

## ORDINANCE #539

**AN ORDINANCE PROVIDING FOR THE REGULATION OF PRIVATE SWIMMING POOLS IN ANSLEY, CUSTER COUNTY, NEBRASKA; PROVIDING THE DEFINITION; GOVERNING THE LOCATION; PROVIDING THE ENCLOSURE REQUIREMENTS; GOVERNING THE DISCHARGE OF WATER FROM THE PRIVATE POOL; PROVIDING RETROACTIVITY FOR COMPLIANCE; PROVIDING ENFORCEMENT AND PENALTY FOR VIOLATION; PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.**

**BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA;**

**Section 1. Swimming Pool Definition** – Private swimming pool means any constructed or assembled structure that is not publicly owned intended for swimming, recreational bathing or wading. This includes in-ground, above-ground, on-ground and fixed in place wading pools. Hot tubs and spas with a hard cover are exempt from this ordinance as long as the cover is only open when the hot tub or spa is in use.

**Section 2. Swimming Pool Permit** - An application for a permit shall be submitted by the owner of the property upon which the pool is to be located. Such application shall be accompanied by a duplicate set of plans, specifications and drawings. The plot plan shall show the accurate location of the proposed pool on the property and accurately establish distances to existing lot lines, buildings, and fences, and to additional proposed structures or fences. No permit shall be issued until such plans, specifications and plot plans have been approved by the building official as being in conformance with all local regulations pertaining to private swimming pools.

**Section 3. Swimming Pool Location** – All private swimming pools shall be located in the back yard or side yard. Private swimming pools are not permitted in front yards. No pool shall be located over a utility easement.

**Section 4. Swimming Pool Enclosure Required** – Every private swimming pool with a water depth of 25” or greater shall be completely surrounded by a fence or wall not less than six feet (6’) nor more than eight feet (8’) feet in height from ground level to the top of the fence and shall be of a type which precludes passage through or under and is not readily climbable by small children. This shall not mean an additional fence is required within a completely fenced yard, provided, the fence meets the stated minimum requirements. There shall be a six foot (6’) perimeter between the fence and the edge of the pool. All gates must be equipped with locking hardware to prevent access when not in use and the latch shall not be readily operated by small children and shall be on the side of the fence facing the pool.

**Section 5. Swimming Pool Retroactivity** – The lack of a minimum enclosure as herein described, on any existing pool, is hereby deemed to be a serious public safety hazard. The owner of the property, upon which such a pool is located, shall comply with the enclosure requirements of Section 4 within thirty (30) days after date of notification to comply.

**Section 6. Swimming Pool Discharge System** – Pool drainage may be used for surface irrigation of the owner’s property, provided, that no water shall overflow onto adjacent private or public property in a manner as to cause a nuisance.

**Section 7. Swimming Pool Enforcement and Penalty for Violation of Ordinance** – Any person who violates any of the provisions of this ordinance shall be subject to a fine of not less than \$25.00 nor more than \$100.00 for each and every offense. The Village Board hereby appoints, in addition to police officers, the Board Chairperson, Village Clerk, and Zoning Administrator to enforce the provisions of this ordinance.

**Section 8.** Any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance is hereby repealed. This ordinance shall be in full force and take effect from and after its passage, approval and publication or posting as required by law.

**Passed and approved this 6<sup>th</sup> day of July, 2020.**

ATTEST:

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Trenton Fecht, Chairperson

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Lanette C. Doane, CMC

(Seal)