



## Swimming Pools and Ponds 1282.09

(a) No swimming pool shall be constructed, assembled, maintained or modified within the City except according to the provisions of this section.

(1) Location of Swimming Pools. No portion of a swimming pool, including all pertinent equipment and installations, shall be located so that the distance measured from the nearest inside wall is less than ten feet from any side or rear property line, unless a written consent and waiver of this restriction is obtained from the owner of any adjacent property entitled to object to such noncompliance, which consent shall accompany the application for a permit. The form for written consent shall be obtained from the city. Swimming pools are not permitted in the front yard.

(2) Fencing of Swimming Pools. All swimming pools that have an outside wall of at least four feet measured from the grade to the top of the pool rim will not require fencing, however a locking or removable ladder must be used. All swimming pools that do not have an outside wall of at least four feet measured from grade to the top of the pool rim shall be protected by the erection and maintenance of a fence surrounding all areas thereof, either on the ground or attached to the pool rim. A ground fence shall be not less than forty-two inches in height and of such design and construction as to be firmly affixed in the ground, whether permanently or temporarily, so as to prevent the penetration through or under the same by any person. All outside fence openings or points of entry into the swimming pool area or pond area shall be provided with self-closing and self-latching devices or shall be otherwise firmly secured and located and shall be so maintained during all times when the swimming pool is not in active use under the supervision of an adult. These provisions shall not apply if the yard in which a swimming pool is located is enclosed with fencing which meets the requirements hereof. For fencing attached to a pool rim, the standard rim fencing height must be a minimum of thirty-six inches with measurement beginning from the top of the rim of the pool to the top portion of the metal rim fence and must have restricted entry and access.

(b) No pond shall be constructed, assembled, maintained or modified within the city except according to the provisions of this section:

(1) Location of Ponds. The edge of a pond as defined herein, shall be located:

A. A minimum of fifty feet from any road right-of-way. The public road right-of-way shall be determined as the greater of the existing road right-of-way line or right-of-way line proposed for future widening in City, County or State Transportation Plans.

B. Out of the front setback, which is determined by Zoning District.

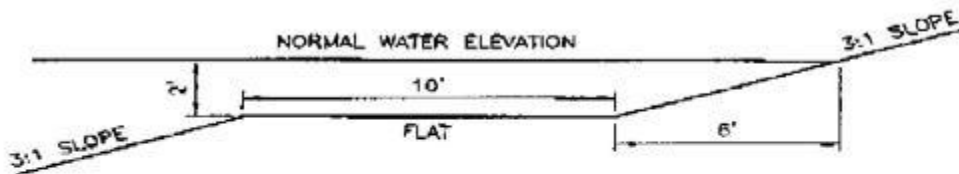
C. A minimum of twenty-five feet from building foundations.

- D. A minimum of ten feet from side and rear property lines.
- E. One hundred feet from a septic tank or leach field.

(2) Depth and Aeration. To avoid stagnation of water, all proposed ponds and lakes shall maintain a minimum depth of twelve feet at its deepest point when filled to normal capacity and contain an aeration system that shall be continually operated during the algae growth months.

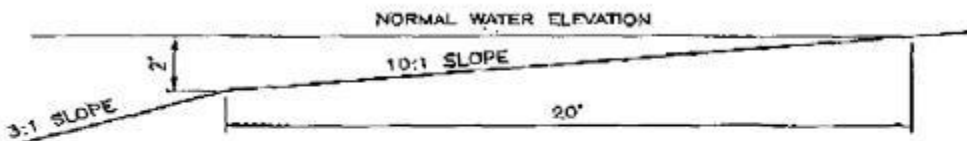
(3) Maximum Water Elevation. The edge of the water when all proposed ponds are filled to normal capacity shall not be higher than the normal surrounding grade. Berm or mounding shall not be considered part of the pond water depth.

(4) Slope. The slope for all proposed pond walls shall have a horizontal to vertical ratio of 3-1, with a ten foot safety ledge. Pond walls shall be compacted using accepted construction practices. See diagram below.



TYPICAL POND SIDE SLOPE

(5) Beach Areas. Beach areas may be sloped no less than at a horizontal to vertical ratio of 10:1 and shall not exceed twenty-five percent of the pond or lake surface area. See diagram below.



TYPICAL POND BEACH AREA SIDE SLOPE

(6) Berm. Earth berm or disturbance from pond construction shall not be higher than seven feet from the original undisturbed grade level. The slope of areas adjacent to the pond shall have

a maximum horizontal to vertical ratio of 3:1. The natural grade of land shall remain undisturbed within fifteen feet of any property line. Fill dirt may be hauled off site.

(7) Drainage System. To prevent adverse effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage from pond development. The perimeter of the pond shall be tiled, with drops (small catch basins) and swale installed. The flow shall then be diverted to a suitable outlet, either a catch basin, or drainage ditch.

(8) Fencing. Ponds shall not require fencing if the pond is constructed according to the criteria as listed in Section [1282.09\(b\)](#). If the pond is not constructed according to one or more of the criteria listed, a pond shall require fencing as specified in Section [1282.09\(a\)\(2\)](#). Water features, decorative ponds and mirror ponds shall not require fencing.

(9) Inspections. The City Engineer, in conjunction with the Zoning Inspector, shall review detailed plans of the pond to determine all the above criteria are met. The City shall be reimbursed for any fees charged by the City Engineer's review and site inspection of the pond.

(10) Ownership/Liability insurance. All ponds shall be privately owned. Ponds located in subdivisions shall have all lots surrounding the pond to have rear lot lines extended to center of ponds.

(c) Temporary Pools. All temporary swimming pools, as defined, that are 24 inches or more in depth and are erected and removed seasonally shall be required to obtain a permit every year that the pool is placed on the property. The first-time permit shall be the standard swimming pool permit fee. If the original temporary pool changes in size, location or depth, the first time fee shall again apply. All other regulations in this section shall apply.

(d) The following shall apply to both swimming pools and ponds:

(1) Permit Required. No swimming pool or pond subject to the provisions of this section shall be constructed, maintained or modified until a permit for the same has been issued. Such permit shall be issued by the Zoning Inspector upon the filing of a proper application showing design and layout details conforming to the provisions of this section and upon payment of a fee.

(2) Maintenance. All swimming pools and ponds shall be properly maintained and supervised so that it will not become a danger or nuisance to area residents, i.e. swimming pools should be properly covered during the winter months and proper water treatments should be applied in the summer months.

(3) Drainage. No swimming pool or pond shall be so constructed or equipped that the contents thereof are drained into any sanitary sewer.

(4) Penalty. The owner or occupant of any real property within the City upon which a violation of any of the provisions of this section occurs shall be fined in accordance with Section [1244.99](#).

(Ord. 2002-45. Passed 8-22-02; Ord. 2003-21. Passed 7-10-03; Ord. 2007-10. Passed 3-22-07; Ord. 2008-12. Passed 5-22-08; Ord. 2014-26. Passed 11-20-14.)