

**CITY OF MEDINA
ORDINANCE NO. ###**

**AN ORDINANCE AMENDING REQUIRED SWIMMING POOL SETBACKS FROM
UTILITIES; AMENDING CHAPTER 8 OF THE CITY CODE**

The City Council of the City of Medina ordains as follows:

SECTION I. Section 800 of the code of ordinances of the City of Medina is amended by deleting the ~~struck through~~ language and adding the underlined language as follows:

800. SWIMMING POOLS

Section 800.01. General Provisions. The purpose of this ordinance is to regulate the construction and location of private swimming pools and to provide for certain safety features related thereto. For the purposes of this ordinance, private swimming pools are defined as any enclosure, designed, intended or used for the containment of water, whether constructed below ground level or above ground level, having a surface area exceeding 100 square feet and a depth exceeding 18 inches which is designed, intended, or used for swimming, wading, or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by the owner's or tenant's family or invited guests without payment of a fee.

Section 800.03. Permit Required. No private swimming pool shall be constructed or established, and no such pool construction shall be commenced without first obtaining a permit from the building official.

Section 800.05. Application for Permit. Application for a swimming pool permit shall be made to the building official upon forms provided by the building official. A fee set by ordinance shall be submitted with the application to cover the costs of inspection. The application for the permit shall include, without limitation, the following information:

Subd. 1. Complete plans and specifications for the construction of the pool, including a site plan showing the location on the property of the proposed pool and surrounding deck or patio and other improvements;

Subd. 2. A survey showing the location of all existing structures on the property, including the house, garage, fences, trees, overhead or underground wiring, utility easements, and other significant improvements or natural features;

Subd. 3. The location of proposed pumps, filters, electrical power source (if applicable), flushing and drainage outlets, and other operational features;

Subd. 4. The location and specifications of the protective fencing or automatic pool cover; and

Subd. 5. Any other information necessary or convenient for review of the permit application as determined by the building official.

Section 800.07. Application. The safety features, including electrical wiring and fencing or protective pool cover as set forth in this Ordinance shall apply to all private swimming pools constructed after July 17, 1979.

Section 800.09. Construction Set-back Requirements. Private swimming pools shall be constructed so as to avoid damage to property and injury to the occupants of the subject property and the occupants of adjacent property and shall meet the following minimum requirements:

Subd. 1. No pool shall be located within the following distances of utility lines and shall also abide by relevant electric and building code provisions:

(a) Overhead utility lines: Swimming pools shall be located a minimum of 18 feet (measured horizontally) from any ~~underground or~~ overhead utility line of any kind.

(a)(b) Underground utility lines: Swimming pools shall be located a minimum of five feet (measured horizontally) from any underground utility mainline or service line, including but not limited to electric, gas, telecommunication, fiber optic.

Subd. 2. No pool shall be located within any public or private easement intended for utility, access or drainage purposes; any wetlands, floodplain or shorelands; or any other location in which it might represent a threat to the natural environment; and

Subd. 3. Private swimming pools are accessory structures in all residential districts under the zoning ordinance and must meet appropriate setback requirements.

Section 800.11. Safety Fence or Automatic Pool Cover Required.

Subd. 1. A safety fence meeting the following standards shall be required around all pools:

(a) Except as provided for in subd. 1(d), a safety fence at least 4 feet in height shall completely enclose the pool. All openings or points of entry into the pool area shall be equipped with self-closing gates or doors. All gates and doors shall have a self-latching latch which is no less than 4 feet above the ground level and which shall be constructed and placed so as to be inaccessible to small children. All gates and doors shall be locked when the pool is not in use or is unattended by an adult with demonstrated swimming ability. Any opening between the bottom of the fence and the ground level shall not exceed 3 inches.

(b) Safety fences shall be constructed so as to inhibit the climbing thereof by any person. If constructed primarily of wood, the fence shall be composed of vertical members with spaces no greater than 4 inches between the boards. If constructed primarily of other materials, the fence shall contain no spaces through which a sphere 4 inches or more in diameter may pass.

(c) No wall of any pool constructed above ground level, regardless of the height thereof, shall qualify as a safety fence.

(d) If the house or other structure provides all or a portion of one side of the pool enclosure, all doors from the house or structure providing access to the pool area shall be equipped with a pool alarm meeting the standards of F2208-02 of the American Society of Testing and Materials (ASTM), as such standards may be modified, superseded or replaced by ASTM.

Subd. 2. As an alternative to a safety fence, an automatic pool cover may be utilized if it meets the standards of F1346-91 (Reapproved 1996) of ASTM, as such standards may be modified, superseded or replaced by ASTM.

Section 800.13. Miscellaneous Requirements.

Subd. 1. The conduct of persons and the operation of pools shall be the responsibility of the owner or the tenant of the subject property and such conduct of persons and operation of the pool shall be done in such a manner so as to avoid any nuisance or breach of the peace.

Subd. 2. All back flushing or pool drainage water shall be directed onto the property on which the pool is located or onto approved drainage ways. Drainage onto public streets or other public drainage ways shall require a permit from the public works superintendent.

Subd. 3. Any outdoor lighting of the pool or pool area shall be designed and installed so that the fixture is enclosed on all sides except the bottom and no light shall shine directly on any other property or right-of-way.

Subd. 4. All electrical installations shall meet state requirements.

Subd. 5. Filling pools from fire hydrants or other public facilities shall be prohibited without prior approval of the director of public works.

Section 800.15. Penalties. Any person violating this ordinance shall be guilty of a misdemeanor.

SECTION II. This ordinance shall become effective upon its adoption and publication.

Adopted by the Medina city council this ____ day of ____, 2021.

Kathleen Martin, Mayor

Attest:

Jodi M. Gallup, City Clerk

Published in the Crow River News on the _____ day of _____, 2021.