

## **ORDINANCE NO. 460-A**

### **AN ORDINANCE REPLACING ORDINANCE NO. 460 EMPIRE TOWNSHIP SWIMMING POOL ORDINANCE**

The Board of Supervisors of Empire Township ordains as follows:

#### **SECTION 1. TITLE**

This ordinance shall be known, cited, and referred to as the Empire Township Swimming Pool Ordinance (except as referred to herein as “this Ordinance”).

#### **SECTION 2. PURPOSE**

The purpose of this Ordinance is to protect the public health, safety, and welfare by establishing regulations for swimming pools in Empire Township.

#### **SECTION 3. DEFINITIONS**

Within this Ordinance, the following words, terms, and phrases shall have the following meanings. Other words, terms, and phrases used in this Ordinance, but not so defined, shall have customary meanings.

- A. Automatic Safety Cover. A swimming pool cover which is permanently affixed to the pool structure, self-closing, and designed to prevent access to the water in the swimming pool.
- B. Board. The Board of Supervisors of Empire Township.
- C. Swimming Pool. Any above-ground or in-ground containment structure designed to retain water at a depth more than 24 inches and area more than 75 square feet for recreational or health purposes.
- D. Swimming Pool, Private. A swimming pool located on private property and used only by the occupants of that property and their guests.
- E. Swimming Pool, Public. A swimming pool available to multiple parties or the public at large, such as swimming pools in educational institutions, hotels, motels, country clubs, public water parks, private water parks, homeowner associations and rental properties.
- F. Town Board. The Board of Supervisors of Empire Township.
- G. Township. Empire Township, Dakota County, Minnesota.

#### **SECTION 4. PERMITS REQUIRED**

No swimming pool shall be constructed, erected, repaired or altered without first obtaining the necessary building, plumbing, and/or electrical permits from the Township. Permit fees are established in Ordinance No. 515-A, as amended.

#### **SECTION 5. PLANS AND SPECIFICATIONS REQUIRED**

Detailed plans and specifications are required to be submitted with permit application for a swimming pool. Plans shall be drawn to scale by competent professionals and shall include details for site excavation, construction, plumbing, electrical, and fencing. The Township Building Official shall determine the plan detail necessary to obtain permits for proposed swimming pool construction.

#### **SECTION 6. SECURITY FENCING**

- A. All swimming pools shall be enclosed with five-feet-high security fencing (chain link or decorative) that discourages climbing. All fencing gates shall be equipped with self-closing and self-latching devices. Gates providing access to public swimming pools, shall have locking devices to prevent after hours entry. All gates shall have the latch mounted no less than 54 inches above the walking surface on either side of the gate.
- B. Exception. In the Agricultural Preservation Zoning District, the requirement for security fencing may be waived for a private swimming pool, provided the swimming pool is fitted with an automatic safety cover. The Township shall have complete discretion in determining whether a particular proposed automatic safety cover is adequate to waive the requirement for security fencing. Manufacturer's detailed information including the weight resistance shall be submitted with the pool permit application

#### **SECTION 7. PERFORMANCE STANDARDS**

- A. Swimming pools shall meet all yard setback requirements for the zoning district in which they are located. No part of the pool or deck shall encroach into the required yard.
- B. Water lines to a swimming pool shall not be located closer than ten feet from any sanitary sewer line or sanitary sewer system.
- C. Swimming pools shall not be located closer than ten feet from any sanitary sewer line or septic tank. No part of the pool shall be closer than 20 feet from drainfield.
- D. Pool equipment such as filters, pumps and heaters shall not be located in a front or side yard
- E. Discharge from swimming pools shall not overflow onto any adjacent property and must meet Minnesota Pollution Control Agency discharge standards for chlorinated water.
- F. Swimming pool construction, operation and maintenance shall be consistent with all federal, state, and local laws and regulations.

- G. Lighting at all outdoor swimming pools shall be shrouded and downcast to minimize ambient lighting or direct lighting on adjacent property.
- H. The use of any outdoor swimming pool shall not disturb the peace of neighboring properties or cause a public nuisance.

**SECTION 8. VIOLATIONS AND PENALTIES**

- A. Civil Remedy. In the event of a violation of this Ordinance, the Township may institute appropriate actions or proceedings, including but not limited to, civil actions for trespass and/or injunctive relief to prevent, restrain, correct or abate such violations or threatened violations, and the Township Attorney may institute such action.
- B. Criminal Remedy. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any of the provisions of this Ordinance or who shall make any false statement in any document required to be submitted under the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each day that a violation continues shall constitute a separate offense.

**SECTION 9. REPEAL AND REPLACEMENT**

Ordinance No. 460 is hereby repealed and replaced with Ordinance No. 460-A.

**SECTION 10. EFFECTIVE DATE**

Ordinance No. 460-A shall take effect upon its adoption and publication according to law. Adopted this 23<sup>rd</sup> day of August, 2011.

**ATTEST:**

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Terry L. Holmes, Chair

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Kathleen B. Krippner, Clerk-Treasurer

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