

# CHAPTER 16. SWIMMING POOLS

## Contents

📖 Section 1600 - Purpose .....	1
📖 Section 1605 – Definitions .....	2
📖 Section 1610 – Requirements .....	2
📖 Section 1615 – Swimming Pools Deemed Structures; Building Code Applicable.....	4
📖 Section 1620 – Compliance with Other Codes .....	4
📖 Section 1625 – Safety Regulations .....	4
📖 Section 1630 – Location Requirements.....	5
📖 Section 1635 – Zoning Certificate Required .....	5
📖 Section 1640 – Nuisance .....	5
📖 Section 1645 – Lighting .....	6
📖 Section 1650 – Drainage.....	6
📖 Section 1655 – Filling Pools.....	6
📖 Section 1660 – Applicability of Chapter .....	6
📖 Section 1665 - Inconsistent Provisions .....	6

## 📖 Section 1600 - Purpose

**1600.01 Purpose.** It is the purpose of this chapter to create the legal language and mechanism for a comprehensive and balanced system of standards, regulations and proceedings governing the construction, use and maintenance of swimming pools, as defined in this chapter.

**1600.02 Authorization.** With this in mind, it is the intention of this chapter to authorize swimming pools, as defined in this chapter, which:

**1600.02.1.** Are compatible with their surroundings;

**1600.02.2.** Are constructed with a view toward the safety of the parties owning and using such swimming pool;

**1600.02.3.** Will preserve and promote the aesthetics of the location, area and community as a whole; and

**1600.02.4.** Will protect the value of land, buildings and landscapes.

## **Section 1605 – Definitions**

**1605.01 Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**1605.01.1.** “Above ground/on-ground pool,” see definition of swimming pool.

**1605.01.2.** “Barrier” means a fence, wall, building wall or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

**1605.01.3.** “Grade” means the underlying surface such as earth or a walking surface.

**1605.01.4.** “Hot tub, ” see definition of swimming pool.

**1605.01.5.** “Spa, non-portable,” see definition of swimming pool.

**1605.01.6.** “Spa, portable” means a non-permanent structure intended for recreational bathing, in which all controls, water heating and water circulating equipment are an integral part of the structure and which is cord-connected (not permanently electrically wired).

**1605.01.7.** “Swimming pool” means any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

**1605.01.8.** “Swimming pool, indoor” means a swimming pool which is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

**1605.01.9.** “Swimming pool, outdoor” means a swimming pool which is not an indoor swimming pool.

## **Section 1610 – Requirements**

**1610.01 Outdoor Swimming Pool.** An outdoor swimming pool, including an in-ground, above ground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

**1610.01.1.** The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches.

**1610.01.2.** Openings in the barrier shall not allow passage of a four-inch diameter sphere.

**1610.01.3.** Solid barriers which do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

**1610.01.4.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1-3/4 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1-3/4 inches in width.

**1610.01.5.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 3/4 of an inch in width.

**1610.01.6.** Maximum mesh size for chain link fences shall be a 1-1/4 inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1-3/4 inches. The wire shall be not less than nine gauge.

**1610.01.7.** Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 1-3/4 inches.

**1610.01.8.** Access gates shall comply with the requirements of [1610.01.1](#) through [1610.01.7](#) of this section and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate:

**1610.01.8.1.** The release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate; and

**1610.01.8.2.** The gate and barrier shall have no opening greater than 1/2 inch within 18 inches of the release mechanism.

**1610.01.9.** Where a wall of a dwelling serves as part of the other means of protection, such as self-closing doors with latching devices which are approved by the zoning administrator or Hermantown Building Official, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by an alarm system if an alarm system were used.

**1610.01.10.** Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of an above-ground pool structure, and the means of access is a ladder or steps, then:

**1610.01.10.1.** The ladder or steps shall be capable of being secured, locked or removed to prevent access.

**1610.01.10.2.** The ladder or steps shall be surrounded by a barrier which meets the requirements of [1610.01.1](#) through [1610.01.9](#). of this Section [1610](#). When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch diameter sphere.

