

## TITLE 4 SAFETY

### CHAPTER 5 SWIMMING POOLS- RULES AND REGULATION OF PRIVATE SWIMMING POOLS

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#### SECTION 4-5-1 GENERAL PROVISIONS

The purpose of this Title is to prescribe rules and regulations controlling the construction, maintenance, and operation of private swimming pools located within the corporate limits of the City of West Peoria to protect the public health, safety, and welfare from the dangers, which are often associated with a private swimming pool. It shall be the duty of the owner of a private swimming pool to comply with the provisions set forth in this Title as such provisions now exist or may hereinafter be amended.

#### SECTION 4-5-2 GENERAL PROVISIONS

The following phrases, terms, words, and their derivations shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

- **“Building”** shall mean any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.
- **“City”** shall mean the City of West Peoria, Illinois.
- **“Diagonal setback”** indicates a measurement for setback that is calculated by measuring from the water surface at the private swimming pool’s edge to the lowest overhead electrical service line.
- **“Dwelling”** shall mean any building, structure, or improvement consisting of not more than four (4) dwelling units.
- **“Dwelling unit”** shall mean a building, structure, or improvement used or designed for occupancy by one (1) family.
- **“Family”** shall mean an individual person or two (2) or more persons who are related by blood, marriage, or adoption or who maintain a common household in a dwelling unit.
- **“Fence”** shall mean an artificially constructed barrier of any material or combination of materials erected to enclose a private swimming pool.
- **“Linear”** shall mean a straight and horizontal measurement between points.
- **“Private swimming pool”** shall mean a body of water in an artificial or partly artificial receptacle or other container whether installed or constructed above or below ground elevation with a minimum depth of 18 inches and a minimum surface area of one hundred twenty-five (125) square feet to be used for swimming, wading, diving, or recreational bathing and located on private residential property for the use of the property’s owner and guests.
- **“Temporary Pools”** shall mean any pool which is not constructed of concrete, tile, or steel that could contain water over (18) inches and does not otherwise qualify as a private “swimming pool” as defined above.

- **“Private residential property”** shall mean any real property, building, or portions thereof used for dwelling purposes.
- **“Zoning Title”** shall mean the Zoning Title for the City of West Peoria, Illinois, as it presently exists or as it may hereinafter be amended.

SECTION 4-5-3 LOCATION AND SETBACKS

- (A) The owner of the proposed private swimming pool or his representative or agent shall install the same in conformance with the applicable requirements set forth in the Zoning Title as well as setback from appurtenances, lot lines, buildings, walks, fences, and overhead electrical service lines. If a conflict arises between the requirements of the Zoning Title and the provisions of this Section, the more restrictive requirements shall apply.
- (B) The location of the private swimming pool shall adhere to the following minimum setbacks:
1. Five (5) feet from walls, landscaping elements or structures, trees, and other appurtenances.
  2. Ten (10) feet linear and eighteen (18) feet diagonally from overhead electrical service lines (it is recommended that such electrical service lines be placed underground to provide additional safety).
  3. Ten (10) feet from principle or accessory structures, excluding decks.
  4. Property and building line setbacks as stipulated in the Zoning Title.

SECTION 4-5-4 PERMITS, PLANS, AND FEES

- (A) Prior to the commencement of the construction, alteration, addition, remodeling, or improvement of or to a private swimming pool, the owner of the proposed or existing private swimming pool or his representative or agent shall submit an application for a permit to the Zoning Officer. The application shall be in duplicate and include two (2) copies of the plans and specifications. No construction shall begin until the Zoning Officer has granted approval of the proposed plans and specifications. The issuance of a permit by the Zoning Officer to the applicant shall be evidence of approval of the proposal plans and specifications.

The owner shall obtain such a permit from the Zoning Officer prior to obtaining any other permit. In addition to such a permit issued by the Zoning Officer, the owner of a proposed private swimming pool shall be responsible for obtaining any and all other permits required by the City or other regulatory agencies. The applicant shall not commence construction until all the required permits are issued.

