

ORDINANCE NO. 2017-2308

**AN ORDINANCE AMENDING ARTICLE XI OF CHAPTER 6 OF THE MUNICIPAL
CODE OF THE CITY OF ROCK FALLS**

BE IT ORDAINED by the City Council of the City of Rock Falls, Illinois that Sections 6-449 through 6-662 of Article XI of Chapter 6 of the Municipal Code of the City of Rock Falls are hereby amended to read as follows:

Section 1.

“ARTICLE XI. - PRIVATE OUTDOOR SWIMMING POOLS

Sec. 6-449. - **Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Private outdoor swimming pool means a manmade rigid or semi-rigid receptacle for water having a capacity depth at any point greater than 24 inches, used or intended to be used for swimming, wading or bathing, and constructed, installed or maintained in or aboveground and which is used exclusively by the owner or occupant of the property on which it is located, his family and his guests.

Portable above-ground pool means a private swimming pool that is entirely installed above ground with no excavation for any portion thereof, and which is constructed of materials and in a manner so as to be capable of disassembly and removal for reconstruction at another location without replacement of material portions or parts thereof.

Sec. 6-450. - **Permit—Required; application; approval procedure.** No person shall construct or cause to be constructed a private outdoor swimming pool without first obtaining a permit from the building official. An application for a permit to construct and the plans, specifications and pertinent explanatory data shall be submitted to the building official for his approval, and no part of the work shall be commenced until the building official has granted such approval by a written permit to construct and has further evidenced his approval by a suitable endorsement upon such plans and specifications. The building official shall review such plans and specifications to determine whether they comply with the provisions of this article and with reasonable standards of swimming pool construction for the protection of the public safety, health and morals.

Sec. 6-451. - **Same—Fees.** The fee for a permit to construct a private outdoor swimming pool shall be the same as provided for other construction by the building code.

Sec. 6-452. - **Construction; Ordinance and Code Compliance.** All construction of private outdoor swimming pools shall conform to all other ordinances of the city, including the zoning ordinance and the building code. No pool shall be allowed in either the front or side yards as defined by chapter 34. All pools must be set back six feet from the property lines.

Sec. 6-453. - **Walk area construction.** A walk area of not less than four feet shall be installed entirely around a pool, except in the case of a portable aboveground installation. The walk shall be of impervious materials and shall have a definite pitch away from the pool of at least one-half-inch to the foot. Such construction must conform to standards concerning placement on the lot.

Sec. 6-454. - **Water supply.** Every person in possession of land on which a private outdoor swimming pool is located shall cause such pool to conform to the following regulations:

(1) The water supply shall be from a connection to a public water supply and shall consist of a permanent, rigid system of piping having an air-gap delivery connection located not less than six inches vertically above the flood rim of the pool.

(2) No water drained from any swimming pool shall be discharged directly into the sanitary sewer system.

(3) Cross connection and backflow prevention devices shall be installed if and as required by the municipal code of the City or by the State of Illinois Plumbing Code.

Sec. 6-455. - **Surrounding enclosure.** Every owner, purchaser under contract, lessee, tenant or licensee of land within the city upon which is situated a private outdoor swimming pool shall at all times maintain, on the lot or premises upon which such private swimming pool is located, a fence or other structure to a height not less than four (4) feet which completely surrounds such pool constructed with gaps or apertures, other than doors or gates, with more than one dimension that is greater than 2 ¼ inches. All gates or doors opening through such fence or enclosure shall be equipped with self-closing and self-latching devices placed at the top of such gates or doors and made inaccessible to small children. Such devices shall be so designed as to be capable of keeping such doors or gates securely locked at all times when not in use; however, the door of any dwelling forming a part of the enclosure need not be so equipped. The building official may make modifications in individual cases upon showing of good cause with respect to the height, nature or location of the fence, wall, gates or latches, or the necessity therefor, provided the protection as sought hereunder is not reduced thereby. The building official shall allow a reasonable period within which to comply with the requirements of this section.