**1610.01.11.** In the case of an above-ground pool, a dome shall be deemed to be a barrier if the means of access through the dome and into the pool is capable of being secured and locked.

**1610.02 Indoor Swimming Pool.** Doors with direct access to an indoor swimming pool shall comply with the provisions of [1610.01.9](#). of this chapter.

**1610.03 Prohibited Locations.** Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

## **Section 1615 – Swimming Pools Deemed Structures; Building Code Applicable**

**1615.01 Swimming Pools Deemed Structures; Building Code Applicable.** Every swimming pool is deemed to be a structure under the zoning ordinance of the City and all work must be done in accordance with the Hermantown Building Code.

## **Section 1620 – Compliance with Other Codes**

**1620.01 Compliance with Other Codes.** The construction, plumbing and electrical work connected with any swimming pool shall conform to all applicable codes and regulations.

## **Section 1625 – Safety Regulations**

**1625.01 Safety Regulations.** No swimming pool shall be located beneath overhead utility lines, nor over underground utility lines, nor within any private or public utility, walkway, drainage or other easement.

**1625.02 Design.** All swimming pools shall be designed and constructed in such a manner as not to endanger the health and safety of its users and so as not to unduly interfere with the use and enjoyment of adjacent property.

## **Section 1630 – Location Requirements**

**1630.01 Location Requirements.** Swimming pools shall be constructed only in the rear yards. Swimming pools are accessory structures in all residential zone districts under these Zoning Regulations and are subject to the setback requirements of the Zoning Regulations. If requested by the Zoning Administrator, the owner shall provide, at his, her or its cost and expense, staking to verify satisfaction of setback requirements prior to commencement of construction, installation, establishment and the like.

## **Section 1635 – Zoning Certificate Required**

**1635.01 Zoning Certificate Required.** A zoning certificate is required prior to the construction, installation or erection of a swimming pool in the City of Hermantown. Application for a zoning certificate for a swimming pool shall be made to the Zoning Administrator. A fee set by the City Council shall be submitted with the application to cover costs incurred by the City in the review and consideration of such application.

**1635.02 Application Contents.** The application for the zoning certificate for a swimming pool shall include, without limitation, the following information:

**1635.02.1.** Complete plans and specifications for the construction of the swimming pool;

**1635.02.2.** A site plan showing the building site, including the house, garage, fences, trees, overhead or underground wiring, utility easements and other significant improvements or natural features;

**1635.02.3.** The proposed location of pumps, filters, electrical power service (if applicable), flushing and drainage outlets and other operational features; and

**1635.02.4.** Location and specifications of protective fencing and barriers.

## **Section 1640 – Nuisance**

**1640.01 Nuisance.** The conduct of persons and the operation of swimming pools shall be the responsibility of the owner and tenant thereof and such conduct of persons and operation of the swimming pool shall be done in a manner so as to avoid any nuisance or breach of the peace, and it shall be unlawful to allow loud noises to go beyond the boundaries of the property upon which the swimming pool is located to adjacent property.

## **Section 1645 – Lighting**

**1645.01 Lighting.** Any outdoor lighting of a swimming pool shall not be permitted to spill or shine upon adjacent properties.

## **Section 1650 – Drainage**

**1650.01 Drainage.** All back-flushing water or pool drainage shall be directed onto the property of the owner or onto approved drainage ways. No pool water shall be drained into any sanitary sewer. Drainage onto public streets or other public drainage ways requires the prior permission of the Zoning Administrator.

## **Section 1655 – Filling Pools**

**1655.01 Filling Pools.** The filling of pools from fire hydrants or other public facilities is prohibited without the prior approval of authorized City personnel.

## **Section 1660 – Applicability of Chapter**

**1660.01 Applicability.** This chapter shall apply to all swimming pools in the City of Hermantown; however, owners of pools constructed prior to January 1, 1993, shall have 18 months to comply after receiving written notification of the provisions of this chapter.

## **Section 1665 - Inconsistent Provisions**

**1665.01 Inconsistent Provisions.** If any provision of this chapter is inconsistent or conflicts with any other provision of these Zoning Regulations or any other applicable code, rule or regulation, the most restrictive provision shall control.