



ORDINANCE 2023-01

AN ORDINANCE AMENDING THE CITY OF BYRON CITY CODE CHAPTER 152.109: SWIMMING POOLS, SPA POOLS

The City Council of the City of Byron ordains:

Chapter 152.109 is amended to read as follows:

SECTION 152.09 SWIMMING POOLS, SPA POOLS.

Definitions.

Unless the context clearly indicates otherwise, certain words are defined for the purpose of this section as follows:

Pool. Any structure, chamber, or tank containing an artificial body of water for swimming, diving, relaxation or recreational use including special purpose pools and wading pools.

Public Pool. Any pool other than a private residential pool, that is: (1) open to the public generally, whether for a fee or free of charge. (2) open exclusively to members of an organization and their guests. (3) open to residents of a multi unit apartment building, apartment complex, residential real estate development or other multifamily residential area (4) open to patrons of a hotel or lodging or other public accommodation facility; or (5) operated by a person in a park, school, licensed child care facility, group home, motel, camp, resort, club, condominium, manufactured home park or political subdivision with the exception of swimming pools at family daycare homes.

Private Residential Pool. A pool connected with a single-family residence or owner-occupied duplex, located on private property under the control of the homeowner, the use of which is limited to family members or the family's invited guests. A private residential pool is not a pool used as part of a business.

Spa Pool. A hot water pool intended for seated recreational use with a water agitation system in addition to the recirculation system.

Pool Requirements

(A) *Application.* This section applies to any pool or spa pool which is in excess of 48 inches in depth and over 100 square feet in surface area.

"To provide valued public service and guide the City with innovative thinking toward smart growth."

(B) *Exclusive private use.* The pool, spa pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property upon which it is located and their guests.

(C) *Distance requirements.* Swimming pools or spa pool may be located in the buildable area or required rear yard but shall not be closer than 10 feet to any property line on which they are located, provided that pump installations shall be located not closer than 20 feet to any property line.

(D) *Validity.* Any permit issued becomes invalid if the work authorized by the permit is suspended or abandoned for more than 180 days. The 180 days commences the first day the work was suspended or abandoned.

(E) *Fencing and access control.*

(1) For a below grade swimming pool or spa pool, the pool or spa pool shall be enclosed by a fence of a type which effectively controls the entrance by children to the pool or spa pool area, said fence to be at least six feet in height.

(2) (a) For an above grade swimming pool or spa pool, the pool or spa pool shall be equipped with an automatically retractable type ladder, a retractable ladder or a removable ladder or shall be fenced in accordance with subsection (1) of this division. Said ladder is to be removed or retracted when the pool is not being attended.

(b) If access to the pool or spa pool is via a deck or porch, then no access from the ground is permitted to the deck area unless the property or the ground access to the deck is fenced in accordance with subsection (1) of this division.

(3) (a) It shall be the responsibility of the property owner upon where said pool or spa pool is located to maintain all fences, gates and closure devices in good operating condition.

(b) Failure to maintain fences, failure to have gates closed or failure to either remove or retract the ladder access to the pool or spa pool shall constitute a violation of this chapter and therefore be subject to the penalties contained in § 152.999. (Ord. 157, passed 12-18-96) Penalty, see § 152.999

(4) All fences shall be constructed so as not to be easily climbable, and generally to prevent children from gaining uncontrolled access. All fence openings points of entry onto the pool shall be equipped with gates or doors. Property owners that opt for chain link fencing must utilize at least a number eleven gauge woven wire mesh corrosion-resistant material.

(5) Fence posts must be decay or corrosion-resistant and must be set in concrete bases or other suitable material.

(6) Fences shall be constructed as not to have openings, holes or gaps larger than four inches in either vertical or horizontal direction.

(F) *Gates and Doors*. All fence openings points onto the pool shall be equipped with gates or doors. All gates or doors shall be equipped with self closing and self latching devices placed at sufficient height so as to be non-accessible to small children.

If the gate latch is mounted less than 54 inches from the bottom of the gate, it must be mounted on the pool side of the gate, a minimum of 3 inches down from the top of the gate and have no space greater than ½ inch within 18 inches of the latch.

Gate latches 54 inches or greater above the bottom of the gate may be mounted on the outside of the gate.

Public Pool

A. A person/business wishing to operate a public pool must meet all State and County licensing requirements.

Byron City Code shall be amended to include the noted wording above.

ADOPTED this 14th day of March, 2023.



Matt Brekke
Acting Mayor



Al Roder
City Administrator