CITY OF DANUBE

ORDINANCE # 92

AN ORDINANCE REGULATING THE CONSTRUCTION AND MAINTENANCE OF SWIMMING POOLS AND SPAS WITHIN THE CITY OF DANUBE

THE CITY COUNCIL OF THE CITY OF DANUBE DOES ORDAIN:

Section 1. General Provisions. Private Swimming Pools are regulated by this Chapter and are defined as follows: Any enclosure, designed or intended or used for the containment of water, whether constructed below ground level or above ground level, having a surface area exceeding 100 square feet and a depth exceeding 18 inches which is designed, intended, or used for swimming, wading, or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by their family or invited guests, and includes outside Spas.

Spas are defined as a unit primarily designed for therapeutic use which is not drained, cleaned, or refilled for each individual use. It may include, but not be limited to, hyrdojet circulation, hot water, cold water mineral baths, air induction bubbles, or any combination thereof. Industry terminology for a spa includes, but is not limited to, "Therapeutic Pool", "Hydrotherapy Pool", "Whirlpool", "Hot Spa", "Hot Tub", etc.

Section 2. Permit Required. No swimming pool shall be constructed or established, and no such pool construction shall be commenced in the City of Danube without first obtaining a permit from the City Clerk.

Section 3. Application for Permit. Application for a swimming pool permit shall be made to the City Clerk upon forms provided by the City Clerk. A fee set by resolution of the Council shall be submitted with the application to cover the costs of inspection. The application for the permit shall include, without limitation, the following information.

1.1 Complete plans and specifications for the construction of the pool;

1.2 A site plan showing the location of all structures on the lot, including the house, garage, fences, trees, overhead or underground wiring, utility easements, and other significant improvements or natural features;

1.3 The proposed location of pumps, filters, electrical power source (if applicable), flushing and drainage outlets, and other operational features;

1.4 Location and specifications of protective fencing.

Section 4. Construction and Set-Back Requirements. Private swimming pools shall be constructed so as to avoid hazard or damage to the occupants of the subject property or the occupants of adjacent property and shall meet the following minimum requirements.

1.1 Setback. No pool shall be located within 18 feet (measured horizontally) from any underground or overhead utility line of any kind.

1.2 Easement. No pool shall be located within any public or private utility easement, ingress or egress easement, drainage way, marsh, or other location in which it will represent a threat to the natural environment.

1.3 Accessory Buildings. Swimming pools are accessory buildings in all residential districts under the Danube City Ordinances and must meet appropriate setback regulations and may not be constructed in a front yard in a residential district.

1.4 Electrical. All electrical installations shall comply with current building, electrical and other applicable state and local codes.

Section 5. Safety Fence Required.

1.1 Fence Required. A safety fence, so as to inhibit climbing, at least 6' in height shall completely enclose the pool. All openings or points of entry into the pool area shall be equipped with gates or doors. All gates and doors shall be equipped with self-closing and self-latching devises placed at the top of the gate or in a manner otherwise inaccessible to children and must be latched when the pool is not in use. Any opening between the bottom of the fence and the ground level shall not exceed 3 inches.

1.2 Walls. The wall of any pool constructed above ground level, regardless of the height thereof, shall not qualify as a safety fence.

Section 6. Miscellaneous Requirements.

1.1 Nuisance. The conduct of persons and the operations of pools shall be the responsibility of the owner and the tenant thereof and such conduct of persons and operations of the pool shall be done in a manner so as to avoid any nuisance or breach of the peace, and it shall be unlawful to allow loud noises to go beyond the boundaries of the property upon which the pool is located to adjacent property.

1.2 Drainage. All back flushing water or pool drainage water shall be directed onto the property of the owner, or onto approved drainage ways. Drainage onto public streets or other public drainage ways shall require a permit from the City Clerk.

1.3 Lighting. Any outdoor lighting of the pool shall not be permitted to spill or shine upon adjacent properties.

1.4 Filling. The filling of pools from fire hydrants or other public facilities is prohibited without prior approval of the Director of Public Works.

Section 7. Application. The provisions of this Chapter shall apply to pools constructed after the date of passage of this Chapter.

This Ordinance shall be effective from and after its passage and publication in accordance with Law.

Adopted by the City Council of Danube this 23rd day of October, 1996.

Don Lothert, Mayor

Attest: Veva Mittelstadt
City Clerk

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The City Council of the City of Danube does ordain that Section 4: 1.1 of this ordinance is amended to read as follows:

> Setback. No pool shall be located within 18 feet (measured horizonatally) from any overhead utility line of any kind.

Adopted by the City Council of Danube this 10th day of May, 2000.

Daniel Wersal

Daniel Wersal, Mayor

Veva Mittelstadt

Attest: Veva Mittelstadt, City Clerk