

## ORDINANCE No. 552-2023

AN ORDINANCE PROVIDING FOR THE REGULATION OF PRIVATE SWIMMING POOLS IN VILLAGE OF KENESAW, ADAMS COUNTY, NEBRASKA; PROVIDING THE DEFINITION; GOVERNING THE LOCATION; PROVIDING THE ENCLOSURE REQUIREMENTS; GOVERNING THE DISCHARGE OF WATER FROM THE PRIVATE POOL; PROVIDING RETROACTIVITY FOR COMPLIANCE; PROVIDING ENFORCEMENT AND PENALTY FOR VIOLATION; PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF KENESAW, NEBRASKA;

**Section 1. Swimming Pool Definition** – Private swimming pool means any constructed or assembled structure that is not publicly owned intended for swimming, recreational bathing, or wading. This includes in-ground, above-ground, on-ground and fixed in place wading pools. Hot tubs and spas with a hard cover are exempt from this ordinance as long as the cover is only open when the hot tub or spa is in use and lid remains locked when not in use.

**Section 2. Swimming Pool Location** – All private swimming pools shall be located in the back yard or side yard. Private swimming pools are not permitted in front yards. No pool shall be located over a utility easement.

**Section 3. Swimming Pool Enclosure Required** – Every outdoor pool, spa or hot tub, as regulated under the Uniform Plumbing Code, shall be completely surrounded by a fence or wall not less than 48 inches in height, which shall be so constructed as not to have openings, holes, or gaps larger than 4 inches in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension shall not exceed 4 inches. Hot tubs and spas are not required to have fencing if they have locking tops and are kept locked at all times when not in use. A dwelling or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device located at least 45 inches above grade level for keeping the gate or door securely closed at all times, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. The provisions of this section shall be applicable to all outdoor pools which have a depth of 18 inches or greater and a diameter of nine feet or greater, as regulated under the Uniform Plumbing Code. No person either as owner, purchaser, lessee, tenant, or licensee, in control of the property having such pool shall fail to provide and maintain such fence or wall as herein provided.

**Section 4. Swimming Pool Retroactivity** – The lack of a minimum enclosure as herein described, on any existing pool, is hereby deemed to be a serious public safety hazard and will also be considered a nuisance condition. The owner of the property, upon which such a pool is located, shall comply with the enclosure requirements of Section 4 within thirty (30) days after date of notification to comply.

**Section 5. Swimming Pool Discharge System** - Draining of said swimming pools, spas, or hot tubs must not be onto adjoining property. There shall be no draining of said swimming pools, spas, or hot tubs into the sanitary sewer of the Village. Drainage may be permitted into the storm sewer provided the chemicals contained in the said swimming pools, spas, or hot tubs are first diluted. All chemicals for said swimming pools, spas, or hot tubs must be stored in a secure area.

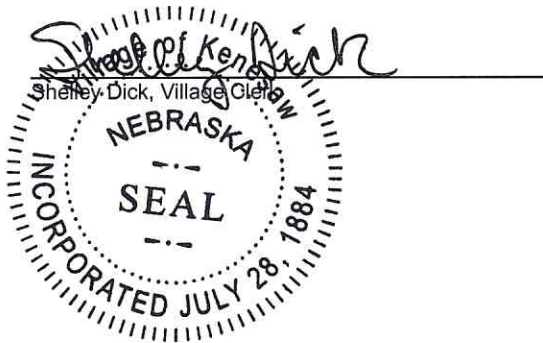
**Section 6. Swimming Pool Enforcement and Penalty for Violation of Ordinance** - Any person who violates any of the provisions of this ordinance shall be subject to a fine of not less than \$25.00 nor more than \$500.00 for each and every offense. The Village Board hereby appoints, in addition to police officers, the Board Chairperson, Village Clerk, and Utility Superintendent to enforce the provisions of this ordinance.

**Section 7.** This ordinance shall be designated as Ordinance No. 552-2023. Any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance is hereby repealed. This ordinance shall be in full force and take effect from and after its passage, approval and publication or posting as required by law.

**Passed and approved this 14th day of February 2023.**

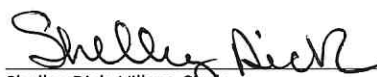
ATTEST:

  
\_\_\_\_\_  
Chairperson



**CERTIFICATION**

I, Shelley Dick, Clerk of the Village of Kenesaw, Nebraska, hereby certify that the foregoing is a true and complete copy of Ordinance No. 552-2023, passed by the Village Board this 14<sup>th</sup> day of February 2023.

  
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Shelley Dick, Village Clerk