

Proposed Amendment to Section 107-35. Swimming pools and tennis courts

Sec. 107-35. Swimming pools and ~~tennis-sport~~ courts.

- (a) A swimming pool or ~~tennis-sport~~ court may only be constructed on a lot within the residential or park zoning districts.
- (b) No swimming pool or ~~tennis-sport~~ court shall be constructed or maintained in the area between the front lot line and the front setback line of a lot.
- (c) On a corner lot, no swimming pool or ~~tennis-sport~~ court shall be constructed or maintained in the area between the side setback line and the side lot line that borders a street.
- (d) No swimming pool or ~~tennis-sport~~ court shall be constructed or maintained:
 - (1) In the area between the side setback line and a side lot line that does not border a street; nor
 - (2) In the area between the rear setback line and a rear lot line.
- (e) A deck or apron designed to serve a swimming pool or ~~tennis-sport~~ court shall be located at least five feet from a side lot line and ten feet from a rear lot line.
- (f) Overhead lighting in swimming pool or ~~tennis-sport~~ court areas is prohibited.
- (g) Each outdoor swimming pool erected, constructed or substantially altered after March 1, 1988, shall be completely enclosed by a fence in compliance with all applicable regulations then adopted by the city and in effect from time to time. From and after April 20, 2016, all such new or substantially altered fences shall comply with the requirements of appendix G, section AG 105.1 of the 2012 International Residential Code, except that no building material may be used in the construction of a fence except as permitted by this Code.
- (h) Following the issuance of a certificate of occupancy for a swimming pool or other improvements that include a swimming pool, the swimming pool fence required by subsection (g) of this section shall be maintained in reasonably good condition and in the manner and configuration required by the applicable regulations of the building code adopted by the city and in effect at the time of the original installation of such fencing. Such obligation to maintain shall continue at all times that the swimming pool is in usable condition or holds water. On an annual basis or such other frequency reasonably determined by the responsible city official, a designated agent of the city may require a visual inspection of a swimming pool and related fencing for which a certificate of occupancy has been issued. Any such inspection shall be conducted only after reasonable written or verbal advance notice has been provided to the owner or occupant of the affected property. If a swimming pool fence is found not to comply with applicable regulations, the designated official shall provide written notice of noncompliance by certified mail forwarded to the address where the swimming pool is located. The owner shall make all repairs and corrections to make the fencing fully compliant not later than 30 days after the date written notice of noncompliance is forwarded as provided in this subsection (h) of this section. The designated official shall conduct an inspection to verify timely compliance.
- (i) A failure to timely correct each noncompliance in a swimming pool fence following notice of noncompliance forwarded as provided in subsection (h) of this section shall constitute a Class C misdemeanor. An offense shall be punishable by a fine of not less than \$25.00 nor more than \$500.00 per day the noncompliance continues. The penalty provided in this subsection shall be cumulative and not exclusive of any other civil or injunctive remedy provided by applicable law.