

ORDINANCE NO. 637

VILLAGE OF BELLEVUE, ILLINOIS

AN ORDINANCE PERTAINING TO  
SWIMMING POOLS

**WHEREAS**, the Village of Bellevue ("Village") Board of Trustees has determined that the health, safety and welfare of the citizens of the Village will be served by adopting a comprehensive swimming pool ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:**

**1. General Provisions:** The purpose of this Ordinance is to prescribe rules and regulations controlling the construction, maintenance and operation of private swimming pools in the Village and to protect the health, safety and welfare of the citizens of the Village from the dangers which are often associated with a private swimming pool.

It shall be the duty of the owner of a private swimming pool to comply with the provisions set forth in this private swimming pool ordinance as such provisions now exist or may hereinafter be amended.

**2. Definitions.** As used in this ordinance, the following terms mean:

*Barrier:* a fence, wall, building wall or combination thereof which completely surrounds the private swimming pool and obstructs access to the private swimming pool.

*Building:* any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

*Diagonal setback:* indicates a measurement for setback that is calculated by measuring from the water surface at the pool's edge to the lowest electrical service line.

*Dwelling:* any building, structure or improvement consisting of not more than four (4) dwelling units.

*Dwelling Unit:* a building, structure or improvement used or designed for occupancy by one (1) family.

*Family:* an individual person or two (2) or more persons who are related by blood, marriage or adoption or who maintain a common household in a dwelling unit.

*Linear:* a straight and horizontal measurement between points.

*Private Residential Property:* any real property, building or portions thereof used for dwelling purposes.

*Private Swimming Pool:* a body of water in an artificial or partly artificial receptacle or other container whether installed or constructed above or below ground elevation with a depth of two (2) feet or more (and a minimum surface area of one hundred twenty five (125) square feet) or to be used for swimming, wading, diving or recreational bathing located on private residential property for the use of the property's owner and guests.

*Spa:* shall mean a hydro massage pool, or tub for therapeutic or recreational use, not located in health care facilities, and shall include, but is not limited to terms such as hydrotherapy pool, whirlpool, hot spa and hot tub. A spa is designed for the immersion of users but not for swimming and/or diving purposes and usually consists of a filter, heater and motor-driven blower. It may be installed indoors and outdoors, on the ground or supporting structure or in the ground or supporting structure.

### **3. Permits/Plans**

*Permits:* all private swimming pools or spa **require a building permit** prior to the initiation of construction. Owners must comply with all building codes and ordinances adopted by the Village.

The owner of the private swimming pool or spa shall notify the Village upon completion of the construction, addition, alteration and prior to filling the pool and upon completion of the construction of the barrier. The owner shall not fill the pool until the pool and barrier are inspected by the Village and found to be in compliance with the terms of this ordinance.

*Plans:* the plans and specifications required to be submitted with the building permit shall include the following information plus such other data as may be reasonably requested by the Village:

(1) A site plan drawn to scale which includes the location of the proposed pool in relation to the following items, and which meets or exceeds the established minimum setbacks:

- a. property lines, building line, barriers, landscaping elements or structures, trees, and other appurtenances;
- b. electric service lines;
- c. principle or accessory structures, excluding decks; and
- d. location and dimensions of barriers and gates.

(2) the site plan shall also include a diagram of the barrier drawn to scale that includes a cross section of the proposed barrier indicating:

- a. type of materials to be used in the barrier construction;
- b. dimensions of members and other structural elements, including spaces between members and other structural information; and

- c. type and location of gate and latches, including the vertical distance from grade to the location of handles and other latch components.

**4. Setbacks.** The location of the private swimming pool or spa shall adhere to the following minimum setbacks:

- a. **Five (5) feet** from walls, landscaping elements or structures, trees or other appurtenances;
- b. **Ten (10) feet linear and eighteen (18) feet diagonally** from electric service lines (it is recommended that such service lines be placed underground to provide additional safety);
- c. **Ten (10) feet** from principle or accessory structures, excluding docks;
- d. Property and building line setbacks as stipulated in the applicable zoning ordinance.

**5. Barrier Requirements.**

*Application:* the provisions of this section shall control the design of barriers for private swimming pools or spa. These design controls are intended to provide protection against potential drowning/near drownings by restricting access to private swimming pools or spa.

*Temporary or Portable Pools:* temporary or portable swimming pools over 24 inches in depth must be erected, filled and used within a fence-in yard.

*On-Ground Swimming Pool:* the following barrier options shall be utilized:

(1) when a swimming pool is less than four (4) foot high (48 inches), a four-foot high barrier with openings no greater than four (4) inches shall completely surround the yard or swimming pool. The access to the swimming pool must still be protected.

(2) when a swimming pool is four (4) foot high (48 inches) which has access by means of a ladder that is hinged and folds up latching it in the up position, or is easily and readily removable, a barrier shall not be required. Such ladder shall remain latched in the up position or entirely removed from the swimming pool during the hours when the swimming pool is not in use.

(3) should the ladder not fold up or if the latch is not removable, a four-foot high (48 inch) barrier with openings no greater than four (4) inches with a self-closing, self-latching gate that completely surrounds the ladder must be installed.

