

CHAPTER 3.24
SWIMMING POOLS

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3.24.005 ADOPTION OF INTERNATIONAL SWIMMING POOL AND SPA CODE. The 2015 Edition of the International Swimming Pool and Spa Code published by the International Code Council, Inc. as now or hereafter adopted or amended by the State of Washington, is hereby adopted by Benton County. All swimming pools, spas, hot tubs and structures hereafter constructed, enlarged, altered, repaired, relocated and added to shall be done in conformity with the provisions of the International Swimming Pool and Spa Code, except as expressly provided herein.
[Ord. 209 (1987) § 1; Ord. 329 (1998) § 1; Ord. 580 (2016) § 1]

3.24.010 DEFINITIONS. For the purposes of this chapter the following words and phrases shall have the indicated meanings:

(a) "Fence" shall have the usual meaning and shall consist of wood, metal, masonry or other substantial material with openings no greater than four inches in width.

(b) "Private swimming pools" shall mean pools capable of holding water of a depth of 24 inches or more which are located on property occupied by a single family residence and maintained for

[NOTE: This section is continued on the following page.]

the use of the residents and guests of such residents.

(c) "Public swimming pools" shall mean pools capable of holding water of a depth of 24 inches or more which are maintained and available for use by the general public, residents of multi-family dwellings or members of a club, association or organization.
[Ord. 141 (1980) § 1]

3.24.015 HEALTH DEPARTMENT APPROVAL. No permits for swimming pools shall be issued by the Building Department for lots that have an on-site sewage system without verification that the sewage system and the replacement area will not be impaired or encumbered. This verification shall be provided by the Benton-Franklin District Health Department.
[Ord. 209 (1987) § 2; Ord. 580 (2016) § 2]

3.24.016 ACCESSORY STRUCTURE. A swimming pool, spa and hot tub is an accessory structure, building and/or land use for zoning purposes as used in Title 11 BCC as now adopted or hereafter amended.
[Ord. 209 (1987) § 3]

3.24.017 BOARD OF APPEALS. Section 108 of the International Swimming Pool and Spa Code shall be amended to read as follows:

"BOARD OF APPEALS.

- (a) A Board of Appeals is hereby created to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code; to determine the suitability of alternate materials and methods of construction; and to provide for reasonable interpretations of the provisions of this code.
- (b) The Board consists of seven members who are qualified by experience and training to pass upon matters pertaining to building construction. Each member of the Board must be jointly appointed by the mayors of the cities

of Pasco, Kennewick, Richland, and West Richland and the chairpersons of the Boards of County Commissioners of Benton and Franklin counties, and shall serve at their pleasure. The building official of each local government whose representative, as required by this section, jointly appoints members to the Board is an ex-officio member of the Board. Each building official serving as an ex officio member shall serve as secretary of the Board on a rotating basis.

- (c) The Board must adopt reasonable rules and regulations for conducting its investigations and must render all decisions and findings in writing to the appellant. Duplicate copies of all decisions and findings of the Board must be provided to all building officials. The Board may recommend to the city councils, the boards of county commissioners, or both, new legislation consistent with the decisions and findings of the Board.

- (d) For purposes of this section, "Board" means the Board of Appeals created in accordance with this section."

[Ord. 209 (1987) § 4; Ord. 580 (2016) § 3]

3.24.020 PUBLIC SWIMMING POOLS - FENCING REQUIRED. (a) The area in which every public swimming pool is located shall be surrounded by buildings and/or a fence of at least six feet in height.

(b) No such surrounding fence or building shall be located less than five feet from the edge of the swimming pool.

(c) Gates leading to public swimming pools shall have latching hardware which can be locked or otherwise securely fastened shut and shall be securely fastened when not in use by persons authorized to use such pool. All the locks or latches shall be placed not less than four feet above the ground.
[Ord. 141 (1980) § 1]

3.24.030 PRIVATE SWIMMING POOLS - FENCING REQUIRED. (a) The area in which a private swimming pool is located shall be totally

surrounded by a building and/or fence of at least five feet in height.

