

## ORDINANCE O2024-002

### AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA, AMENDING TITLE XI OF THE CITY CODE REPEALING AND REPLACING SECTION 111.09 RELATED TO SWIMMING POOL DEFINITIONS, PERMIT, AND CONSTRUCTION REQUIREMENTS

The City Council of Shakopee, Minnesota ordains:

Section 1. Section 111.09 of the Shakopee City Code is hereby repealed in its entirety and replaced to read as follows:

#### **111.09 Swimming Pools**

##### *A. Definitions.*

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**POOL DECK** is the area surrounding a pool at its highest elevation typically constructed of concrete, pavers, wood, or composite decking.

**SWIMMING POOL** is any outdoor enclosure located at a private residence designed, intended, or used for the containment of water for swimming, wading, or other recreational use by the owner or tenant of the property on which the pool is constructed, or by their family or invited guests without payment of a fee having a capacity of five thousand (5,000) gallons or more and a water depth of twenty-four (24) inches or more.

##### *B. Permit requirements.*

1. All installations or modifications to a swimming pool requires a building permit; and
2. The application for a permit must include the following:
  - a. Complete plans and specifications for the construction and operation of the pool; and
  - b. A survey of the subject property by a licensed and registered surveyor in the State of Minnesota which reflects current conditions and includes the following:
    - (1) Legal description and address
    - (2) Scale bar and north arrow
    - (3) Lot lines, lot dimensions, and lot size
    - (4) All easements of record
    - (5) Existing and proposed grades with drainage arrows, two-foot contours, and finished elevation of proposed pool
    - (6) Location of existing utilities, septic systems, wells, stormwater pond, wetland, buffers, and similar features
    - (7) Existing structures, decks, porches, patios, retaining walls, accessory structures, sidewalks/trails, and similar features
    - (8) Proposed swimming pool, pool deck, and pool equipment location with dimensions

- (9) Proposed retaining walls with top of wall and bottom of wall elevations noted
- (10) Type and location of fencing and self-closing, self-latching gates
- (11) Location of backflush and drainage outlets
- (12) Detailed calculation of existing and proposed impervious surfaces
- (13) Location, size, and type of significant trees per Chapter 151
- (14) Erosion control measures which will be taken to remove sediment from runoff water originating from the grading site
- (15) Other information as required by staff

C. *As-Built Survey.* An as-built survey of the subject property by a licensed and registered surveyor in the State of Minnesota which reflects the original survey per Section 111.09 B. 2. above and actual construction results shall be submitted for approval prior to a final inspection. Any grading alterations, as recommended by the City Engineer, shall be corrected at the applicant's expense prior to a final inspection.

D. *Fencing.* All swimming pools shall have a fence meeting the requirements below unless physical constraints of the property alleviate the need for a fence as determined by the Zoning Administrator.

1. *Height.* Pools are to have fencing with a minimum height of four (4) feet and a maximum distance between the ground and bottom of the fence of three (3) inches.
2. *Gate.* Any gate must be self-closing and self-latching. The latch shall be no less than four (4) feet above the ground level and shall be so constructed and placed as to be inaccessible to small children. All gates shall be latched when the pool is not in use.
3. *Materials.* Durable wood, masonry, or coated non-corrosive metal, or a combination thereof, are acceptable materials for construction of a fence. The fence must be so constructed that it is not climbable by small children. The fence may not block the view of the pool from the house.
4. *Installation.* The fence shall be completely installed before filling the pool.
5. *Above-ground pools.* The walls of an above-ground pool may serve as the fence, if four (4) feet above ground level; however, any access to a permanent ladder or stairs must be fenced.

E. *Construction requirements.*

1. *Hazard.* Private swimming pools shall be constructed so as to avoid hazard or damage to the occupants of the subject property or the occupants of adjacent property.
2. *Minimum requirements.*
  - a. No pool shall be located closer to any underground or overhead utility line than allowed by the National Electrical Code and other applicable codes.
  - b. No pool, pool deck, filtration and heating equipment, and other pool features may be located within any public or private utility easement, ingress or egress easement, drainage way, wetland, wetland buffer, or other location in which it will represent a threat to the natural environment.
  - c. In areas zoned or used for residential purposes, pools, pool decks, filtration and heating equipment, and other pool features are prohibited in the front yard. Pools

shall be a minimum of ten (10) feet from any side property line, rear property line, and the furthest protrusion of any principal structure, including porches, decks, and deck stairs. Pools shall not be located within the street side setback of the zoning district.

F. *Miscellaneous requirements.*

1. *Conduct.* The conduct of persons and the operation of pools is the responsibility of the owner or the tenant thereof, and such conduct of persons and operation of the pool shall be done in such a manner so as to avoid any nuisance or breach of peace.
2. *Drainage.* All back flushing water or pool drainage water shall be directed onto the property of the owner or onto approved drainage ways. Drainage onto public streets or other public drainage ways requires a permit from the Director of Public Works.
3. *Lighting.* Any outdoor lighting of the pool may not spill or shine upon adjacent properties. For all underground pool lights and above ground plug-in motors, compliance with the Electrical Code is required.
4. *Filling.* The filling of pools from fire hydrants or other public facilities is prohibited without prior approval of the Director of City Public Utilities.
5. *Equipment.* U.S. Coast Guard-approved equipment such as life jackets, life preservers, and a shepherd's crook, is required at the pool site.
6. *Pool covers.* The use of pool covers for swimming pools does not negate the requirement for a fence per 111.09 D.

Section 2. Publication by Summary. The city council determines that publication of the title and the approved summary of this ordinance would clearly inform the public of the intent and effect of the ordinance and therefore directs that only the title of the ordinance and the approved summary be published.

Section 3. Effective Date. This ordinance becomes effective from and after its adoption and publication in the official newspaper of the City in accordance with applicable law. The city may publish a summary of this Ordinance.

*Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the 16<sup>th</sup> day of January, 2024.*

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Mayor of the City of Shakopee

Attest:

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Lori Hensen, City Clerk

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