(4) when the swimming pool is less than four (4) foot high (48 inches), a barrier with openings no greater than four (4) inches must be installed along the top of the swimming pool to maintain a height of four (4) foot (48 inches) from grade, or a four

(4) foot high (48 inches) barrier with openings no greater than four (4) inches must completely surround the swimming pool. This barrier must incorporate a ladder that is hinged and folds up latching in the up position. Such ladder shall remain latched in the up position during the hours when the swimming pool is not in use.

(5) any deck which abuts any portion of a swimming pool shall have a minimum four-foot (48 inches) high guardrail/fence with openings no greater than four (4) inches located along the portion of the deck that abuts the swimming pool. All gates within the barrier shall be self-closing and self-latching.

*In-Ground Swimming Pool:* a four-foot high (48 inch) barrier with openings no greater than four (4) inches, or a wall which does not contain indentations or protrusions, shall completely surround the yard or in-ground swimming pool.

*Alarms:* a side of the house used for the safety barrier with doors with direct access to either an on-ground swimming pool or in-ground swimming pool shall have an audible alarm on the door that activates when the door and screen are opened. An approved power safety cover can be used in lieu of the door alarms.

*Gates:* all gates shall be equipped with self-closing, self-latching devices placed at a maximum of three (3) inches below the top of the gate on the swimming pool side of the gate. On all gates that exceed five-foot high (60 inches) the self-closing, self-latching devices may be located on the outside of the gate with a minimum of 54 inches from the bottom of the gate.

No gate shall exceed six (6) foot (72 inches) in height and openings in the gate shall not exceed four (4) inches.

All self-closing, self-latching devices must be located during the hours when the swimming pool is not in use.

*Spas:* spas must be equipped with an approved safety cover.

**6. Drainage.** Drain outlet fittings from a private swimming pool or spa shall not be connected to a sanitary sewer line. Drainage shall be by gravity or by pumping or siphoning out into the top of a basin or sump located ahead of the storm drain sewer so as not to create a nuisance to adjacent properties or to the curb or gutter located along an adjacent street.

**7. Grading.** Issuance of a private swimming pool or spa permit shall not include authorization to alter any lot grades or drainage swales unless a revised grading plan is approved by the Village in conjunction with the private swimming pool permit.

**8. Recirculation and Filtration System.** Private swimming pools with a capacity of 1,000 gallons or more and all spas shall be equipped with a water recirculation and filtration system. The equipment shall be capable of effecting one turnover of the swimming pool volume in eight (8) hours or less. The equipment shall be capable of effecting one turnover of the spa volume in two (2) hours or less.

**9. Inlet Supply Fittings.** In-ground swimming pools and spas shall be provided with at least two (2) filtered water inlet supply fittings.

**10. Outlet Fittings.** The outlet fittings for in-ground swimming pools and spas which connect to the recirculation system shall be permanently installed at the lowest point in the swimming pool or spa. These fittings shall be ample in size, with a free grating area sufficient to minimize chances of clogging or occurrences of suction dangerous to the safety of bathers. The maximum width of the grate openings shall be ½ inch and be such that the bathers' body may not be caught or injured. All swimming pools and spas shall be equipped with a minimum of one (1) skimmer.

**11. Lighting.** There shall be no lights placed on or about the swimming pool or spa that shine directly upon the property of other persons.

**12. Steps or Ladders.** All private swimming pools shall have at least one means of egress.

**13. Walk Areas.** A walk area not less than four (4) feet wide shall be provided to extend entirely around an in-ground pool. The walk area shall consist of impervious materials of non-slip construction, shall be easily cleaned and have a definite patch away from the swimming pool edge.

**14. Inspections and Enforcement.**

*Inspections:* the Village shall have the right and authority to inspect any private swimming pool or spa or to check the operation thereof during daylight hours.

*Enforcement:* if the Village shall find, after inspection, that the operation of the private swimming pool or spa does not meet the safety requirements of this ordinance, the Village shall order the swimming pool or spa be closed until the safety requirements are met.

**15. Maintenance Responsibility.** The swimming pool owner shall be instructed in the care and maintenance of the swimming pool by the supplier or builder, including treatment with high-test calcium hypochlorite (dry chlorine), sodium hypochlorite (liquid chlorine) or equally effective germicide and algicide approved by the Village and the importance of proper pH (alkalinity and acidity) control.

No person shall allow their swimming pool or spa to collect and hold stagnant water that allows for insect breeding or public nuisance. When such a swimming pool or spa is found to exist, the Village shall require the homeowner to completely drain such swimming pool or spa in a clean and sanitary manner or disassemble and remove the swimming pool or spa.

No person shall permit water to leak from their swimming pool or spa or pool or spa lines onto any other property. Such person shall be responsible for the test of their swimming pool or spa and/or lines to determine the source of water run-off on any other property.

Passed and Approved this \_\_\_\_ day of May 2009

AYES: 5

NAYES: 0

ABSENT: 0

VILLAGE OF BELLEVUE

  
Larry Merriman, President

Attest:

  
Carol S. Howard, Clerk