

2.49 **Swimming Pools and Hot Tubs.**

- (1) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof, his family and invitees, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. The regulations herein shall also be applicable to hot tubs.
- (2) **Exempt Pools.** Storable swimming or wading pools, with a maximum wall height of 48 inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section. (AM 05-367 10/24/05)
- (3) **Permit Required.** Before work is commenced on the construction or erection of a private or residential swimming pool or outdoor hot tub, or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit must be submitted in writing to the Village Administrator. Plans and specifications and pertinent explanatory data must be submitted at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A fee as specified on the Administrative Fees, Charges and Deposits Schedule in Chapter 29 Administrative Fees, Charges and Deposits plus any inspection charges required by the Village Building Inspector shall accompany such application.
- (4) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Village Administrator, no permit shall be issued unless the following construction requirements are observed:
  - (a) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements shall be in accordance with all state regulations and codes and with all ordinances of the Village.
  - (b) All plumbing work shall be in accordance with all applicable ordinances of the Village and all state codes. Every private or residential swimming pool or hot tub shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, or onto lands of other property owners.
  - (c) All electrical installations, including lighting and heating, installed and used in conjunction with a private swimming pool or hot tub shall be in conformance with the state laws and Village Ordinances regulating electrical installations.

(5) Setbacks and Other Requirements.

- (a) Private swimming pools or hot tubs shall be erected or constructed on rear or side lots only, and only on a lot occupied by a principal building. No swimming pool or hot tub shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (b) No swimming pool or hot tub shall be located, constructed or maintained closer to any side or rear lot line than is permitted in this Chapter for an accessory building, and in no case shall the water line of any pool be less than five feet from any lot line.

(6) Fences.

- (a) Pools which are not within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool or shall have a cover or other protective device over such swimming pool of such a design and material that the same can be securely fastened in place and, when in place, shall be capable of sustaining a person weighing 250 pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use. Fences shall not be less than six feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be kept locked while the pool is not in actual use.
- (b) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of 36 inches above the deck.

(7) Compliance. All swimming pools existing at the time of passage of this Section shall comply with the fencing requirements when water is placed in the pool.

(8) Draining and Approval Thereof. No private swimming pool shall be constructed to allow water therefrom to drain into any sanitary sewer or septic tank or to flow upon or cause damage to any adjoining property. Provisions may be made for draining the swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Village Administrator. Where a private swimming pool is to be constructed on premises served by a private sewage disposal system, approval of the State Board of Health shall be necessary before construction.

(9) Filter System Required. All private swimming pools shall have a filtration system to assure proper circulation and maintenance of proper bacterial quality.

(10) Dirt Bottoms Prohibited. All swimming pools shall have sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.