
ORDINANCE #3876

AN ORDINANCE TO AMEND SECTION 150.16 PERMITS AND PERMIT FEES ESTABLISHED AND SECTION 155 ZONING AND CREATING SECTION 159 SWIMMING POOL REGULATIONS OF TITLE V PUBLIC WORKS OF THE KEWANEE CITY CODE, AND DECLARING THAT THIS ORDINANCE SHALL BE IN FULL FORCE IMMEDIATELY.

§150.016 Permits and Permit Fees Established.

(C) Permit fees for alterations, additions, changes, modifications and repairs performed on existing buildings and property.

(7) Swimming Pools:

a. In-ground and permanent above ground pools shall be calculated by square footage for building, electrical and plumbing as New Construction in Section (B).

b. Portable, Storable and Temporary Swimming Pools not exempt pursuant to §159.010(B): \$20.00.

§ 155.003 DEFINITIONS.

SWIMMING POOL, PRIVATE. Any structure that contains water ~~over 24 inches in depth~~ which is used, or intended to be used for, swimming, wading, or recreational bathing ~~in connection with a one-family or two-family dwelling.~~ This includes in-ground, above-ground, and on-ground swimming pools, hot tubs and spas.

§ 155.107 PERMITTED ACCESSORY USES.

(I) Swimming pools. Swimming pools must comply with the regulations set forth in Chapter 159 Swimming Pool Regulations. ~~Swimming pools in all zoning districts shall be located not less than 20 feet from any principal building on an adjacent lot. The swimming pool shall be located on the zoning lot so as to comply with the setbacks for an accessory building, and shall also be located so that no wall of the swimming pool is closer than six feet to a lot line. The swimming pool shall be fenced to a height of not less than 48 inches with the type and location of the fence to comply with the city's currently adopted building code.~~

CHAPTER 159: SWIMMING POOL REGULATIONS

§ 159.001 TITLE.

This chapter shall be known, cited and referred to as the Swimming Pool Regulations of the City of Kewanee.

§ 159.002 PURPOSE AND INTENT.

The purpose of this section is to regulate the installation, maintenance of swimming pools in order to prevent the creation of nuisances and to promote the general welfare of the public. Every swimming pool constructed, installed and maintained hereafter shall comply with all applicable provisions of this Code.

§ 159.003 NONCONFORMING POOLS.

Any Permanent Above Ground Pool which meets the definitions herein of PERMANENT ABOVE GROUND POOL and any In-Ground pool which was installed prior to the adoption of this chapter which fails to meet any of the applicable requirements of this chapter, excluding requirements related to maintenance and safety may be considered a LEGAL NONCONFORMING POOL and may be permitted to continue in such status until it is either abandoned or removed by its owner.

§ 159.004 DEFINITIONS

BARRIER. A permanent fence, wall, building wall, or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool. Permanent shall mean "not being able to be removed, lifted or relocated without the use of a tool."

ON-GROUND STORABLE SWIMMING POOL. A pool which can be disassembled for storage or transport. This includes portable pools with flexible/nonrigid walls that achieve their structural integrity by means of uniform shape, support frame or a combination thereof, and can be disassembled for storage or relocation.

PERMANENT ABOVE GROUND POOL. Permanent Above Ground Pool shall mean an above ground or on-ground pool having rigid metal or composite sides with vertical supports evenly spaced around the perimeter of the pool and a top rail or cap around the perimeter of the pool. Permanent Above Ground Pools shall have at minimum one skimmer opening and one inlet connected to adequately sized circulation equipment.

PORTABLE SWIMMING POOL. Portable Swimming Pool shall mean On-ground Storable Pool.

SWIMMING POOL. Any structure that contains water which is used, or intended to be used for, swimming, wading, or recreational bathing. This includes in-ground, above-ground, and on-ground storable swimming pools, hot tubs, spas, portable pools and temporary pools.

TEMPORARY POOL. A pool which is installed for a period of not more than 180 days and removed from site and/or placed in storage. Temporary pool shall mean On-ground Storable Swimming Pool.

§ 159.010 PERMITS REQUIRED; COMPLIANCE WITH CODES.

- (A) It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any swimming pool and appurtenances within the city without first obtaining from the Building Official a permit in writing to do so, except those pools specifically exempt. This includes all above ground pools which exceed either 5000 gallons or are capable of greater than 24 inches in water depth. Where applicable, all work shall conform to the current adopted building code pursuant to Section §150.015 of this code.
- (B) On-Ground Storable Swimming Pools which exceed 5000 gallons or are capable of greater than 24 inches in water depth shall require a permit. The permit is applied for and purchased one time and is good for only the pool structure, address and owner that the permit was originally applied for. This permit is not transferable to another address, person or pool structure. In the event that a pool different from the one originally applied for is installed, then a new permit application and fee shall be submitted to the Building Official. This same process shall be followed should the owner of the pool move to a different address and wish to install the pool at the new location or if the pool changes ownership. If the owner of the pool wishes to change the location of the pool upon the original property, this too shall require a new permit application and fee.
- (C) Exempt pools. Storable and temporary swimming pools less than 5000 gallons and are not capable of water depth of greater than 24 inches that are drained and stored when not in

use shall be exempt from required permits but shall comply with all other sections of this Chapter which may require other permits to be obtained from the Building Official.

