1963, § 48.05(H); Code 1980, § 6-134; Ord. No. 85-865, 3-7-1985)~~

Secs. 18-4564—18-500. - Reserved.

**INTRODUCED AND READ** in full the 4<sup>th</sup> day of February 2016.

**PASSED** by the City Council of the City of Blaine this 18<sup>th</sup> day of February 2016.