

**ORDINANCE NO. 1267**

**AN ORDINANCE OF THE CITY OF FOLSOM AMENDING CHAPTER 14.28 OF THE  
FOLSOM MUNICIPAL CODE  
CONCERNING SWIMMING POOLS, SPAS AND HOT TUBS**

THE CITY COUNCIL OF THE CITY OF FOLSOM HEREBY DOES ORDAIN AS FOLLOWS:

**SECTION 1 PURPOSE**

The purpose of this ordinance is to repeal and re-enact Chapters 14.28 of the Folsom Municipal Code (“The Code”) to provide procedures for administration and enforcement of the provisions of the Folsom Swimming Pool, Spa and Hot Tub Code and to adopt and enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the provisions of this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

Unless superseded or expressly repealed, references in City forms, documents and regulations to chapters and sections of the former Folsom Swimming Pool, Spa and Hot Tub Code shall be construed to apply to corresponding provisions contained within the new Folsom Swimming Pool, Spa and Hot Tub Code.

**SECTION 2**

Chapter 14.28 of Title 14 of the Folsom Municipal Code is hereby repealed and new chapter 14.28 enacted to read as follows:

**Title 14**

**BUILDINGS AND CONSTRUCTION**

Chapter:

14.28 Swimming Pool, Spa and Hot Tub Code

## **SWIMMING POOL, SPA AND HOT TUB CODE**

### Chapter 14.28

#### Sections:

- 14.28.010 Title
- 14.28.020 Authority Having Jurisdiction
- 14.28.030 Purpose
- 14.28.040 Adoption by reference
- 14.28.050 Additions, amendments or deletions to Folsom Swimming Pool, Spa and Hot Tub Code

#### 14.28.010 Title.

This Chapter shall be known and cited as the “Folsom Swimming Pool, Spa and Hot Tub Code.”

#### 14.28.020 Authority Having Jurisdiction.

The Chief Building Official of the City is designated to be the authority having jurisdiction of the Folsom Swimming Pool, Spa and Hot Tub Code. The Chief Building Official shall administer, enforce, and render interpretations of all the provisions of Folsom Swimming Pool, Spa and Hot Tub Code and the other referenced technical codes.

#### 14.28.030 Purpose.

The purpose of the Folsom Swimming Pool, Spa and Hot Tub Code is to provide minimum requirements and standards for the protection of the public health, safety and welfare by regulating the design, erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any swimming pool, spa or hot tub plumbing system except as otherwise provided for in this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

#### 14.28.040 Adoption by Reference.

Subject to the additions, amendments, or deletions set forth in Section 14.28.050 of this chapter, the Uniform Swimming Pool, Spa and Hot Tub Code, 2015 edition, as published by the International Association of Plumbing and Mechanical Officials, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom Construction Codes. One copy of the Folsom Swimming Pool, Spa and Hot Tub Code, and any amendments thereto, shall be kept on file in the Community Development Department and shall be available for use and examination by the public.

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14.28.050 Additions, Amendments, or Deletions to Folsom Swimming Pool, Spa and Hot Tub Code.

The Folsom Swimming Pool, Spa and Hot Tub Code is amended as follows:

A. Section 102.1 Conflicts Between Codes—Revise to read as follows:

Where the requirements or definitions within the jurisdiction of this code conflict with the requirements of the Folsom Plumbing Code, Folsom Mechanical Code, Section 3109 of the Folsom Building Code or the Folsom Residential Code, this code shall prevail. Any requirements of the State of California Health and Safety Code which may be more restrictive shall also apply.

B. Section 104.0 Permits

104.1 Permits Required—After the first paragraph, insert the following paragraph:

Before any person commences with construction of a structure intended for swimming, recreational bathing or wading, including the installation of any plumbing, filter system, circulating pump, chlorinating or emptying system for any swimming pool, hot tub or spa, or any reconstruction, remodeling or replastering, an application accompanied by a fee shall be paid and a permit shall be obtained from the City. Every such application and submittal shall include the information required in sections 104.3 and 104.3.1. Where structural work will occur and when necessary, as determined by the Building Official, engineered wet stamped/signed plans and specifications shall be submitted.

104.3.2 Plan Review Fees—Revise to read as follows:

Where a plan or other data is required to be submitted by Section 104.3.1, a plan review fee shall be paid at the time of submitting plans and specifications for review.

The plan review fees for work to install, alter, or repair a swimming pool, spa, hot tub system, or part thereof shall be determined and adopted by this jurisdiction. The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 104.5

Where plans are incomplete or changed so as to require additional review, an additional fee as adopted by resolution by the Folsom City Council shall be charged.

C. Section 104.5 Fees--- Delete in its entirety and revise to read as follows:

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104.5 Fees. Fees shall be as adopted by resolution by the Folsom City Council.