(b) No such building or fence shall be located less than five feet from the edge of the swimming pool.

(c) All fence gates shall be provided with a latch openable only from the pool-side of the fence.

(d) Covers which may be used to enclose or cover the pool shall not be considered to qualify as a substitute for the required fence as a means of providing minimum safeguards to the pool area.
[Ord. 141 (1980) § 1]

3.24.040 BUILDING PERMITS - FEES. Fees shall be paid in accordance with established fees set forth in Chapter 3.04 BCC.
[Ord. 141 (1980) § 1; Ord. 196 (1986) § 1]

3.24.045 VARIANCES. (a) The Benton County Hearings Examiner may grant variances to the provisions of this chapter that require setbacks between structures or between structures and property lines.

Any person seeking such a variance shall submit to the Planning Department the following:

(1) A completed application supplied by the Benton County Planning Department, which includes an accurate drawing, drawn at a scale to be determined by the Planning Manager, showing the following:

- (i) The boundaries and dimensions of the site.
- (ii) Existing streets, roads, and highways bordering or crossing the site.
- (iii) Interior private roads.
- (iv) Locations and uses of existing and proposed structures.
- (v) Location of parking facilities, including access points.
- (vi) Scale and North Arrow.
- (vii) Vicinity Map showing adjacent properties.
- (viii) Location of drainage facilities.
- (ix) Location of utilities easements.

(2) A non-refundable application fee as established by resolution of the Board of Benton County Commissioners.

(3) Additional information as required by the Planning Manager.

(b) Before granting any variance under the provisions of this section, the Hearings Examiner shall hold an open record hearing, at which time the applicant and other interested parties will be given an opportunity to be heard. The open record hearing shall be held not less than ten (10) days after legal notice is given in the following manner:

(1) By United States mail addressed to the applicant and to the owners of all property within a distance of three hundred (300) feet in any direction from the subject property.

Notices addressed to the last known address of the person making the latest tax payment shall be deemed proper notice to the owner of such property.

(2) By publication of a legal notice in a paper of general circulation.

[Ord. 284 (1996) § 1; Ord. 538 (2014) § 1]

3.24.050 ENFORCEMENT. Enforcement of the provisions of this chapter shall be the responsibility of the Benton County Building Department.

[Ord. 141 (1980) § 1; Ord. 580 (2016) § 5]

3.24.060 VIOLATIONS - PENALTIES. (a) Upon a finding of a first violation of any provision of this chapter, any person or contractor shall be punished by a civil penalty not to exceed five hundred dollars (\$500) for said violation, shall be responsible for court costs, if applicable, and shall be ordered to pay restitution for any damages caused by said violation.

(b) Upon the court's finding of a second or subsequent violation of the same provision of this chapter, any person or contractor shall be found guilty of a misdemeanor.

[Ord. 141 (1980) § 1; Ord. 196 (1986) § 2; Ord. 304 (1997) § 9]

3.24.070 INJUNCTIVE RELIEF. Notwithstanding the existence or use of any other remedy or means of enforcement of the provisions hereof, Benton County may seek legal or equitable relief to enjoin any acts or practices which constitute a violation of any of the provisions hereof and compel compliance with all provisions of this chapter. The costs of such action shall be taxed against the person violating the provisions of this chapter. The Building Department may accept a written assurance of discontinuance of any act in violation of this chapter from any person who has engaged in such act. Failure to comply with the assurance of discontinuance shall be a further violation of this chapter.

[Ord. 141 (1980) § 1; Ord. 196 (1986) § 3; Ord. 580 (2016) § 6]

3.24.080 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.
[Ord. 196 (1986) § 4]

3.24.090 EFFECTIVE DATE. This ordinance shall take effect and be in full force upon the date of adoption.
[Ord. 329 (1998) § 3; Ord. 580 (2016) § 7]