

## **ORDINANCE 18-1, AN ORDINANCE REGULATING OUTDOOR SWIMMING POOLS AND OUTDOOR SWIMMING POOL ACCESS IN THE TOWN OF BADIN**

### **Section 1 - "Swimming pool" defined**

The term "swimming pool," as herein used, means a body of water of artificial construction, used for swimming or recreational bathing, together with the sides or bottom of the pool, buildings and equipment appurtenant thereto, having a depth of thirty (30) inches at any point.

### **Section 2 - Application of article**

This article shall not apply to indoor swimming pools, to portable wading pools less than thirty (30) inches in depth or to swimming pools regulated or maintained by the State of North Carolina either by statute or by rules and regulations of one of its administrative agencies.

### **Section 3 - Location of pool relative to side and rear lot lines, buildings**

A swimming pool and any accessory building which houses pumping and filtering equipment shall be considered as an accessory structure and such structure shall comply with all requirements of the zoning ordinance; provided, however, that no swimming pool or swimming pool accessory structure shall be located nearer than ten (10) feet to the side or rear lot lines or to any house, building or residence.

### **Section 4 - Construction permit required**

No person, firm, association, or club, shall construct or cause to be constructed or commence construction on a public or private swimming pool in the town without first having obtained a permit from the town manager.

### **Section 5 - Prerequisites to permit issuance**

The application for a swimming pool building permit shall be accompanied by a complete and detailed set of plans and specifications and shall be approved by the building inspector and the county health department. No permit for such construction shall be issued unless the application therefor shows that such pool, upon completion of construction, shall meet the requirements of section 3.

### **Section 6 - Permit deposit**

All applications for a swimming pool permit shall be accompanied by a deposit of ten dollars (\$10.00).

### **Section 7 - Fence required**

It shall be unlawful to construct, install, maintain or operate a swimming pool within the town, either an already existing one or one newly constructed, without constructing and maintaining around the entire perimeter thereof a fence not less than four (4) feet in height and of sufficient strength to eliminate unobstructed access thereto except at properly constructed entrance gates. The gates shall be of a self-closing type with the latch on the inside of the gate, not readily available for children to open. It is the intent and purpose of this section to provide protection to children against injury or mishap resulting from construction and maintenance of swimming pools. However, if the entire premises of the residence is enclosed, then this provision may be waived by the building inspector upon inspection and approval of the residence enclosure. The

fence or barrier may enclose either the pool area only or the full property boundary area or any part of the property which includes the pool. The fence or barrier shall be designed to meet the following criteria:

- a) The fence or barrier *shall* be at least forty-eight (48) inches in height.
- b) Entrances through the fence or barrier *shall* be provided with self-closing gates which have self-latching mechanisms.
- c) Openings under and through a fence or barrier with the gate(s) closed *shall* be sized so that a four-and-one-half-inch diameter sphere cannot pass through the openings.
- d) Shrubbery or plantings are not acceptable as a fence or barrier.
- e) A dwelling house or accessory building *may* be used as part of such enclosure. No *person* in possession of land in the *Town*, either as *owner*, purchaser, lessee, tenant or licensee, upon which is situated a swimming pool *shall* fail to provide and maintain such barrier as herein provided.

Swimming pool owners whose pool or property do not meet the imperatives of this ordinance shall have one year from the date of adoption of this ordinance to become fully compliant with the complete content of the ordinance.

#### **Section 8 - Penalty**

Any violation of this article subjects the offender to a civil penalty of one hundred dollars (\$100.00).

This ordinance shall become effective immediately upon passage. Adopted this the 9th day of January, 2018.