The owner of a private swimming pool shall notify the Zoning Officer upon completion of the construction, alteration, addition, or improvement and prior to filling the private swimming pool and upon completion of the construction of the fence. The owner shall not fill the private swimming pool until the private swimming pool and fence are inspected by the zoning Officer and found to be in compliance with the terms of this Title.

- (B) The plans and specifications required by paragraph A of this Section shall include the following information, plus such other data as may be reasonably requested by the Zoning Officer:
1. A site plan drawn to scale which indicates the location of the proposed private swimming pool in relation to the following items, and which meets or exceeds the established minimum setbacks:
    - a. Property lines, building(s) lines, fences, walls, landscaping elements or structures, trees, and other appurtenances.
    - b. Overhead electrical service lines.
    - c. Principle or accessory structures, excluding decks.

2. The site plan shall also include a diagram of the fence drawn to scale that includes a cross section of the proposed fence indicating:
    - a. Type of materials to be used in the fence constructions.
    - b. Dimensions of members and other structural elements, including spaces between members and other structural information.
    - c. Type and location of gates and latches, including the vertical distance from grade to the location of handles and other latch components.
- (C) The applicant for a permit required by Paragraph A of this Section shall accompany the application for a permit with payment of the appropriate fee, which shall be set by the City Council by resolution as it shall deem necessary from time to time.

SECTION 4-5-5

FENCES

- (A) It shall be the duty of the owner of a private swimming pool to either:
1. Install a fence not less than forty-two (42) inches in height which shall completely surround the private swimming pool except for those portions of the enclosure where there is a building that would serve as a five-foot barrier; or
  2. Install a barrier, which may include the sides of the private swimming pool structure of aboveground private swimming pools, not less than forty-two (42) inches in height which shall completely surround the private swimming pool except for those portions of the enclosure where there is a building that would serve as a forty-two (42) inch barrier.
- (B) The following requirements shall apply to all private swimming pools owners:
1. Each fence shall be quipped with a gate with self-closing and self-latching devices placed at the top of the gate. Such self-closing and self-latching devices shall be installed at such a height so as to be inaccessible to small children, but in no case shall such devices be installed at a height lower than forty-two (42) inches as measured from grade.
  2. All private swimming pool fence gates shall be closed and locked when the private swimming pool is not in use.
  3. There shall be no fixed objects, tree limbs, etc., within five (5) feet adjacent or extending over the fence that may be used to climb over the fence top, unless such limbs or other objects are five (5) feet above the top of the fence and which are not closer to grade than ten (10) feet, as measured vertically from grade.
  4. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches.
  5. Openings in the barrier shall not allow passage of a four-inch diameter sphere.
  6. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
  7. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the private swimming pool side of the fence. Spacing between vertical members shall not exceed one and seven-eighths ( $1 \frac{7}{8}$ ) inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths ( $1 \frac{3}{4}$ ) inches in width.
  8. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five (45) inches or more, spacing between vertical members shall not exceed four (4) inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths ( $1 \frac{3}{4}$ ) inches in width.
  9. Where a chain-link fence is provided, the openings between the links shall not exceed two and three-eighths ( $2 \frac{3}{8}$ ) inches.

10. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-fourths (1  $\frac{3}{4}$ ) inches.
  11. All fencing shall comply with setback requirements as established in the Zoning Title.
- (C) Once construction of the private swimming pool is complete it shall be the responsibility of the property owner or tenant in control to ensure that a temporary barrier be placed around the private swimming pool until all permit requirements have been met and approved by the Zoning Officer, and such temporary barrier shall adhere to the following minimum standards:
1. Forty-two (42) inches in height, as measured vertically from grade.
  2. Supporting poles or members shall be placed at intervals which maintain the barrier in a vertically upright position; however, such poles or supporting members shall not be placed less than every ten (10) feet.
- (D) Once construction of the temporary swimming pool is complete it shall be the responsibility of the property owner or tenant in control to ensure that a temporary barrier be placed around the temporary swimming pool until all permit requirements have been met and approved by the Zoning Officer, and such temporary barrier shall adhere to the following minimum standards:
1. Install a fence or temporary fence not less than forty-two (42) inches in height which shall completely surround the Temporary Swimming Pools except for those portions of the enclosure where there is a building that would serve as a five-foot barrier; or
  2. Install a barrier, which may include the sides of the Temporary Swimming Pools structure of above Temporary Swimming Pools, not less than forty two (42) inches in height which shall completely surround the Temporary Swimming Pools except for those portions of the enclosure where there is a building that would serve as a five-foot barrier.
  3. Temporary Fences see SECTION 2-2-10 FENCE REQUIREMENTS IN RESIDENTIAL DISTRICTS.

SECTION 4-5-6 INSPECTIONS AND ENFORCEMENTS

- (A) The Zoning Officer shall inspect or cause to be inspected all private swimming pools within the City at such times as the Zoning Officer may deem necessary to carry out the intent of this Title. The Zoning Officer is hereby authorized to enter upon any premise to perform such inspections during reasonable hours.
- (B) In the event the Zoning Officer determines that a violation of this Title has occurred, the Zoning Officer shall give written notice to the owner that such a violation exists. Whenever such private swimming pool, by violating the terms of this Title, constitutes a menace to public safety, the Zoning Officer shall have the power to require that such private swimming pool be drained to a level not to exceed eighteen (18) inches until such time as the same is in the opinion of the Zoning Officer no longer a menace or hazard to the health or safety of the public

SECTION 4-5-7 EXEMPTIONS

The provisions of this Title shall apply only to owners of private swimming pools where such owner's property is in a platted subdivision or located within six hundred (600) feet measured from the swimming pool to the nearest property line from another private residential property on which a dwelling is located.

SECTION 4-5-8 VARIANCES

- (A) Whenever in a specified case the strict application of the regulations of this Title would result in practical difficulties or particular hardship in carrying out the strict letter

of such regulations, the City Council shall have the power to vary their applications in harmony with their general purpose and intent.

- (B) The procedure for variance shall be the same as for variances under the Zoning Title.
- (C) The applicant for a variance under this Section shall accompany the application for variation with payment of the appropriate fee, which shall be the same fee as for an application for variation under the Zoning Title, which shall be set by the City Council by resolution as it shall deem necessary from time to time.

SECTION 4-5-9 EXISTING PRIVATE SWIMMING POOLS

- (A) The owner of an existing unfenced private swimming pool constructed and located in the City prior to the effective date of this Title shall be required to adhere to the requirements set forth in Section Five of this Title. Each such owner shall obtain a permit to construct a fence around the private swimming pool area in order to bring the private swimming pool into compliance with this Title prior to December 31, 1996.
- (B) Any owner of an existing fenced private swimming pool constructed and located in the City prior to the effective date of this Title shall not be required to adhere to the requirements set forth in Section Five of this Title unless said owner replaces the fence or at least fifty percent (50%) thereof subsequent to the effective date of this Title, at which time the entire reconstructed fence shall adhere to the requirements as set forth in Section Five of this Title.
- (C) Any owner of an existing private swimming pool constructed and located in the City prior to the effective date of this Title shall not be required to adhere to the requirements set forth in Section Three of this Title.

SECTION 4-5-10 VALIDITY OF PERMIT

Once the permit is obtained by the property owner to construct a fence as required by Section Five and/or Section Nine of this Title, the construction shall be completed to the satisfaction of the Zoning Officer no later than six (6) months after the permit's date of issuance.

SECTION 4-5-11 PENALTY

- (A) Any person who shall violate any of the provisions of this title shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each week upon which such a violation occurs shall constitute a separate violation.
- (B) In addition, such persons may be enjoined from continuing such violations.

SOURCE 96-10