

ORDINANCE NO. 552

An Ordinance of the Municipal Code of the City of Kiel Repealing and Recreating Outdoor Swimming Pool Regulation (Safety Pool Covers)

The Common Council for the City of Kiel do ordain as follows:

SECTION 1: Section 14.11 is repealed and recreated to now read as follows:

OUTDOOR SWIMMING POOL REGULATION.

- 1) **PERMIT REQUIRED.** No construction or installation of an outdoor swimming pool, or alteration, enlargement, or replacement of an existing swimming pool, which means and out-of-doors pool used for swimming purposes only, shall begin unless a permit therefor has been obtained and the fee of \$25.00 therefor has been paid. The application for such a permit shall be accompanied by a site plan showing the size, location, and description of the property. No permit shall be required for construction of a wading pool, which is a pool used principally for non-swimming children.

- 2) **SETBACK AND STRUCTURAL REQUIREMENTS.**
 - a. **Setbacks.** Permanent above- or in-ground pools shall maintain a minimum rear and side yard setback of three (3) feet from adjoining property. In determining this setback for above-ground pools with permanent fencing or decks, any deck, walkway, or similar structure shall be considered part of the pool.
 - b. **Fencing.** All fences under this subsection shall be constructed in such a manner as to comply with the requirements of Section 14.10, or variance therefrom, and the requirements of this subsection. These fences shall also comply with the following standards:
 - i. The fence must be able to withstand one hundred (100) pounds force in any direction.
 - ii. The fence shall be constructed and designed so as to prevent penetration of an object greater than four (4) inches in diameter.
 - iii. All such fences shall be constructed with a latch door or gate at least thirty (30) inches above ground, which complies with all other height and structural requirements of this section, which shall be latched when not in use in such a way that it cannot be opened from the outside.
 - c. **Safety Pool Cover.** For the purposes of this section, a swimming pool cover providing a degree of protection equivalent to that of the fencing described in this section may be used in lieu of fencing. Such pool covers shall also comply with the following standards:
 - i. The swimming pool cover must meet all performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard ASTM F1346-91.
 - ii. The swimming pool cover shall be completely drawn so as to cover the entire pool and must be fixed securely in place at all times when the pool is not in actual use and shall provide a continuous connection between the

cover and the deck, so as to prohibit access to the pool when the pool is not in actual use.

- d. Permanent In-Ground Pools. Permanent in-ground pools, subject to Section 14.10 of this Code, shall be surrounded by a free-standing fence not less than forty-two (42) inches from the ground level with the fencing also to be in compliance with Section 14.11(2)(b) or equipped with an ASTM F1346-91 compliant pool cover with the pool cover also to be in compliance with Section 14.11(2)(c). The fence and/or pool cover must be able to withstand one hundred (100) pounds of force in any direction.
- e. Above-Ground Pools. Above-ground pools with walls that are at least forty-two (42) inches high at all points around said pool or have platforms and railings which are forty-two (42) inches or more in height above the ground are not required to be enclosed as provided in Subsections (2)(b), (2)(c), and (2)(d) but the ladders and stairways providing access to said pools shall be adequately secured so that children cannot stray into the pool whenever the pool is not in use.
- f. Portable Pools. Portable pools over one (1) foot deep shall be drained, fenced, or covered in such a manner as to provide public safety after each day's use.
- g. Conforming Present Pools to Code. Any fence or swimming pool cover which exists prior to the effective date of this section, but which does not conform to the requirements of those sections, shall not be altered, enlarged, or replaced without making the entire structure conform with the provisions of this section and any other applicable City ordinances. The Mayor shall appoint a Swimming Pool Inspection Committee whose task it shall be to inspect all outdoor residential swimming pools in the City. Said Committee shall report on its inspection to the Mayor and Common Council and recommend to them which pools not complying with the standards established in this section should be grandfathered and in what respects. The Plan Commission shall then review said recommendations and recommend their acceptance or rejection to the Common Council, which shall thereafter, after a public hearing on the subject, decide the terms of the grandfathering for each pool referred to in the said recommendations.

3) OPERATION OF RESIDENTIAL SWIMMING POOLS.

- a. Definitions.
 - i. Residential Swimming Pool. A residential swimming pool is a swimming pool constructed appurtenant to a dwelling and used or intended to be used solely by the owner or lessee thereof and his or her family and friends for recreation without financial gain.
 - ii. Public Swimming Pool. A public swimming pool is an outdoor or indoor pool that is entirely man-made, excepting those serving less than 3 individual residential quarters such as homes or apartments. Public pools include those serving or installed for the State or any political subdivision thereof, including school districts; those serving or installed at motels, hotels, resorts, camps, clubs, associations, housing developments, schools, religious, charitable, or youth organizations; institutions or similar establishments. Included are buildings, equipment and appurtenances, whether or not a fee is charged for the use thereof.
- b. Public Swimming Pools Prohibited in Residential Areas. No person shall operate a public swimming pool on any premises zoned residential. The operation of a public swimming pool on residential premises is a public nuisance.

- c. Interference With Enjoyment of Property Rights Prohibited. No residential swimming pool shall be located, designed, operated, or maintained so as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the swimming pool or located in the neighborhood.
- d. Shielding Lights. Lights used to illuminate any residential swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises.

SECTION 2: This ordinance shall take effect upon passage and publication in accordance of law.

Ordinance No. 552 introduced on September 11, 2018 by
Aldersperson _____, seconded by Aldersperson _____.

Upon a call of votes thereof, the result was as follows:

_____	Votes Cast
_____	Votes Aye
_____	Votes Nay
_____	Votes Abstain

The Mayor or designee declared Ordinance No. 552 introduced and approved this 11th day of September, 2018.

MICHAEL STEINHARDT, Mayor

COUNTERSIGNED:

JAMIE J. AULIK, City Administrator