

Title 15 BUILDINGS AND CONSTRUCTION

Chapter 15.40 SWIMMING POOLS

15.40.050 Swimming pool defined.

For the purposes of this article, "swimming pool" means any confined body of water exceeding two feet in depth and located either above or below the existing finished grade of the site, designed, used or intended to be used for swimming, bathing or therapeutic purposes. (Prior code § 67.325)

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15.40.060 Requirements.

The following provisions shall apply to every swimming pool located on any lot or parcel of one acre or less, and to every hotel, motel, apartment house, planned residential development, mobile home park, planned mobile home development, and public swimming pool within the city:

A. Fence Required. In order to obstruct access thereto by persons other than the owners or occupants of the premises on which a swimming pool is located, every swimming pool shall be enclosed by a natural barrier, retaining wall, fence or other structure having a minimum height of five feet measured from the exterior grade of said barrier, wall, fence or structure. Said barrier, wall, fence or structure shall be constructed or installed so as to prevent ladder-like access and shall have no horizontal openings greater than five inches.

B. Gates. Such fences may include gates therein. All gates must be self-closing and self-latching, with latches placed at least four feet six inches above the grade immediately below the latch in order to be securely closed. All gates opening through such enclosure shall be kept securely closed and latched at all times.

C. Ingress and Egress. Such fence, gate or other protective device as required by this section shall be installed in such a manner as to comply with the fire exit requirements contained in the Uniform Fire Code, adopted and as amended in Chapter 15.36, and the state law. No swimming pool shall be installed in any court or yard area if such pool would interfere with ingress or egress to any building or occupancy.

D. Modification. The owner of any swimming pool may request approval of modification from the fencing requirements contained in this section by submitting to the zoning administrator written application for such modification, setting forth a description of such pool and an alternate safeguard or condition of the site by which entry into said swimming pool may be restricted or prevented. The zoning administrator may approve such alternate safeguard or obstruction upon finding that one of the following conditions exists:

1. That the site in which the swimming pool is contained is a mobile home park, certified by the owner to be restricted to adult residents only, and alternate safeguards or conditions exist whereby entry into said swimming pool may be restricted or prevented;
2. That physical conditions of the site would make the erection of a fence or wall impractical;
3. That proposed limitation of access or conditions of control which would be continuously effective would accomplish the intent of the fencing requirements.

Cost of processing such application for modification shall be fifty dollars, payable to the city.

E. All swimming pools which are completely contained within the walls of a building shall be exempt from the provisions of this section. (Prior code § 67.326)

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15.40.070 Enforcement officer.

The provisions of this chapter shall be enforced by the director of land use and environmental regulation. (Prior code § 67.327)

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15.40.080 Violation declared public nuisance.

A. Any swimming pool erected, constructed, altered or maintained and/or any use of property contrary to the provisions of this article shall be and the same is declared to be unlawful and a public nuisance, and any failure, refusal or neglect to install a fence as required by the terms of this article shall be prima facie evidence of the fact that a nuisance has been committed in connection with the erection, construction, alteration or maintenance of any swimming pool erected, constructed, altered or maintained or used contrary to the provisions of this article. The city attorney shall, upon order of the city council, immediately commence necessary proceedings for the abatement, removal and/or enjoinder thereof in the manner provided by law.

B. All of the remedies provided for in this chapter shall be cumulative and not inclusive. (Prior code § 67.330)

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15.40.090 Penalty for violation--Each day a separate offense.

A. Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

B. Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this article is committed, continued or permitted by such person, firm or corporation and shall be punishable therefor as provided for in this article, and any use, occupation or building or structure maintained contrary to the provisions of this article shall constitute a public nuisance. (Prior code §§ 67.328, 67.329)