

**SECTION 9.05 SWIMMING POOL ENCLOSURE**

**Subd. 1.** **Definition.** For the purposes of this Section an outdoor swimming pool is defined as any permanent or temporary structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, or recreational bathing, used in connection with a single family dwelling and having a depth of more than twenty-four (24) inches at any point and a surface area exceeding one hundred fifty (150) square feet.

**Subd. 2.** **Fencing Required Around Outdoor Swimming Pools.**

- A. A. All outdoor swimming pools existing and hereafter constructed shall be completely enclosed by a security fence or wall at least four (4), but not more than eight (8), feet high and shall be located no less than four (4) feet from the edge of the pool. The bottom of the fence or wall shall be less than four (4) inches above the surface of the ground. Fence openings or points of entry to the pool area shall be equipped with self-closing and self-latching lockable gates in good working condition.
- B. B. The enclosure for outdoor swimming pools may utilize a wall or walls of a house or building as part thereof provided the wall or walls are at least six (6) feet high and the enclosure is completed by a fence or wall conforming to the provisions of Subparagraph A hereof.
- C. C. All persons owning or operating an outdoor swimming pool shall comply with this Section within ninety (90) days from the date of publication.

**Subd. 3.** **Prerequisites to Issuance of Building Permit.** A building permit shall not be issued for any swimming pool unless the plans for such pool provide for an enclosure as required by this Section.

**Subd. 4.** **Responsibilities of Owner and Occupant.** It shall be the responsibility of both the property owner and the occupant of the premises to install and maintain the fences, locks, latches, and gates in good condition and proper working order when water is in the pool, either or both may be deemed in violation of this Section for failure to do so.

**Subd. 5.** **Exceptions.** This Section does not apply to: (1) above-ground outdoor swimming pools having at least four foot high, vertical or outward inclined sidewalls provided sole access is by means of a removable ladder, ramp, or stairs, which must be removed when the pool is not in use, or other secured ladder, ramp, or stairs as approved by the City Building Inspector; (2) swimming pools which are wholly enclosed within a building or structure.