



# SWIMMING POOL PERMIT AND ORDINANCE REQUIREMENTS

## **TITLE:**

An ordinance adding Chapter 90, Article I, Sec. 90-1. – Definitions and Chapter 90, Article VI-Requirements for Specific Uses and Performance Standards.

## **SWIMMING POOL ORDINANCE:**

### **Chapter 90, Article I, Sec. 90-1. – Definitions**

Add the following:

*Swimming Pool* means any structure, basin, chamber, or tank designed to hold water to enable swimming, diving, recreational bathing, wading, or other leisure activities.

*In-Ground Swimming Pool* means a swimming pool that is built into the ground.

*Above Ground Swimming Pool* means a swimming pool that is built above ground.

*Small Above Ground Swimming Pool* means a swimming pool with a capacity of less than 5,000 gallons and wall height 24 inches to 42 inches.

*Large Above Ground Swimming Pool* means a swimming pool with a capacity over 5,000 gallons and/or a wall height over 42 inches.

### **Chapter 90, Article VI – Requirements for Specific Uses and Performance Standards**

#### **Add Sec. 90 – 279. – Swimming Pools.**

(a) **Unlawful unless conditions met.** It is unlawful for any person to construct, erect, install, replace, or maintain a swimming pool in the city, except in conformance with this section.

(b) **General standards for all swimming pools.** All swimming pools must conform to all of the following standards:

(1) One (1) swimming pool is allowed per lot.

(2) A building permit shall be required for the erection of all in-ground swimming pools. In addition, a building permit shall be required for all above ground swimming pools with a capacity over 5,000 gallons and/or a wall height over 42 inches. These swimming pools shall be in compliance with the adopted City and State building code, electrical code, and plumbing code, as amended.

(3) Except in the agricultural, long-term agricultural, rural residential, and future urban service zoning districts, no swimming pool shall be located or protrude in front of the principal building on the site, in relation to any public street.

- (4) Swimming pools shall not be located within any private or public utility easement, walkway, drainage, right of way, or other easements.
- (5) The pump, filter unit, heating unit, or other noise-making mechanical equipment shall be screened from the view of any nearby dwelling or public street and located a minimum of thirty (30) feet from any adjacent or nearby dwelling. Setback requirements may be minimized if the applicant can demonstrate sufficient noise proofing by other methods. This shall be reviewed and approved by City staff.
- (6) Swimming pool lighting shall be directed toward the pool and not toward adjacent properties.
- (7) All access for construction or erection of a swimming pool shall be over the owner's land. The owner shall be liable for damages caused to any public or private property. Back-flushed water or water from swimming pool drainage shall be directed onto the owner's property or into approved public drainage ways and shall not be discharged into or onto any portion of a private sewage treatment system.

**(c) In-Ground Swimming Pools**

- (1) A site plan must be submitted for approval by the community development director or designee before a permit is issued for any in-ground swimming pool. In addition, the applicant shall submit supplementary information including:
  - a. Size of swimming pool.
  - b. Impervious surface coverage of lot.
  - c. Drawings (must be to scale and show the following):
    1. Location of swimming pool.
    2. Location of pump, filter unit, heating unit, or other noise-making mechanical equipment.
    3. Required and proposed setbacks.
    4. Location of principal structure, garage, and any accessory structures.
    5. Location of fencing.
    6. Location of easements.
    7. Location of overhead electrical wires.
    8. Location of well and septic (if applicable).
    9. Any other improvements on the lot.
    10. Drawings of any final treatments or finishes (decking, landscaping, fencing, etc.) proposed around the pool.
- (2) Setbacks (measured to the pool water) for in-ground swimming pools located in the urban residential or rural residential zoning districts are as follows:
  - a. Fifteen (15) foot rear yard setback.
  - b. Ten (10) foot side yard setback.
  - c. Six (6) feet from any principal structure or frost footing (i.e., deck).

- (3) In-ground swimming pools at locations served by a private well and/or sewage treatment system must meet the following setbacks (measured to the pool water):
  - a. Twenty (20) feet from a water-supply well.
  - b. Ten (10) feet from any septic tank.
  - c. Twenty (20) feet from any soil treatment area.
- (4) All in-ground swimming pools shall be completely surrounded by a fence or wall, not less than four (4) feet high and not exceeding six (6) feet high. All gates or doors shall be equipped with a self-closing and self-latching gate or door with provisions for locking. This shall remain securely closed at all times. Fencing shall be installed prior to the filling of the pool. Please refer to section 90-227 for fence performance standards.

**(d) Above Ground Swimming Pools**

- (1) **General standards for all above ground swimming pools.** All above ground swimming pools with a wall height exceeding 24 inches must conform to all of the following standards:
  - a. Setbacks (measured to the pool water) for above-ground swimming pools located in the urban residential or rural residential zoning districts are as follows:
    1. Thirty (30) foot rear yard setback.
    2. Ten (10) foot side yard setback.
    3. Six (6) feet from any principle structure or frost footing (i.e., deck).
  - b. Above-ground pools at locations served by a private well and/or sewage treatment system must meet the following setbacks (measured to the pool water):
    1. Twenty (20) feet from a water-supply well.
    2. Ten (10) feet from any septic tank.
    3. Twenty (20) feet from any soil treatment area.
- (2) **Large above ground swimming pools.** Large above ground swimming pools are those with a capacity over 5,000 gallons and/or a wall height over 42 inches. Above ground swimming pools of this size must conform to the following standards:
  - a. A site plan must be submitted for approval by the community development director or designee before a permit is issued for any above ground swimming pool with a capacity over 5,000 gallons and/or a wall height over 42 inches. In addition, the applicant shall submit supplemental information including:
    1. Size of swimming pool.
    2. Impervious surface coverage of lot.
    3. Drawings (must be to scale and show the following):
      - (a) Location of swimming pool.
      - (b) Location of pump, filter unit, heating unit, or other noise-making mechanical equipment.
      - (c) Required and proposed setbacks.

- (d) Location of principal structure, garage, and any accessory structures.
  - (e) Location of fencing.
  - (f) Location of easements.
  - (g) Location of overhead electrical wires.
  - (h) Location of well and septic (if applicable).
  - (i) Any other improvements on the lot.
4. Drawings of any final treatments or finishes (decking, landscaping, fencing, etc.) proposed around the pool.
- b. All above ground swimming pools with a capacity over 5,000 gallons and/or a wall height over 42 inches shall be completely surrounded by a fence or wall, not less than four (4) feet high and not exceeding six (6) feet high. All gates or doors shall be equipped with a self-closing and self-latching gate or door with provisions for locking. This shall remain securely closed at all times. Fencing shall be installed prior to the filling of the swimming pool. Please refer to section 90-227 for fence performance standards.
- (3) Small above ground swimming pools.** Small above ground swimming pools are those with a capacity of less than 5,000 gallons and wall height 24 inches to 42 inches. Above ground swimming pools of this size that are not surrounded by a fence must have a removable ladder that is removed at all times when the swimming pool is not in use.