ORDINANCE NO. 59

AN ORDINANCE RELATING TO AND REGULATING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF SWIMMING POOLS IN THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA

THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF WHITE BEAR ORDAINS:

SECTION 1. AMENDMENT AND REPEAL OF CONFLICTING ORDINANCES. The Swimming Pool Ordinance of the Town of White Bear (Township), Ramsey County, Minnesota, adopted August 1, 1989, as amended, is hereby amended to be as follows, and all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed. In all other respects all other Ordinances shall remain in full force and effect.

SECTION 2. DEFINITIONS. For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

2-1. FIXED IN PLACE. A swimming pool structure is considered "fixed in place" if any of the following conditions exist:

a. The pool itself, or support posts, beams, or other items supporting the pool basin are sunk into the ground;

b. Support posts, beams, or other items supporting the pool basin are attached to a building;

c. External, rigid plumbing is used to supply water to the pool and/or drain the pool basin;

d. A pool of any structural type is left standing on a property for one hundred and eight (180) consecutive days.

2-2. SAFETY FENCE. A barrier a minimum of 48 inches in height. The maximum clearance between grade and the bottom of the barrier shall be 2 inches. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when the grade is a solid surface such as concrete. Openings in the barrier shall not allow passage of a 1 ¾ inch sphere. For fencing composed of vertical and horizontal members the spacing between vertical members may be increased up to 4 inches when the distance between the tops of horizontal members is 45 inches or more. Access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism shall be located on the pool side of the barrier at least 3

inches below the top of the gate, and the barrier shall have no openings greater than ½ inch within 18 inches of the release mechanism.

2-1.1. Self-contained hot tubs equipped with a locking cover shall be exempt from the requirements in Section 2-1. (Safety Fencing) of this Ordinance.

2-2.2. ABOVE-GROUND POOLS. Non-climbable pool walls of an above-ground pool are considered "barriers" for the purpose of this Ordinance provided that the walls are at least forty-eight inches (48") in height. A safety fence is required to enclose the access to such a pool if that access is: a) climbable wall; b) a ladder or stairs that is part of the pool's structure; or c) any other non-portable ladder or stairs used to access the pool. The fence must provide at lest thirty-six inches (36") between the fence and any part of the ladder, and shall in all other respects comply with the requirements of this Ordinance. A portable ladder or stair must be stored away from the pool when the pool is not in use.

2-3. SWIMMING POOL. Any fixed-in-place structure intended for swimming or recreational bathing that contains water over 36 inches deep. This includes in-ground, above-ground and on-ground swimming pools; hot tubs; portable and non-portable spas.

SECTION 3. A permit shall be required for all swimming pools, and the building permit application shall show:

3-1. Type and size of pool.

3-2. Site plan.

3-3. Location of pool.

3-4. Location of house, garage, fencing and other features on the lot.

3-5. Location of structures on all adjacent lots.

3-6. Location of filter unit, pump and wiring (involving type).

3-7. Location of back-flush and drainage outlet.

3-8. Grading plan, finished elevations and final treatment (decking, landscaping, etc.) around pool.

3-9. Location of existing overhead or underground wiring, utility easements, trees and similar features.

SECTION 4. POOLS IN ALL AREAS. Swimming pools in all areas shall also comply with the following restrictions:

4-1. All swimming pools shall be completely enclosed by approved safety fencing.

4-1.1. Self-contained hot tubs equipped with a locking cover shall be exempt from the requirements in Section 2-1. (Safety Fencing) of this Ordinance.

4-2. All wiring, lighting, installation of heating unit, grading, installation of pipes and all other installations and construction shall require inspection.

4-3. Pools shall not be located beneath overhead utility lines, nor over underground utility lines of any type.

4-4. Pools shall not be located within any private or public utility, walkway, drainage or other easement.

4-5. In the case of in-ground pools, due precautions shall be taken during the construction period to:

4-5.1. Avoid damage, hazards or inconvenience to adjacent or nearby property.

4-5.2. Assure that proper care shall be taken in stock piling excavated material to avoid erosion, dust or other infringement onto adjacent property.

4-6. To the extent feasible, back-flush water or water from pool drainage shall be on the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land.

4-7. Lighting for the pool shall be directed into or onto the pool, and not onto adjacent property.

4-8. Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type.

4-9. Filling of pools via fire hydrants or other public means shall require approval from the Town Public Works Department.

4-10. Required safety fencing shall be completely installed within three (3) weeks following installation of the pool and prior to the pool being filled. In the interim, temporary safety fencing must be installed.

4-11. Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.

SECTION 5. POOLS LOCATED IN SINGLE FAMILY DISTRICTS. Swimming pools located in single family districts (residential structures containing 1 or 2 dwelling units), shall comply with the following:

5-1. Pools for which a permit is required, shall not be located within ten (10) feet of any side or rear lot lines nor within ten (10) feet of any principle building or accessory structure. For the purposes of determining setbacks for pools, attached and detached decks shall not be considered part of a principle building or accessory structure.

5-2. The filter unit, pump, heating unit and any other noise-making mechanical equipment shall be located at least twenty (20) feet from any adjacent or nearby residential structure, and not closer than ten (10) feet to any lot line.

SECTION 6. POOLS IN MULTIPLE-FAMILY AREAS. Swimming pools located in multiple-family areas (residential structures containing three or more dwelling units), shall comply with the following:

6-1. No part of the water surface of the swimming pool shall be less than fifty (50) feet from any lot line.

6-2. No pump, filter, heating units or other apparatus used in connection with or to service a swimming pool shall be located less than thirty (30) feet from any lot line.

6-3. All deck areas, adjacent patios or other similar areas used in conjunction with the swimming pool shall be located not closer than thirty (30) feet to any adjacent single-family lot line.

SECTION 7. PERMIT FEES. Permit fees for swimming pools shall be based on valuation.

SECTION 8. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held to be invalid.

SECTION 9. EFFECTIVE DATE. The Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of Supervisors of the Town of White Bear this 1st day of August, 1989.

APPROVED:

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ROBERT J. WEISENBURGER, Chairman

ATTEST:

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WILLIAM J. MALINEN, Clerk-Treasurer

Town Board of Supervisors:
ROBERT J. WEISENBURGER, Chairman
GEORGE A JUNGKUNZ, Supervisor
RICHARD A. SAND, Supervisor

Published in the White Bear Press on August 9, 1989.

Historical Notes

2006

Section 2 amended on March 6, 2006, and effective April 12, 2006 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

2000

Sections 2 and 4 amended on September 18, 2000, and effective October 25, 2000 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1999

Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 passed May 3, 1999, and effective May 19, 1999 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1998

Sections 1, 2, 3, 4, and 6 amended on April 20, 1998, and effective on May 6, 1998 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1989

Ordinance, Title and Sections 1, 2, 3, 4, 5, 6, 7, and 8 originally passed August 1, 1989, and effective August 9, 1989 by Weisenburger (Chair), Weisenburger and Sand; Malinen (Clerk-Treasurer).