

CHAPTER 11 ZONING DISTRICTS AND DISTRICT PROVISIONS

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ORDINANCE 1195 SWIMMING POOLS

Section 1195.01: GENERAL PROVISIONS. Private swimming pools are defined as follows: any enclosure, designed or intended or used for the containment of water, whether constructed below ground level or above ground level, having a surface area exceeding 100 square feet and a depth exceeding 18 inches which is designed, intended, or used for swimming, wading, or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by their family or invited guest without payment of a fee.

Section 1195.02: CONDITIONAL USE PERMIT REQUIRED. No swimming pool shall be constructed or established, and no such pool construction shall be commenced in the City, without first obtaining a conditional use permit from the Zoning Administrator, with the exception of Storable Pools (see Section 1195.08). Notwithstanding any other provisions of this Code, all swimming pools are conditional uses in every district

Section 1195.03: APPLICATION FOR PERMIT. Application for a conditional use permit for a swimming pool shall be made in the same manner as other conditional use permits. The City Council may require an additional fee for a swimming pool conditional use permit to cover the costs of inspection. In addition to the information required for a conditional use permit, the following information shall also be provided:

- (1) Complete plans and specifications for the construction of the pool.
- (2) A site plan showing the location of all structures on the lot, including house, garage, fences, trees, overhead or underground wiring, utility easements, and other significant improvements or natural features.
- (3) The proposed location of pumps, filters, electrical power source (if applicable), flushing and drainage outlets, and other operational features.
- (4) Location and specifications of protective fencing.

Section 1195.04: EFFECTIVE DATE. The safety features, including electrical wiring and fencing, as set forth in this Section shall apply to all private swimming pools in the City constructed after the date of enactment of this Ordinance.

Section 1195.05: CONSTRUCTION SET-BACK REQUIREMENTS. Private swimming pools shall be constructed so as to avoid hazard or damage to the occupants of the subject property or the occupants of adjacent property and shall meet the following minimum requirements:

- (1) No pool shall be located within 18 feet (measured horizontally) from any underground or overhead utility line of any kind.
- (2) No pool shall be located within any public or private utility easement, ingress or egress easement, drainage way, marsh, or other location in which it will represent a threat to the

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natural environment.

- (3) Swimming pools must meet appropriate setbacks.

Section 1195.06: SAFETY FENCE REQUIRED. Every pool shall have a fence meeting these requirements:

- (1) A safety fence at least 5 feet in height shall completely enclose the pool. All openings or points of entry into the pool area shall be equipped with gates or doors. All gates and doors shall have a latch which is no less than 4 feet above the ground level and which shall be so constructed and so placed as to be inaccessible to small children. All gates and doors shall be locked when the pool is not in use or is unattended by an adult with demonstrated swimming ability. Any opening between the bottom of the fence and ground level shall not exceed 3 inches.
- (2) Safety fences shall be constructed of smooth construction materials, vertically placed, without spaces between the materials, and shall be constructed so as to inhibit the climbing thereof by any person.
- (3) The wall of any pool constructed above the ground level, regardless of the height thereof, shall not qualify as a safety fence.

Section 1195.07: MISCELLANEOUS REQUIREMENTS. The following additional requirements shall apply to all pools.

- (1) The conduct of persons and the operation of pools shall be the responsibility of the owner and the tenant thereof, and such conduct of persons and operation of the pool shall be done in such a manner so as to avoid any nuisance or breach of the peace.
- (2) All back-flushing water or pool drainage water shall be directed onto the property of the owner, or onto approved drainage ways. Drainage onto public streets, storm sewers or other public drainage ways shall require permission from the Zoning Administrator. No pool shall be drained into the sanitary sewer system.
- (3) Any outdoor lighting of the pool shall not be permitted to spill or shine upon adjacent properties.
- (4) All electrical installations shall meet state requirements.
- (5) The filling of pools from fire hydrants or other public facilities is prohibited.

Section 1195.08: STORABLE SWIMMING POOLS.

- (1) Definition - A pool capable of holding water to a maximum depth of forty-eight inches (48) or a pool with non-metallic, molded polymeric or fabric walls supported on a rigid framework or by an inflatable ring and constructed entirely on or above ground, and is designed and constructed to be readily disassembled for storage and re-assembled to its original integrity.
- (2) Pool Operation - Storable pools will be allowed for use from May 1, through October 1 each year. Storable Pools must be registered at the City Hall prior to set up and all

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residents will be required to pay any registration fee per City Ordinance 215. Storable Pools shall be disassembled and stored inside for the period from October 1, through May 1. Their filtration systems must be operating and water quality must be properly maintained at all times during the periods in which they are assembled. If water quality or filtration cannot be properly maintained during these periods, the pool must be disassembled and properly stored.

- (3) An above ground swimming pool with sidewalls that are at least four (4) feet high does not require enclosure by a separate fence as long as the pool has a removable or lock-up ladder, gate, or other access entry point. This ladder or access shall be secured or removed to prevent access when the facility is not in use or unattended.