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**18.28.010 Definitions.**

As used in this chapter:

A. "Swimming pool or pool" means any structure intended for recreational swimming or bathing that contains water over eighteen inches deep. "Swimming pool" includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas, and nonportable wading pools.

B. "Public swimming pool" means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the grounds of a private single family home.

C. "Enclosure" means a fence, wall, or other barrier which completely surrounds the swimming pool and obstructs access to the swimming pool.

D. "Approved safety cover" means a manually or power operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91 or in the case of a hot tub or spa, a safety cover that complies with ASTM- Emergency Performance Specification ASTM-ES 13-89.

E. "Exit alarms" means devices that make audible, continuous alarm sounds when any door or window, that permits access from a residence to the pool area that is without any intervening enclosure, is left open or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

F. "Grade" means the underlying surface, such as earth or a walking surface. (Ord. NS-387 § 2 (part), 1996: Ord. 8092 § 1 (part), 1981: Ord. 8036 § 1)

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18.28.020 Fence requirements.

A. Every swimming pool, other than public swimming pools, shall be enclosed by an enclosure having a minimum height of five feet (sixty inches). The enclosure shall obstruct access thereto by persons other than the occupant of the premises on which the pool is located.

B. Openings, gaps, or voids in the enclosure shall not allow the passage of a sphere equal to or greater than four inches.

C. The maximum vertical clearance from grade to the bottom of the enclosure shall not exceed two inches. The vertical clearance from grade to the bottom of the enclosure may be four inches when the grade under the enclosure is solid concrete.

D. The outside surface of the enclosure shall be free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

E. Chain link fencing shall be a minimum of eleven gauge.

F. When a wall of a dwelling unit serves as part of the enclosure and contains door openings providing direct access to the pool, the dwelling unit and/or the pool shall be equipped and maintained with at least one of the following safety features:

1. The pool shall be isolated from the home by an enclosure that meets the requirements of Section 18.28.020; or

2. The pool shall be equipped with an approved safety cover; or

3. The residence shall be equipped with exit alarms on doors providing direct access to the pool; or

4. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than fifty-four inches above the floor.

G. The approved plans shall state which of the above safety features are to be installed as a condition of the pool permit prior to issuance of the pool permit. (Ord. NS-387 § 2 (part), 1996; Ord. NS-121 § 1, 1990; Ord. 8092 § 1

(part), 1981: Ord. 8036 § 2)

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18.28.030 Gates and latches.

A. Any access gates through the enclosure shall comply with the requirements of Section 18.28.020.

B. Any pedestrian access gate(s) through the enclosure shall open away from the swimming pool.

C. Every pedestrian access gate shall be equipped and maintained with self-closing and self-latching devices. Such devices shall be placed no lower than sixty inches above grade. Latching hardware may be placed at a lower height if it is operable only from the inside of the enclosure.

D. Gates other than pedestrian access gates shall be equipped with lockable hardware and shall remain locked at all times when not in use. (Ord. NS-387 § 2 (part), 1996: Ord. 8092 § 1 (part), 1981: Ord. 8036 § 3)

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18.28.040 Ingress and egress requirements.

Such fence, gate or other protective device as required by these sections shall be installed in such manner as to comply with the fire exit requirements as contained in this code and the state law. No swimming pool shall be installed in any court or yard area which is required for ingress or egress to any building or occupancy. (Ord. NS-387 § 2 (part), 1996; Ord. 8092 § 1 (part), 1981)

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18.28.050 Pool fence variances.

The owner of any swimming pool may request approval of a variance from the fencing requirements herein by submitting to the community development director written application for the variance, setting forth a description of the pool site and alternate safeguard or conditions of the site by which entry into said swimming pool is restricted or prevented. The community development director may approve such alternate safeguard or obstruction if the community development director in his discretion determines that the following exists:

- A. Physical conditions of the site make the erection of a fence or wall impractical or unnecessary to protect the public health and safety; or
  
- B. The proposed limitation of access or conditions of control would accomplish the same protections of the public health and safety as the fencing requirements. (Ord. NS-676 § 8, 2003; Ord. NS-387 § 2 (part), 1996; Ord. NS-176 § 5 (part), 1991; Ord. 1261 § 25, 1983; Ord. 8092 § 1 (part), 1981)

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**18.28.060 Gunite.**

Guniteing of any swimming pool or spa shall not be permitted until all fencing, gates and latches are installed. Inspection of steel and bonding will not be made until the required enclosure is installed. (Ord. NS-387 § 2 (part), 1996; Ord. 8092 § 1 (part), 1981)



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**18.28.080 Violations.**

Any person or corporation who violates any of the provisions of this chapter is guilty of an infraction except for the fourth or each additional violation of a provision within one year which all be a misdemeanor. Penalties for a violation of this chapter shall be as designated in Section 1.08.010 of this code. (Ord. NS-387 § 2 (part), 1996: Ord. 8092 § 1 (part), 1981)