

ORDINANCE NO. 399

AN ORDINANCE AMENDING SECTION 155.18 OF THE BUILDING CODE AND SECTION 166.18 OF THE CODE OF ORDINANCES OF THE CITY OF GRANGER, IOWA, AS AMENDED, TO REVISE THE DEFINITION OF "SWIMMING POOL" TO CLARIFY ITS MINIMUM DEPTH.

BE IT ENACTED by the City Council of the City of Granger, Iowa, that:

SECTION 1. Section 155.18 of the Code of Ordinances of the City of Granger, Iowa, as amended, is hereby amended to read as follows:

Section 202 Swimming Pool Any structure intended for swimming, recreational bathing, or wading that is capable of containing water over thirty-six (36) inches deep. This includes in-ground, above-ground, and on-ground pools; hot tubs; spas and fixed-in-place wading pools, but excludes manmade lakes or ponds created through the collection of storm water or drainage runoff.

SECTION 2. Section 155.58 of the Code of Ordinances of the City of Granger, Iowa, as amended, is hereby amended to read as follows:

Swimming Pool Any structure intended for swimming, recreational bathing, or wading that is capable of containing water over thirty-six (36) inches deep. This includes in-ground, above-ground, and on-ground pools; hot tubs; spas and fixed-in-place wading pools, but excludes manmade lakes or ponds created through the collection of storm water or drainage runoff.

SECTION 3. Section 166.18(5)(A) of the Code of Ordinances of the City of Granger, Iowa, as amended, is hereby amended to read as follows:

A. "Swimming pool" means any outdoor body of water which has the capacity to contain a minimum depth of thirty-six (36) inches or more of water in an artificial or semi-artificial receptacle.

SECTION 4. Section 166.18(9)(E) of the Code of Ordinances of the City of Granger, Iowa, as amended, is hereby added to read as follows:

E. Seasonal above ground pools that have the capacity to hold between twenty-four (24) inches up to thirty-six (36) inches of water shall not be considered "swimming pools" for the rest of this Chapter. However, installation of such seasonal above ground pools shall require enclosure by a fence that meets City Code requirements at least four (4) feet above the adjoining grade.

SECTION 5. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. Severability Clause. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

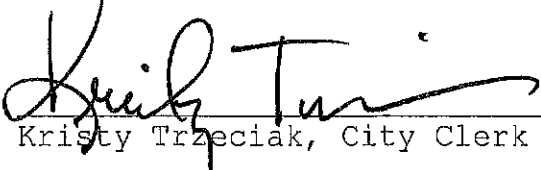
SECTION 7. When Effective. This Ordinance shall be in full force and effect on and, after its final passage, approval, and publication as provided by law.

Passed by the City Council on the 14th day of April, 2021, and approved the 14th day of April, 2021.



Tony L. James, Mayor

ATTEST:



Kristy Trzeciak, City Clerk

166.18 SWIMMING POOLS.

1. It is the purpose of this section to require architects, builders, contractors, pool suppliers, property owners, their agents and others to meet their responsibilities with respect to proper construction and premises safety, as set forth in this section. It is not the purpose of this section to create any duty on the part of the City, its officials, agents or employees, owing to any individual member of the public or to protect any particular class of persons. Specifically, it is not the intent of this section to create any duty or liability by the City, its officials, agents or employees to premises occupants, owners, tenants or any other person.
2. No person shall place reliance upon this section or any certificate issued pursuant to this section, as indicating the safety of or quality of construction of any particular premises. Neither this section nor any certificate issued is intended to assume the duty of any person to adequately construct and maintain a premises or to provide a safe premises or to, in any way, indicate a decrease in the risk associated with the use or occupancy of any premises. A certification that a premises complies with the requirements of this section shall not in any way constitute a warranty or guarantee of the safety or quality of that premises.
3. By making an application under this section, any applicant assumes and agrees to pay for all loss or damage to property and injury to or death of any person arising from or in connection with or related to the issuance of any certificate under this section or the doing of anything under this section. Such applicant, by making an application, forever indemnifies the City, its officials, agents or employees, and agrees to save it and them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though the acts or omissions of the City, its officials, agents or employees may have caused or contributed thereto. The provisions of this paragraph shall be deemed to be a part of any certificate issued pursuant to this section whether expressly recited therein or not, and shall apply to all assigns, assignees, subsequent owners, renters or occupants of the property involved.
4. The foregoing statements of legislative intent with respect to this section on swimming pools shall govern and take precedence over any other language contained in the Code of Ordinances.
5. The following definitions apply to the interpretation of this section:
 - A. "Swimming pool" means any outdoor body of water which has the capacity to contain a minimum depth of eighteen (18) inches or more of water in an artificial or semi-artificial receptacle. (*Ord. 251 – Feb. 08 Supp.*)

- B. "Small child" means any child twelve (12) years of age or younger.
- C. "Fence" or "wall" means a structure constructed sufficiently strong and substantially designed to make the swimming pool inaccessible to small children.
- D. "Impervious" refers to a material which is incapable of being penetrated by water.

