

Common Council Report

Agenda Item: Discussion and Possible Action Regarding Ordinance #494 Amending Section 54-66 and 54-67 Concerning Outdoor Swimming Pools
Meeting Date: April 6, 2022
Presenter: Jenny Salvo, City Clerk
Department: City Hall

Conformance with Strategic Plan:

<input type="checkbox"/>	Affordability & Financial Stability
<input checked="" type="checkbox"/>	Safe, Inclusive, Welcoming Community
<input checked="" type="checkbox"/>	Diverse Opportunities for Fun and Life-Long Learning
<input type="checkbox"/>	High Performing Organization with Professional Staff
<input type="checkbox"/>	Environment for Business Success with Thoughtful Growth and Development

Summary

Staff has received concerns from residents regarding the permit and fencing regulations for temporary swimming pools listed in Division 7, Sec. 10-181 to Sec. 10-183 called Outdoor Swimming Pools.

Analysis and Key Issues

Division 7, Sec. 10-181 to Sec. 10-183 references the requirements for outdoor swimming pools. The regulations in this section applies only to pools with a height of more than 30 inches, measured from the pool floor to the top of the pool, regardless of the depth of the water and whether a pool is a permanent or temporary structure. There is not a distinction between pools that are considered temporary in nature, hot tubs, or wading pools.

The existing ordinance requires the following:

1. A pool permit application is required for all pools that meet the construction height requirement with a fee of \$55 Minimum (additional fee for electric and/or plumbing required permits)
2. Outdoor swimming pools require a 5 foot fence surrounding the swimming pool
3. Minimum setback and side yard restrictions are required in accordance with the current zoning restrictions

With the exception of required permits for electrical and plumbing, the City has discretion on if a building permit is required for installation of a pool. The requirement to install a fence around a temporary pool or the height of a fence around a property with a pool is a local decision. State law does not require a fence around a swimming pool on private property.



Proposed Changes

- Addition of language that defines the difference between swimming pool, temporary swimming pool, and wading pool
- Permits are required for swimming pools that will remain in place as a fixture throughout the full year (permanent).
- Wading pools and hot tubs are exempt from the permit and fencing requirements but must follow the setback requirements and be covered when not in use. Electrical installations for the hot tub must receive a permit
- In-ground pools must have a fence of not less than 4 feet in height or may be reduced to 3 feet if a safety cover meeting the minimum requirements is installed.
- Above ground pools must have one of the following:
 - Barrier of 3 feet above the top rim of the pool and may be a solid wall or fence. However the barrier may not be located within six feet of any other wall, structure or fence which may be readily climbed by children.
 - Raised deck around the pool, minimum of 36 high
 - Safety cover meeting minimum requirements and a three foot fence
- Pools may be placed at least 10 feet from any lot line

Fiscal Impact

The City may see a minimal decrease in permit fees due to the change in permit requirements.

Recommended Motion

Staff does not have a recommendation on the ordinance amendments regarding swimming pools. However, based on a peer community review, the proposed ordinance changes are more in line with our surrounding community standards. Staff is requesting direction on how the Council wishes to proceed.

Attachments

- Ordinance #2022-494 – Ordinance Repealing Sections 10-181 Through 10-183 And Creating Sections 10-181 Through 10-184