

14.10 PRIVATE SWIMMING POOLS

14.10(1) SCOPE AND APPLICATION No person shall construct, install, enlarge or alter any private swimming pool in the Village of Howard except in accordance with the regulations set forth in this section.

14.10(2) DEFINITION The term "Swimming Pool," when used in this code, shall mean any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below ground, in which water more than eighteen (18) inches deep is contained and which is used primarily for the purpose of bathing or swimming.

14.10(3) PERMITS Required permits shall be obtained from the Building Inspector in accordance with the regulations set forth in Section 14.05 of this code (Permits) prior to the construction, installation, enlargement or alteration of any private swimming pool in the Village of Howard.

14.10(4) REQUIRED PLANS Each permit application shall be accompanied by plans showing; the proposed location of the swimming pool on the lot or parcel, including the distance to lot lines and existing buildings and structures; the location of any septic tank, drain field, sewer lines or water lines; pool dimensions and proposed water depth; type, height and location of proposed fences; and location of overhead and/or underground wiring and power lines relative to the proposed swimming pool.

14.10(5) PERMIT FEES Permit fees for private swimming pools shall be as set forth in Section 14.05(15) of this code (Permit Fees).

14.10(6) SETBACK REGULATIONS All private swimming pools shall comply with the setback regulations set forth in Section 17.03(11)(h) of the Howard Municipal Code (Zoning Ordinance) and the water line of all private swimming pools shall be located at least ten (10) feet from any building or structure. No above-ground private swimming pool shall be located closer than five (5) feet from any septic system. The minimum setback regulations set forth in this section shall not apply to hot tubs, spas, whirlpools, children's portable wading pools, and similar recreational equipment.

14.10(7) FENCING REGULATIONS Private swimming pools shall be protected by fencing complying with the following regulations.

(a) Fence Design Except as provided in Section 14.10(7)(b) below (Above-ground Swimming Pools), all in-ground and above-ground private swimming pools not enclosed within a permanent building shall be completely enclosed by a fence which is of sufficient strength to prevent access to the pool. Such fence shall not be less than four (4) feet in height, shall be located no closer than three (3) feet to the pool, and shall be so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors in fences shall be so constructed as to be capable of being locked, and shall be closed and locked so as to prevent unlatching by persons outside the pool area at all times when the pool is not in actual use. The wall of a house or building facing a swimming pool may be incorporated as a portion of a required fence.

(b) Above-ground Swimming Pools Above-ground swimming pools with self-provided fencing to prevent unguarded entry shall be permitted without additional fencing if such self-provided fencing complies with the minimum design parameters specified in Section 14.10(7)(a) above (Fence Design), and temporary ladders are removed and access is prevented at all times when the pool is not in actual use. Access from grade to above-ground swimming pools having permanent or stationary ladders, stairs, ramps or decks shall be prevented by safeguard fencing and gates equivalent to those required herein.

(c) Portable Pools, Spas and Hot Tubs Portable pools over one (1) foot in depth, spas, hot tubs, whirlpools and similar equipment shall be fenced as specified in Section 14.10(7)(a) above (Fence Design) or shall be drained or covered after each day's use in such a manner as to provide for the safety of the public.

14.10(8) LIGHTING REGULATIONS If overhead flood or other artificial lighting is provided to illuminate a private swimming pool at night, such lighting shall be shielded to direct all such illumination on the immediate pool area only.