6. No person shall maintain, construct, enlarge, alter or otherwise improve a swimming pool without first obtaining a Certificate of Zoning Compliance for Swimming Pool from the Zoning Administrator, pursuant to Sections 165.10 and 165.11. For the issuance of a Conditional Certificate of Zoning Compliance for Swimming Pool, an applicant must certify that the requirements of this section shall be complied with in all respects and submit plans therefor. A Permanent Certificate of Zoning Compliance for Swimming Pool shall not be issued by the Zoning Administrator until all of the requirements of this section have been complied with. A fee of \$50 shall be paid by the applicant, which fee shall be in addition to the schedule of fees established in Section 165.14.

7. The materials used for lining swimming pools shall be light in color, shall be impervious and shall provide a tight tank with smooth, easily cleaned surfaces. No sand or dirt bottoms shall be allowed.

8. Every in-ground swimming pool shall be completely surrounded and enclosed by a fence or wall six (6) feet in height and located at least six (6) feet from the side of the swimming pool, unless the enclosure is a part of pre-manufactured assembly in which case it shall be no closer than four (4) feet from the side of the swimming pool. Such fence or wall shall be reasonably non-climbable and shall be constructed and maintained as to make the swimming pool as inaccessible as possible to small children. There shall not be a distance greater than ten (10) feet between posts. The bottom of the fence or wall shall be at grade with no clearance between the bottom and the ground along the entire perimeter of the fence or wall.

9. Swimming pools manufactured for installation above ground shall be installed in accordance with the following criteria:

- A. Enclosure of an above-ground swimming pool shall reasonably secure the swimming pool and any deck or platform attached to it from unauthorized access to small children.
- B. A fence or wall six (6) feet above any adjoining grade located within six (6) feet of the swimming pool enclosure shall be used in combination with the vertical water enclosing wall of the swimming pool to provide the required degree of safety, unless the enclosure or fence is part of a pre-

manufactured assembly, in which case it shall be no closer than four (4) feet from the side of the swimming pool.

C. Steps, ladders, ramps or any other device affording access to the swimming pool shall be constructed in a manner that will afford the same degree of security against unauthorized access as that prescribed for the swimming pool enclosure.

D. No part of a swimming pool enclosure shall be constructed within ten (10) feet of a property line, other wall, fence or other structure, which can readily be climbed by small children.

10. The enclosure requirements contained in paragraphs 8 and 9 above may be satisfied in the case of swimming pools or spas with a water surface area of less than sixty (60) square feet by equipping the pool or spa with a rigid cover capable of supporting two hundred (200) pounds which, when securely locked in place, will render the water contained therein inaccessible to anyone not having a key. When such a rigid cover is used in lieu of the enclosure requirements, the owner shall not leave the pool or spa unattended without such rigid cover securely locked in place. For the purposes of this paragraph, "unattended" means the absence of an adult person in the pool or spa or within constant eyesight of the pool or spa and no more than twenty (20) feet therefrom.

11. All gates and doors providing access through a fence or wall to any swimming pool shall be equipped with self-closing and self-latching devices. Gates and doors shall be securely closed when the swimming pool is not in use. The self-closing and self-latching device on gates and doors shall be equipped either with a manual latch which can only be operated at a point five (5) feet above the ground or with a lock and key.

12. No swimming pool drain shall be connected to or drained into any part of the sanitary sewer system; nor shall it be drained onto the public streets or sidewalks so as to create a nuisance, hazard or dangerous condition, such as freezing on streets or sidewalks; nor shall it be drained onto the property of others.

13. The owner or occupant of any property where a swimming pool is located shall keep and maintain the fence or wall and gate or door openings to the swimming pool in good repair at all times.

14. Persons maintaining a swimming pool shall be deemed to consent to periodic inspections of draining devices and any fence, wall, gate or door surrounding the swimming pool and any rigid cover over a swimming pool or spa with a water surface of less than sixty (60) square feet at reasonable times by City officials or employees, to assure compliance with the requirements of this section for the height of enclosures and reasonably non-climbable nature of enclosures, gates or

doors, rigid covers, and draining, but such City official or employee shall not enter the enclosure containing a swimming pool.

15. The requirements of paragraphs 8 through 11 of this section for the height of enclosures and the reasonably non-climbable nature of enclosures, gates or doors, and proper draining shall be applicable to all swimming pools constructed prior to the effective date of the ordinance codified herein (October 22, 1998), and the owners of such swimming pools shall have sixty (60) days from and after the effective date of the ordinance codified herein to comply with these requirements. However, any swimming pool constructed prior to the effective date of the ordinance codified herein, and which is surrounded by a fence or wall at least four (4) feet in height shall be deemed to comply with the height requirements of this section.

16. All swimming pools built after the effective date of the ordinance codified herein (October 22, 1998) shall comply with all of the terms of this section.

(Ord. 138 – Apr. 99 Supp.)