Sec. 6-456. - **Compliance with requirements of state department of health.** In the construction, operation and maintenance of any private outdoor swimming, state laws and rules, regulations and requirements of the state department of health shall be observed. In the event of any conflict between the provisions of this article and any provision of state law or requirements, rule or regulation of the state department of public health, the provision imposing the higher standard or more stringent requirement shall be controlling.

Sec. 6-457. - **Sanitation.** Every private outdoor swimming pool shall be designed and constructed so as to facilitate cleaning and shall be maintained and operated in such a manner as to be clean and sanitary at all times. All pools shall be thoroughly cleaned at least each week in a manner and by the use of such disinfecting agents or cleansing materials as may be required by the building official.

Sec. 6-458. - **Lighting.** Lights used to illuminate any private outdoor swimming pool shall be so arranged and shaded in order to reflect away from adjoining premises.

Sec. 6-459. - **Interference with property rights of adjacent owners.** No outdoor swimming pool shall be located, designed, operated or maintained in a manner to interfere unduly with the enjoyment of the property rights of owners of property adjoining the location of the private swimming pool or located in the neighborhood.

Sec. 6-460. - **Commercial activities.** The carrying on of any commercial undertaking at a private swimming pool entailing sale of food, drinks, novelties or other merchandise in a manner unreasonably disturbing to neighboring property owners and inhabitants shall be prohibited. Swimming pool signs and placards shall be of such type and so affixed as not to prejudice or unreasonably disturb the enjoyment of neighboring property owners.

Sec. 6-461. - **Noise.** It is unlawful for any person to make, continue to cause to be made or continued at any private outdoor swimming pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. In the operation of a private outdoor swimming pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is necessary for convenient hearing of the person or persons who are in the private outdoor swimming premises shall be unlawful.

Sec. 6-462. - **Enforcement authority; right to inspect; abatement of use.** The city is charged with the duty of enforcing this article. For this purpose, the city and its inspectors are authorized to enter any premises in the city to inspect any private outdoor swimming pool at any reasonable hour. The building official is authorized to enter upon any premises, private or public, to take samples of water from such pools at such times as he may deem necessary and to require the owner to comply with rules and regulations pertaining to private outdoor swimming pools promulgated by the building official in accordance with this article. In the event of the failure of compliance after due notice with the rules and regulations and requirements of this article, the building official shall have the power to abate or cause a suspension of the use of such private outdoor swimming pool until such time as the same is, in the opinion of the building official, no longer a menace or hazard to health, safety or morals.

Sec. 6-463. - **Violation; penalty.** A violation of any of the provisions of this Article shall be a Class B violation punishable as set forth in Section 1-41 (d) of the Municipal Code of the City. Each day that a violation continues shall be and constitute a separate violation for which a separate penalty shall be imposed.”

Section 2. All prior ordinances in conflict herewith are hereby repealed.

Section 3. If any section, paragraph, sentence, clause or other portion of this ordinance is held or deemed to be unconstitutional or invalid, then such holding or finding of unconstitutionality or invalidity shall not affect the validity of the remaining provisions of this ordinance.

Section 4. This ordinance shall be effective upon its adoption, passage and publication in pamphlet form.

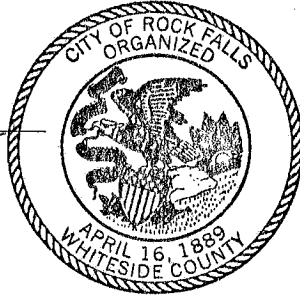
Passed this 18th day of April, 2017.

William B. Wescott

Mayor William B. Wescott

ATTEST:

[Signature]
City Clerk



Aldermen Voting Aye

Aldermen Voting Nay

Reitzel

Logan

Snow

Kuhlemier

Schuneman

Kleckler

Folsom