§ 159.020 LOCATION.

- (A) All swimming pools authorized by permit shall be located at least eight feet from any structure excluding fences. Swimming pools and any attached or functionally related deck shall comply with the required yard setbacks for the relevant zoning district.
- (B) Swimming pools and any attached or functionally related deck shall comply with the required yard setbacks for the relevant zoning district.
- (C) No pool shall be located within a drainage or utility easement.
- (D) Swimming pools shall not be located in a required yard adjacent to a street right-of-way. Exception: The building official may grant permission for a swimming pool to be located in a required yard adjacent to a street right-of-way if the following exists:
 - (1) There exists no rear yard or side yard not adjacent to a street right-of-way with adequate square footage to allow for swimming pool installation and required setbacks for the relevant zoning district.
 - (2) The swimming pool complies with all other required setbacks for the relevant zoning district.
 - (3) Fencing is installed in compliance with the regulations of this chapter and that of chapter 158.
- (E) Equipment. All pumps and filtration equipment shall comply with the same setback requirements for the relevant zoning district but not less than eight feet whichever is greater.

§ 159.030 BARRIERS.

- (A) In-Ground Pools. In-ground Pools. All in-ground pools shall be completely enclosed by a fence of not less than 48 inches in height above grade in compliance with Chapter §158. The maximum vertical clearance between grade and the bottom of the fence shall be 3 ½ inches. All fence openings or points of entry into the yard area enclosure shall be equipped with gates, equipped with self-closing and self-latching devices.
- (B) Above Ground Pools.
 - (1) On-ground Storable Swimming Pools. All on-ground storable swimming pools capable of greater than 24 inches of water depth shall be completely enclosed by a fence of not less than 48 inches in height above grade in compliance with Chapter §158. The maximum vertical clearance between grade and the bottom of the fence shall be 3 ½ inches. All fence openings or points of entry into the yard area enclosure shall be equipped with gates, equipped with self-closing and self-latching devices.
 - (2) Permanent Above Ground Swimming Pools.
 - a. Permanent Above Ground Swimming Pools having an access point that is lockable or removable to prevent access to the pool and that have a pool wall height above grade of not less than 48 inches spanning outward from the pool wall at grade level not less than 3 feet around the entire perimeter of the pool shall not require any other form of barrier. This type of barrier is only permitted if the access point is locked or removed when not in use.
 - b. Permanent Above Ground Swimming Pools having a pool wall at grade level of less than 48 inches shall be completely enclosed by a fence of not less than 48 inches in height above grade in compliance with Chapter §158. The maximum vertical

clearance between grade and the bottom of the fence shall be 3 ½ inches. The maximum horizontal clearance between pickets and all other fence components shall be 3 ½ inches. All fence openings or points of entry into the yard area enclosure shall be equipped with gates, equipped with self-closing and self-latching devices.

§ 159.040 OPERATION AND MAINTENANCE.

The provisions of this section apply to circulation systems for swimming pools.

(A) Circulation.

- (1) Permitted Swimming Pools. A circulations system consisting of pumps, piping, return inlets and outlets, filters and other necessary equipment of adequate size to turn over the volume of water that the swimming pool is capable of containing shall be provided for the complete circulation of water keeping it free of contamination.
- (2) Exempt Swimming Pools. Exempt Swimming Pools must be completely drained and refilled for use once the water contained in the swimming pool is contaminated by waste, dirt, refuse, plant growth, insects or by any other means of contamination.

(B) Maintenance of swimming pool equipment. All equipment required for circulation, filtration, fencing, decking and including all other components of the swimming pool or its required structural components by this code or the swimming pools manufacturer must be maintained in good operational condition. All mechanical equipment must be kept in good operational condition as to not cause excessive noise.

(C) Electrical Requirements.

- (1) All electrical installations provided for, installed and used in conjunction with swimming pools shall be in conformance with the city electrical code.
- (2) No current-carrying electrical conductors shall cross swimming pools either overhead or underground or within an area so as to endanger occupants.
- (3) All metal fence enclosures or railing near or adjacent to private residential swimming pool which might become electrically alive as a result of contact with broken overhead conductors or from any other cause shall be effectively grounded.

§ 159.999 PENALTY.

- (A) The provisions of §10.99 shall apply to this chapter.
- (B) Any person violating the regulations set forth in this chapter shall be fined in a sum of not less than \$50 and not to exceed \$500 for any one offense. A separate offense shall be deemed committed for each and every day during which a violation continues or exists.

Passed by the Council of the City of Kewanee, Illinois this 27th day of February 2017.

ATTEST:



Melinda Edwards, City Clerk

Steve Looney, Mayor

RECORD OF THE VOTE	Yes	No	Abstain	Absent
Mayor Steve Looney	X			
Council Member Deann Schweitzer	X			
Council Member Andrew Koehler	X			
Council Member Kellie Wallace-McKenna	X			
Council Member Michael Yaklich	X			