

**CHAPTER 1472  
Swimming Pools**

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**CROSS REFERENCES**

Board of Zoning Appeals - see CHTR. Sec. 6.04; P. & Z. Ch. 1244  
 Disorderly conduct - see GEN. OFF. 648.04  
 Use of water during emergencies - see S.U. & P.S. 1048.09  
 Drainage and grading in subdivisions - see P. & Z. 1230.01 (a)  
 Fences - see B. & H. Ch. 1464

**1472.01 DEFINITION.**

As used in this chapter, "outdoor swimming pool" means any artificial pool of water which is constructed of steel, masonry, concrete, earth, aluminum, plastic or canvas, which is located out of doors, whether under cover or otherwise, which has a water surface area of 300 square feet or more or a depth greater than twenty-four inches at any point and which is used or designed to be used solely by the owner or lessee thereof, his family and friends without payment of any fee.

This chapter shall not apply to any artificial body of water whose primary purpose is to water livestock, irrigate farms or truck gardens or offer to the public on a commercial basis the opportunity for public swimming or bathing. This chapter shall not apply to any artificial body of water whose primary purpose is to provide swimming, bathing and recreation for a community neighborhood when such purpose has been authorized by the Board of Building Code Appeals with the advice and consent of the then existing recreational authority of the City. Nothing contained in this section shall be construed to amend any provision of the Zoning Code. (Ord. 63-62. Passed 7-23-62; Ord. 61-00. Passed 7-24-00.)

**1472.02 PERMIT REQUIRED; FEE.**

(a) No person shall permit the installation, construction or use of any outdoor swimming pool on any property in the City owned or occupied by him without first obtaining a permit therefor from the Building and Zoning Inspector. Application for such permit shall be accompanied by the plans, specifications and proposed drainage for such pool, which plans shall include an accurate diagram showing the location of the pool upon the premises wherein it is to be installed and constructed.

(b) The fee for such permit shall be twenty dollars (\$20.00) for a portable or temporary pool and thirty dollars (\$30.00), plus three dollars (\$3.00) per 100 square feet, for any permanent pool. (Ord. 97-94. Passed 9-26-94.)

**1472.03 LOCATION OF POOLS.**

To insure that small children and others may be readily observed while approaching the same, no outdoor swimming pool shall be constructed, installed or erected in front of any building setback line or less than ten feet from any structure or ten feet from any side or rear lot line, and no such pool shall occupy more than ten percent of the total lot area. In all cases an unobstructed view of the pool from the residence shall be maintained, and no structures, appurtenances or fixtures, whether temporary or permanent, shall be placed within the line of vision to be so maintained.  
(Ord. 110-78. Passed 11-27-78.)

**1472.04 ILLUMINATION.**

If any outdoor swimming pool is illuminated by flood or other artificial lighting at night, no such lighting shall be used after 11:00 p.m. if such pool is located within 200 feet of any building used for dwelling purposes, with the exception of the dwelling of the owner of the premises on which the pool is located. Such lighting shall be arranged and shaded so as to reflect light only on the pool and its aprons and away from adjoining premises and public streets.  
(Ord. 63-62. Passed 7-23-62.)

**1472.05 FENCE REQUIRED.**

(a) Each outdoor swimming pool shall be enclosed by a fence erected around the perimeter or immediate vicinity of that portion of the premises on which it is located or be enclosed by a fence around the top of the pool. Such fence shall be attached to a building on the premises, if desired, or extended so that, in either case, the pool is completely enclosed. Such fence shall be of rigid construction and subject to the prior approval of the Service Director or his designated representative.

(b) Each outdoor swimming pool shall be enclosed by a fence erected adjacent to all sides of the pool, but not less than six feet from any side or rear property line or ten feet from any permanent building on the premises, so that small children can be observed when approaching the same.

(c) Such fence shall be not less than four feet in height or shall not be more than six feet in height and so constructed that the climbing thereof requires maximum difficulty. Construction of such fence shall be subject to the prior approval of the Service Director or his designated representative.

(d) Each fence shall be provided with gates which self-close and self-latch, which are of at least the same height as the remainder thereof, which are so constructed as to prevent access to the pool by small children and which shall be kept securely locked when the pool is not in use by the owner, his family or guests. No person shall fail to provide and maintain the fence and gates required herein.  
(Ord. 110-78. Passed 11-27-78.)

**Swimming Pools****1472.06 CONFORMITY TO NATURAL GRADE.**

(a) Each outdoor swimming pool shall substantially conform to the natural grade of the surrounding land, unless the specific natural grade is such that proper gravity drainage into a storm sewer is not possible. No part of such pool, other than a diving board or similar equipment and the fence required in Section 1472.05, shall be higher than one foot above such grade.

(b) No portable swimming pool to be erected above grade shall be subject to the requirements of subsection (a) hereof, but such pool shall be subject to all of the other provisions of this chapter.

(Ord. 63-62. Passed 7-23-62.)

**1472.07 WATER SUPPLY.**

(a) No outdoor swimming pool shall be filled from or connected for any purpose to a central or public water supply system, unless such connection is first approved by the Service Director. The Service Director shall certify that such water supply system is capable of supplying water to such pool in addition to supplying water in necessary and sufficient amount to the properties which it serves. However, any pool approved for connection to a central or public water supply system shall be subject to regulations or proclamations concerning the use of the water therefrom during periods of emergency water shortage.

