

**CITY OF ARLINGTON
ORDINANCE NO. 247**

AN ORDINANCE AMENDING SECTION 2 (RULES AND REGULATIONS) AND SECTION 13 (GENERAL REGULATIONS) SUBD. 5 (SWIMMING POOLS) OF ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, RELATING TO SWIMMING POOLS WITHIN THE CITY

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS SECTION 2 OF ORDINANCE 169 SHALL BE AMENDED AS FOLLOWS:**

SECTION 2. RULES AND REGULATION.

SUBDIVISION 2. DEFINITIONS.

Swimming Pool: A permanent or portable structure which is not completely enclosed within a building, whether below ground level, above ground level or partially above and partially below ground level, intended for non-commercial use as a swimming pool and which exceeds both 24 inches in depth and 5,000 gallons in capacity.

- II. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS SECTION 13, SUBDIVISION 5 OF ORDINANCE 169 SHALL BE REPEALED AND REPLACED WITH THE FOLLOWING:**

SECTION 13, SUBDIVISION 5. SWIMMING POOLS

Swimming pools shall be allowed in any residential district provided the following standards are achieved and maintained:

1. A pool or spa shall not be constructed beneath overhead utility lines of any type or above underground utility lines of any type.
2. Permanent and seasonal swimming pools and associated pump/filter installations shall not be located closer than four (4) feet to any lot line.
3. For permanent in-ground or surface swimming pools, the pool or the property upon which said pool is located shall be enclosed by a fence of a type which effectively controls the entrance by children to the pool area. The fence must be at least five feet in height with vertical openings not exceeding four inches per opening. Mechanically controlled covers can be used in lieu of fencing requirements.
4. Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the property.
5. All non-permanent above ground swimming pools shall be equipped with an automatically retractable type ladder, a retractable ladder, a removable ladder or shall be fenced in accordance with Section 13, Subd. 5, Subparagraph 3 above. If a ladder is used, it shall be removed or retracted when the pool is not being attended.
6. If access to the 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 Section (three above).

7. Construction of swimming pools shall require a building permit, except for prefabricated swimming pools installed entirely above ground accessory to dwelling units constructed to the provisions of the International Residential Code or R-3 occupancies constructed to the provisions of the International Building Code which do not exceed both 5,000 gallons in capacity and a 24-inch depth.
8. It shall be the responsibility of the property owner where said pool is located to install said pool per manufacturer's specifications, to maintain per manufacturer's specifications, and to maintain all pools, pool covers, fences, gates, and closure devices in good and safe operating condition; to employ pool covers; to have gates closed; to remove or retract ladder access to the pool; and to maintain pool in a manner free from overhead or underground utility lines.

III. EFFECTIVE DATE. This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the 19th day of October, 2009.

Attest:

James R. Kreft, Mayor

Matthew Jaunich, City Administrator

First Reading: October 5, 2009

Second Reading: October 19, 2009

Adopted: October 19, 2009

Published: October 29, 2009