

ORDINANCE NO. 2017- 2355

BE IT ORDAINED, by the City Council of the City of Rock Falls that the Municipal Code of the City of Rock Falls is amended as follows:

Section 1. Section 6-449 of the Municipal Code is hereby amended to read as follows:

“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 man-made rigid or semi-rigid receptacle for water having a capacity depth at any point greater than 48 inches, used or intended to be used for swimming, wading or bathing, including pools installed or maintained in-ground or above-ground and including portable above-ground pools, and which is used exclusively by the owner or occupant of the property on which it is located, and his or her family and guests.

Portable above-ground pool means a private swimming pool which can be disassembled for transportation or storage, and includes portable pools with flexible non-rigid walls that achieve structural integrity by means of uniform shape, support frame or a combination thereof, and which can be disassembled for storage or relocation, and which has a capacity depth of less than 48 inches.”

Section 2. Section 6-452 of the Municipal Code of the City of Rock Falls is hereby amended to read as follows:

“Sec. 6-452. - **Construction; ordinance and Code Construction.** 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 a minimum of six feet from the property lines.

No portable above-ground pool shall be constructed or assembled prior to April 1 of any year, and all portable above-ground pools shall be completely disassembled and removed from the lot location before October 15 of any year.”

Section 3. Section 6-455 of the Municipal Code of the City of Rock Falls is hereby amended to read as follows:

“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, except a portable above ground 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 six (6) feet which completely surrounds such pool and is constructed with gaps or apertures (other than doors or gates) which have no 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 for such item, provided the protection as sought in this Section is not reduced by any modification. The building official shall allow a reasonable period within which to comply with the requirements of this Section. Nothing in this Article shall prohibit any person from electing to treat a pool which would otherwise be classified as a portable above-ground pool as a pool for which an enclosure is required by this section, and if so elected, the said portable above-ground shall be exempt from the date limitations contained in Section 6-452.”

Section 4. All prior ordinances in conflict herewith are hereby repealed.

Section 5. 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 6. This ordinance shall be effective upon its adoption, passage and publication in pamphlet form.

Passed this 19th day of December, 2017.



Mayor William B. Wescott

ATTEST:



City Clerk



Aldermen Voting Aye

Logan

Snow

Kuhlemier

Schuneman

Kleckler

Folsom

Sobottka

Aldermen Voting Nay