(b) A back flow protection device shall be required for all swimming Pools so as to provide quality protection of the public water system.

(1) New or existing swimming pools with a direct or permanent connection shall be required to install an approved back flow prevention device.

(2) New or existing swimming pools with a temporary or portable water supply connection shall be required to provide an approved hose bibb vacuum breaker at the sill cock source.

(3) Upon written notice from the Service Director, the consumer shall install at his sole cost, a back flow prevention device of a type approved by current standards such as ASSE, AWWA, USC, FCCC. If the consumer fails to install the device within thirty days after written notice, the consumer shall be subjected to the penalty provided in Section 1472.99(a).  
(Ord. 110-78. Passed 11-27-78.)

**1472.08 DRAINAGE.**

Each outdoor swimming pool shall be so constructed that it can be drained into a public storm sewer, natural watercourse or other adequate and approved system of drainage which will enable the same to be drained without causing the water therein to flow, unlawfully, upon the lands of persons other than the owner of such pool. However, no pool shall be permitted to drain into a storm sewerage system unless the City Engineer ascertains that such system is adequately constructed and of sufficient capacity to accept and accommodate such drainage without overloading or in any way interfering with the normal operation thereof and approves such drainage. In no case shall any swimming pool drain into any sanitary sewerage system.

(Ord. 63-62. Passed 7-23-62.)

**1472.09 NUISANCES.**

(a) No person shall make or cause to be made at any outdoor swimming pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. No person shall use, operate or permit the use or operation of any radio, receiving set, musical instrument, phonograph or other machine or device for producing, receiving or reproducing sound, particularly during the hours of 11:00 p.m. and 7:00 a.m., in such manner as to disturb the peace, quiet or comfort of neighboring inhabitants or at a volume greater than that necessary for the convenient hearing of the persons who are in the pool premises. For purposes of this section, any noise that can be distinctly heard at a distance of more than 100 feet from its source shall be deemed excessive.

(b) No person shall bathe in any outdoor swimming pool in the City in a state of nudity or with his person so undressed that there is indecent exposure of the body publicly. (Ord. 63-62. Passed 7-23-62.)

**1472.10 INSPECTION AND ENFORCEMENT.**

Any building enforcement official, law enforcement official or health officer may inspect or cause to be inspected all pools within the City at such reasonable times as may be deemed necessary to carry out the intent of the provisions of this chapter. Such officials are hereby authorized to enter upon any premises to take such samples of water from the pools as may be deemed necessary to determine their freedom from pollution and to require the owner or operator to comply with the provisions of this chapter. In the event of the failure of such owner or operator to comply, after reasonable notice, with any of the provisions of this chapter, either the Building and Zoning Inspector or any authorized health officer shall have power to abate or cause a suspension of the use of such pool until there no longer exists a menace or hazard to health, safety or morals. (Ord. 63-62. Passed 7-23-62.)

**1472.11 APPEAL.**

Any refusals by the Building and Zoning Inspector to issue a permit as provided in Section 1472.02 and any interpretation, decision or requirement by him pertaining to the construction, installation, use or operation of a pool as prescribed in Sections 1472.02 through 1472.10 may be appealed in writing within ten days after such refusal, interpretation, decision or requirement, to the Board of Building Code Appeals, as provided for in other cases of appeals thereto. The Board shall, in accordance with its rules of procedure, investigate such application, refusal or interpretation, decision or requirement, and may affirm, modify or reverse the same in such manner as to effectively carry out the provisions of this chapter, preserve the public health and safety and do substantial justice. (Ord. 63-62. Passed 7-23-62; Ord. 61-00. Passed 7-24-00.)

**1472.99 PENALTY.**

(a) Whoever violates any of the provisions of this chapter for which no penalty is otherwise provided is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) Whoever violates Section 1472.09(b) is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both.

**CHAPTER 1474**  
**Temporary Driveways**

**1474.01 Required prior to construction.**                      **1474.99 Penalty.**

CROSS REFERENCES

Loads dropping, leaking or shifting; tracking mud; removal required -  
see TRAF. 440.06

Polluting and diverting natural watercourses - see GEN. OFF. 660.04(a)

Excavations - see S.U. & P.S. Ch. 1020

Construction of driveway drainage - see S.U. & P.S. Ch. 1024

**1474.01 REQUIRED PRIOR TO CONSTRUCTION.**

When a permit has been issued for the construction of any building within the City, the builder shall construct and maintain a temporary driveway before any construction work, including excavation, has been started. All vehicles and equipment shall enter and exit through such driveway. Such driveway shall extend from the street to such lot and shall be sufficient to accommodate the passage of any vehicle or equipment which must have access to such lot during the period of construction of such building. Such driveway shall not in any way impair the operation of any existing drainage ditch, culvert or storm sewer, nor shall it in any way cause the accumulation of water or diversion of any natural watercourse.  
(Ord. 20-74. Passed 3-11-74.)

**1474.99 PENALTY.**

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00).