

ORDINANCE NO. 552 .

**AN ORDINANCE REGULATING THE CONSTRUCTION, INSTALLATION AND MAINTENANCE OF SWIMMING POOLS WITHIN THE CITY AND PROVIDING A PENALTY FOR VIOLATIONS THEREOF**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAVEN, KANSAS:

**SECTION ONE.** Compliance Required. It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the city except in compliance with all the provisions of this ordinance.

**SECTION TWO.** Definition. A swimming pool is defined, for the purposes of this ordinance, as any permanent or temporary outdoor structure or device capable of holding water at least 24 inches in depth at any point and intended or used for the immersion or partial immersion therein of human beings, and including all appurtenant equipment, whether such structure is built “in-ground” or “above-ground” or a combination thereof.

**SECTION THREE.** Security. Every swimming pool shall be secured in one or more of the following ways in order to prevent small children from gaining unsupervised access:

a) By providing a fence or barrier of at least 48 inches in height enclosing the pool. Such fence shall have no opening greater than 1<sup>3</sup>/<sub>4</sub> inches in diameter and shall not have protrusions that could facilitate climbing. Any gates in the fence shall be at least 48 inches in height, self-closing and latching and have a latch release located either on the pool side only, or at least 54 inches above the walkway. If the wall of the dwelling is part of the required barrier and includes a door, at least one of the following is required:

1. A door with an alarm.
2. A self-closing and latching door with a release mechanism 54 inches or more above the floor.
3. Alternative approved devices.

b) By covering the pool when not in use with a cover which will support at least 200 pounds.

c) For above ground pools of less than 120 square feet, by removing from the vicinity of the pool or securing with a gate as described in section “a)”, any ladder or other means of climbing into the pool.

**SECTION FOUR.** Sanitation. Every swimming pool as defined above shall be maintained in a manner insuring the same is clean and sanitary and free from

pollutants, including but not limited to, objectionable odors, scum, leaves, debris of any kind, algae, mosquito larvae, and other insects or animals dead or alive.

**SECTION FIVE.** Enforcement. The City may inspect any swimming pool to determine whether or not the provisions of this ordinance have been complied with and maintained.

**SECTION SIX.** Penalties. Each person found guilty of violating the provisions of this ordinance shall be subject to a fine not to exceed five hundred dollars (\$500.00) per offense. Every day during any portion of which any violation of this ordinance is committed, continued or permitted shall be considered a separate offense.

**SECTION SEVEN.** Severability. If any provision of this ordinance is found to be unenforceable or unconstitutional, said determination shall not affect any other provision.

**SECTION EIGHT.** This ordinance shall be in full force and effect from its passage and after its publication once in the official City newspaper.

PASSED AND APPROVED THIS 1st DAY OF August 2005.

John I. Mitchell  
Mayor

ATTEST:

Cheryl Savaiano  
City Clerk