

Ordinance No. 54

AN ORDINANCE ESTABLISHING CHAPTER 152 PERTAINING TO PRIVATE RESIDENTIAL SWIMMING POOLS IN THE CITY OF OAKLAND, IOWA.

BE it enacted by the City of Oakland, Iowa:

CHAPTER ADDED: Chapter 152, of the City Code of Ordinances is hereby added to read in full as follows:

CHAPTER 152

Section 01 PRIVATE SWIMMING POOLS IN RESIDENTIAL AREAS.

A. Private Swimming Pools: No person or entity shall be allowed in any residential zoning district to construct, install, operate, or maintain a private swimming pool ("pool") unless there is compliance with the following requirements:

1. The pool is not operated as a commercial business or a private club.
2. The pool shall not be located in any required front or required side yard and shall not be closer than seven (7) feet to any property line of the property on which it is located. Pump and filter installations for pools shall not be closer than ten (10) feet to any property line.
 - a. Any in-ground or surface pool or the property upon which said pool is located, shall be entirely enclosed by a fence of a type which controls the entrance by children to the pool area. The fence must be at least five (5) feet in height. Wooden fences with boards placed vertically shall not have any opening wider than four inches per opening and wooden fences with boards placed horizontally shall not have any opening wider than one inch per opening. For in-ground pools, a mechanically controlled cover may be used in lieu of the aforesaid fencing requirements.
 - b. Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the property.
 - c. All above ground pools, shall be equipped with an automatically retractable type ladder, retractable ladder, a removable ladder or shall be fenced in accordance with Section A (2)(a) (above). The ladder must be removed or retracted when the pool is not being attended.
 - d. Access to the pool shall be prohibited from the ground for all pools designed to be accessed via a deck or porch unless the property or the ground access to the deck is fenced in accordance with A(2)(a).
 - e. It shall be the responsibility of the property owner where said pool is located to maintain all pool covers, fences, gates and closure devices in good operating condition.
 - f. Failure to maintain pool, hot tub or spa covers, fences, failure to have gates closed or failure to remove or retract the ladder access to the pool shall constitute a violation of the Code of Ordinances and subject to the penalties provided as a municipal infraction.

B. Definitions

1. SWIMMING POOL: A swimming pool, hot tub or spa: shall be any structure intended for swimming, recreational bathing or wading that contains water over 18 inches deep. This includes in-ground, above-ground and on-ground pools, hot tubs, spas and fixed-in-place wading pools.
2. SWIMMING POOL, ABOVE GROUND: Any private recreational pool, pond, lake or open tank not located within a completely enclosed building and capable of containing water to a depth at any point greater than 24 inches.
3. SWIMMING POOL, IN-GROUND: A swimming pool whose sides are not exposed and are below the natural ground located adjacent to said swimming pool.
4. SWIMMING POOL, SURFACE: A swimming pool whose exposed sides have a height of more than 24 inches, but less than 48 inches above the natural ground located adjacent to said swimming pool.

C. General Regulations.

1. Enclosed pools shall be considered as structures for purposes of regulations limiting lot coverage.
2. Prior to any construction or placement of a pool on private property, the property owner shall obtain a building permit from the City of Oakland. Prior to the issuance of a building permit, the property owner must submit to the City a site plan and the height and size information of the pool, and the required fencing or other access controls that may be required for the swimming pool along with Uniform Building Code requirements.

PASSED by the Oakland City Council this 12th day of February, 2019, and approved the 12th day of February, 2019.

Brant Miller, Mayor

ATTEST:

Marissa Lockwood, City Clerk

I certify that the foregoing was published as Ordinance No. 54 on the _____ day of _____, 2019.

Marissa Lockwood, City Clerk