

**Sec. 33-1109. Swimming pools.**

(a) Definition. As used in this section, a swimming pool is any confined body of water, located either above or below the finished grade of the site, which exceeds one hundred (100) square feet in surface area and two (2) feet in depth, and which is designed, used or intended to be used for swimming or bathing purposes. The provisions of this section do not apply to indoor pools.

(b) Front, side and rear yards.

(1) All swimming pools constructed after the effective date of this ordinance shall be subject to the front yard and side yard setback requirements as set forth in the applicable zoning regulation, but in no case shall a swimming pool be located closer than five (5) feet from any property line;

(2) Tanks, heating, filtering and pumping equipment shall be subject to the front yard and side yard setback requirements of the applicable zone, except that such accessories may be located within such required yards if installed entirely below the finished grade of the site and covered with a permanent protective cover.

(c) Fence requirements.

(1) Every swimming pool shall be enclosed by a natural barrier, wall, fence and/or other structure having a minimum height of five (5) feet and constructed or situated so as to prevent unauthorized entrance thereto. Such fence, structure or wall shall not occupy a front yard required by applicable zoning regulations but may occupy a side or rear yard so required;

(2) The enclosing wall or fence may contain a gate. All gates shall have an automatic closing device and be self-latching, with the latches placed at least four (4) feet above the ground. Gates shall be kept securely closed and latched at all times;

(3) The fence, gate and all other protective devices shall meet all fire exit requirements and other applicable provisions of law.

(d) Variances and exemptions.

(1) The building inspector may waive the fencing requirements of this section upon an adequate showing that an alternative safeguard against unauthorized entry to the swimming pool exists or will be provided, and that the physical conditions of the site make the erection of a fence or wall impractical;

(2) The provisions of this section shall not apply to swimming pools used or maintained by a hotel, motel or trailer park consisting of ten (10) or more units where someone is on duty twenty-four (24) hours a day;

(3) All swimming pools which are in the R-A or R-E-40 zones shall be exempt from the provisions of the swimming pool fence requirements. (Zoning Code, Ch. 108, §§ 1085.16.1 -- 1085.16.32)