



# Swimming Pools

The following items **MUST BE SUBMITTED** before your building permit application can be processed. The information submitted must be complete and accurate.

## Items Required:

- A signed Building Permit Application
- Two plot plans (for lots ten acres or more) or certificates of survey (for lots under 10 acres)
- One set of manufacturer's specifications and installation instructions. Two sets of Alternate Erosion and Sediment Control Plans with Notes (not applicable for City of Elko)
- A compliance inspection for the existing septic system, if required. (Call the Community Development Department at 952-496-8177 for additional information)
- Written description or drawing of environmental health concerns
- A signed septic permit application (with septic design information)

## Building Permit Application Form:

- Form can be obtained from your township/city clerk, the Scott County Building Inspections Department or our website: [www.scottcountymn.gov/933/Building-Inspections](http://www.scottcountymn.gov/933/Building-Inspections)

## PLOT PLAN:

- Provide an updated plot plan of your property showing all property lines; existing buildings and dimensions; setbacks; location, height and type of 4' fence enclosure; wells; septic tank and drain field locations; proposed pool location and dimensions of pool. (New footings and foundations should be a minimum of 20' from septic tanks and a minimum of 20' from drain fields.) A sample plot plan is available from Scott County Planning Department. Please check with Planning for side, front, and rear setbacks from property lines.

## **SCOTT COUNTY ZONING ORDINANCE REQUIREMENTS:**

### **Barrier:**

- A fence, wall, building wall, or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

### **Grade:**

- The underlying surface such as earth or a walking surface.

### **Separation Fence:**

- A barrier which separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

### **Swimming Pool:**

- Any structure intended for swimming or recreational bathing that contains water over 24" (610mm) deep. This includes in-ground, above ground, and on-ground swimming pools; hot tubs; portable and non-portable spas; and fixed-in-place wading pools.

### **Swimming Pool (Indoor):**

- A swimming pool which is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

### **Swimming Pool (Outdoor):**

- Any swimming pool which is not an indoor pool.
- An outdoor swimming pool shall be covered with an automatic safety pool cover that meets all performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard ASTM F1346-91, **OR** the pool shall have a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following standards (Amended 02/24/04 Resolution #2004-012):
  - a. The top of the barrier shall be at least forty-eight (48) inches (four (4) feet), above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to four (4) inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than forty-five (45) inches apart the horizontal members shall be placed on the poolside of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

- b. Openings in the barrier shall not allow passage of a one and three-quarter (1-3/4) inch diameter sphere.

**Exceptions:**

- a. When vertical spacing between such openings is forty-five (45) inches or more, the opening size may be increased such that the passage of a four (4) inch diameter sphere is not allowed.
- b. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to four (4) inches when the distance between the tops of horizontal members is forty-five (45) inches or more.
- c. Chain link fences used as the barrier shall not be less than eleven (11) gauge.
- d. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty four (54) inches from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least three (3) inches below the top of the gate, and (2) the gate and barrier shall have no opening greater than one-half (1/2) inch within eighteen (18) inches of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.
- e. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items a through d.

**BARRIER REQUIREMENTS**

**AG105.1 Application**

- The provisions of this chapter shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

## Outdoor swimming pool

- An outdoor swimming pool, including an in-ground, aboveground, or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:
  1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool the barrier may be a ground level, such as the pool structure or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
  2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
  3. Solid Barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
  4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within the vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
  5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between the vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 (44 mm) in width.
  6. Maximum mesh size for chain link fences shall be 2.25-inches (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).
  7. Where the barrier is composed of diagonal members such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).

8. Access gates shall comply with the requirements of Section AG105.2, items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate the release mechanism and openings shall comply with the following:
  - 8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches (76mm) below the top of the gate, and
  - 8.2 The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
  
9. Where a call of a dwelling serves as part of the barrier one of the following conditions shall be met:
  - 9.1 The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
  
  - 9.2 All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door: or
  
  - 9.3 Other means of protection, such as self-closing door with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.
  
10. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then:
  - 10.1 The ladder or steps shall be capable of being secured, locked, or removed to prevent access, or
  
  - 10.2 The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter sphere.

Failure to provide all of the above information will delay or prevent permit approval. After a preliminary review, additional information may be required. **Allow 10 working days for processing.**

**Required Inspections:**

- Footing before concrete is poured
- Electrical wiring must be approved by the state electrical inspector. Your building permit does not include the State Electrical permit or Electrical Inspection. For electrical permit information and electrical inspections please visit:  
[https://www.dli.mn.gov/CCLD/PDF/eli\\_ElectricalInspectorDirectory.pdf](https://www.dli.mn.gov/CCLD/PDF/eli_ElectricalInspectorDirectory.pdf)
- Final Inspection. When fence/auto cover has been completed and electrical has been completed and electrical has been approved.
- Additional inspections as needed.