- D. Table 104.5 Swimming Pool, Spa and Hot Tub Permit Fees—Delete in its entirety.
- E. Section 107.0 Board of Appeals---Delete in its entirety.
- F. Section 221.0 in Chapter 2, Definitions

Amend the definition of Swimming Pool to read as follows:

Swimming Pool—A swimming pool, hot tub or spa shall be any structure intended for swimming, recreational bathing or wading that contains water over eighteen inches deep. This includes in-ground, above-ground and on-ground pools, hot tubs, spas and fixed-in-place wading pools. Fish ponds or shallow decorative pools shall be exempt except where the Chief Building Official, in individual cases, deems it a public nuisance and/or dangerous to the public health, safety and welfare.

- G. Chapter 3 General Requirements—Add the following Section and subsections:

#### 313.0 Barriers, Locations and Excavation Spoils

##### 313.1 Barriers

All swimming pools, spas and hot tubs shall be provided with a barrier. The top of the barrier shall be at least sixty (60) inches above the highest adjacent grade or improved area measured on the side of the barrier that faces away from the pool and extending at least thirty-six (36) inches horizontally away from the barrier. The Building Official shall be authorized to accept an equivalent form of protection when the full thirty-six inches cannot be obtained due to adjacent terrain or structures not in control of the pool owner or other unique conditions. Openings in the barrier shall not allow the passage of a four-inch sphere. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches measured on the side of the barrier that faces away from the pool. When the grade is a paved or solid surface, the bottom of the barrier may be increased to a maximum of four inches. Gates and fencing shall not be constructed in a manner that either intentionally or unintentionally provides hand or foot holes for climbing and shall comply with Sections 3109.4.1.3, 3109.4.1.4, 3109.4.1.5 and 3109.4.1.6 of the Folsom Building Code. Access gates shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool area and shall be self-closing and have a self-latching device. Self-latching device heights shall be located no less than sixty (60) inches above grade. Gates other than pedestrian access gates shall have a self-closing and self-latching device. Double width gates which are not the sole means of ingress

or egress from the pool area shall not be required to be self-closing but shall be closed and suitably latched and locked at all times when not in use. All doors directly accessing a swimming pool area shall be equipped with an approved alarm in accordance with the State of California Health and Safety Code and UL 2017 unless an approved enclosure or barrier is provided around the pool area.

Exception: Spas and hot tubs equipped with an approved safety cover that meets all the requirements of ASTM F 1346. Supporting documentation shall be submitted at time of permit application.

Any safety devices for pools, spas and hot tubs permitted by the State of California shall also be acceptable when supporting documentation is submitted at time of permit application.

### 313.2 Locations

Swimming pools shall be constructed only at the side or in the rear of the principal building or any lot and shall not be constructed in that portion of the property which is the front setback or front yard of any lot. No portion of a swimming pool shall be constructed in any public utility easement, drainage easement or utility right-of-way. All public utility easements and rights-of-way shall be noted on plans during the permitting process. Any new or proposed retaining walls and their elevations shall also be accurately shown along with any pertinent contour lines that may affect the construction of the pool.

There shall be a distance of at least four feet between the water's edge of the pool and any side or rear property line and at least five feet between the water's edge of the pool and any other building or structure unless a lesser distance is authorized by the Building Official for unique conditions and when the pool structure is designed to resist any additional surcharges.

Exception: Fences

Any pool walls constructed within four (4) feet of any easement shall be constructed to resist any hydrostatic pressure without support from the adjacent soils. In no circumstances shall any part of a pool extend into any easement.

### 313.3 Excavation Spoils

Prior to the time of issuance of any pool permit, the permittee shall designate a location at which the excavation spoils will be delivered. If the spoils are to remain on site, a grading permit must be obtained prior to issuance of the pool permit. If the spoils are to be transported off site, a letter designating the location, signed by the owner of said land authorizing the deposition of spoils, shall be provided prior to issuance of a pool permit. If the spoils are to be transported to a

landfill, the dump tickets must be provided prior to or at the time of the initial inspection. Failure to provide dump tickets will result in an additional charge, payable to the City of Folsom, prior to any inspection and equal to an amount that would be charged for the disposal of a like quantity of spoils at the Sacramento County landfill.

H. Chapter 5 Water Quality---Section 512.0 Wastewater Disposal

512.1 General—Add the following sentence at the end of the section:

Unless specifically permitted in writing by the Authority Having Jurisdiction, no wastewater shall be discharged into any storm sewer or on any adjacent property, waterway or public way.

**SECTION 3 SEVERABILITY**

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining chapters of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions to be declared invalid or unconstitutional.

**SECTION 4 EFFECTIVE DATE**

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City of Folsom.

The first reading of the title of this ordinance was at the regular meeting of the City Council on October 25, 2016. A public hearing was held at the regular meeting of the City Council on December 6, 2016, and thereafter, this ordinance was introduced for the first reading. The second reading occurred at the regular meeting of the City Council on January 10, 2017.

On a motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this day of December 6, 2016 by the following vote, to wit.

AYES: Council Member(s):

NOES: Council Member(s):

ABSTAIN: Council Member(s):

ABSENT: Council Member(s):

\_\_\_\_\_  
Stephen E. Miklos, MAYOR

ATTEST:

\_\_\_\_\_  
Christa Saunders, CITY CLERK

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