

TITLE 18
SWIMMING POOLS

Chapters:

18.04 Private Swimming Pools and Surrounding Barriers

Chapter 18.04

Private Swimming Pools and Surrounding Barriers

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§18.04.010 Definition. For the purpose of this Chapter, “private swimming pool” means a body of water in an artificial or partly artificial receptacle or other container whether permanent or portable and installed or constructed above ground or below ground elevation, with a depth of two (2) feet or more or a minimum surface of one hundred twenty-five (125) square feet, to be used for swimming, wading, diving, or recreational bathing and located on private residential property for the use of the property’s owner and guests.

§18.04.020 Purpose. The purpose of this Chapter is to prescribe rules and regulations controlling the construction and maintenance of private swimming pools located within the Village so as to protect the public health, safety, and welfare from the dangers which are often associated with private swimming pools.

§18.04.030 Scope. This Chapter shall apply to all private swimming pools located within the Village.

§18.04.040 Duty of Owner of Private Swimming Pools. It shall be the duty of the owner of every private swimming pool located within the Village to comply with the provisions set forth in this Chapter, as such provisions now exist or may from time to time be amended.

§18.04.050 Permit.

- A. Before commencing construction of a private swimming pool or any alteration, addition, remodeling, or improvement to a private swimming pool, the owner of the proposed or existing pool must obtain a swimming pool construction permit. The application for this permit may be obtained at the Village Hall. The completed application must be submitted to the Village

Hall, to the attention of the Zoning Officer referenced in Section 17.08.030 of this Village Code.

- B. The completed application must contain the plans and specifications for the desired construction, alternation, addition, remodeling, or improvement, along with such other information as the Village may request. The plans and specifications shall include but not be limited to:
 - 1. A site plan drawn to scale showing the location of the private swimming pool in relation to the side, front, and rear property lines and other buildings and improvements on the property; and
 - 2. A sketch of the cross section of the fence that will surround the private swimming pool.
- C. The permit fee shall be Twenty-five Dollars (\$25.00).
- D. If the Zoning Officer determines that the permit fee is paid; that the application for the swimming pool construction permit and the proposed construction, alteration, addition, remodeling, or improvement meet the requirements of this Chapter; and that the applicant has applied for a swimming pool compliance permit, then the Zoning Officer shall issue the requested swimming pool construction permit.
- E. If the work described on any swimming pool construction permit has not begun within ninety (90) days from the issuance thereof, the permit shall expire and be cancelled by the Zoning Officer and written notice thereof shall be given to the applicant.
- F. If the work described on any swimming pool construction permit shall not have been substantially completed within three hundred sixty-five (365) consecutive days from the issuance thereof, the permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be given to the applicant together with notice that further work as described on the cancelled permit shall not proceed until a new permit shall have been issued.
- G. If a new swimming pool construction permit is issued granting additional time for completion of the work, such new permit may require, at the discretion of the Zoning Officer, a limitation on time allowed for the completion of the work and a performance bond to ensure completion within the time set. Such new permit shall not, in any case, be valid after three hundred sixty-five (365) consecutive days from the date of issuance thereof.
- H. All swimming pool compliance certificates shall be applied for coincident with the application for a swimming pool construction permit. The

compliance certificate shall be issued within three (3) days after the construction, alteration, addition, remodeling, or improvement shall have been approved.

§18.04.060 Location of Private Swimming Pools.

- A. No private swimming pool shall be located in the front yard or in the side front yard of a corner lot.
- B. No private swimming pool shall be located within ten (10) feet of any structure which, in the judgment of the Zoning Officer, could be used as a platform from which a person could jump into the pool.

§18.04.070 Fence.

- A. Newly Constructed Private Swimming Pools. A fence (“barrier”) not less than five (5) feet in height must completely surround a private below-ground private swimming pool or a twenty-four (24) inch or more above-ground private swimming pool, except for those portions of the pool’s perimeter where there exists a building that would serve as a five (5) foot or higher barrier.
 - 1. Each barrier shall be equipped with a gate with self-closing and self-latching devices placed at the top of the gate.
 - 2. All private swimming pool gates must be closed and locked when the pool is not in use.
 - 3. The maximum vertical clearance between the grade and the bottom of the barrier shall be four (4) inches.
 - 4. Openings in the barrier shall not allow the passage of a four (4) inch diameter sphere.
 - 5. Where barriers are composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed two (2) inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed two (2) inches in width.
 - 6. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five (45) inches or more, spacing between the vertical members shall not exceed four (4) inches. Where there are decorative cutouts

within the vertical members, spacing within the cutouts shall not exceed two (2) inches in width.

7. Where a chain-link fence is provided, the openings between the links shall not exceed two and three-eighths (2 3/8) inches.
8. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-fourths (1 3/4) inches.
9. A snow fence is not acceptable as the barrier required under this Section.

B. Existing Private Swimming Pools.

Any owner of an existing below-ground private swimming pool, or of a twenty-four (24) inch or more above-ground private swimming pool, shall adhere to the requirements set forth in subsection A of this Section 18.04.070. Each such owner shall obtain a zoning use permit and construct a barrier around the private swimming pool area which brings the private swimming pool into compliance with subsection A of this Section 18.04.070 within sixty (60) days after the effective date of this Chapter.

§18.04.080 Enforcement.

- A. In the event the Zoning Officer determines that a violation of this Chapter occurred, the Zoning Officer shall provide the owner with written notice of the violation. If the violation, in the judgment of the Zoning Officer, constitutes a menace or hazard to the health or safety of the public, the owner will be required to drain the private swimming pool to a level not to exceed eighteen (18) inches of water until such a time as the Zoning Officer determines the menace or hazard no longer exists.
- B. Further, violation of this Chapter shall be subject to Chapter 1.30, Ordinance Enforcement.