

**CHAPTER 5  
SWIMMING POOLS**

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**5-5-1: COMPLIANCE REQUIRED:** Every private residential or public swimming pool constructed, installed and maintained in the Village shall comply with all applicable provisions of this Chapter.

**5-5-2: DEFINITIONS:**

PRIVATE RESIDENTIAL SWIMMING POOL	A swimming pool maintained by an individual primarily for the sole use of his household and guests and not for the purpose of profit or in connection with any business operated for profit.
PUBLIC SWIMMING POOL	A swimming pool maintained by individuals for the use of more than one household, or maintained by a club for the use of its members, or maintained by a business for profit, or maintained by a school, park district, municipality or other public or not-for-profit organizations.

SWIMMING POOL	A receptacle for water, or an artificial pool of water having (POOL) a depth at any point of more than two feet (2'), intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment, constructed, installed and maintained in or above the ground inside or outside of a building.
SWIMMING POOL BARRIER	A non-climbable fence, an existing building wall, or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool. (Amd. Ord. 11-3204-26, eff. 5/9/11)
SPA AND HOT TUB	A hydromassage pool, or tub for recreational or therapeutic use, not located in health care facilities, designed for immersion of users, and usually having a filter, heater, and motor-driven blower. It may be installed indoors or outdoors, on the ground or supporting structure, or in the ground or supporting structure. Generally, a spa or hot tub is not designed or intended to have its contents drained or discharged after each use.

**5-5-3: PERMIT REQUIREMENTS:**

A. Permits Required:

1. It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any pool unless permits shall have first been obtained from the Village.
2. It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any public swimming pool within the Village unless permits shall first have also been obtained from the State of Illinois. (Ord. 73-305-20)

B. Drawings and Plans and Permits:

1. Each application shall be accompanied by four (4) sets of site plans, grading plans, construction documents and specifications prepared by the licensed design professional and must have his/her signature and seal; in accordance with the Illinois Department of Professional Regulation.
2. All plans and drawings shall be drawn at a scale of not less than one eighth of an inch to the foot (1/8" = 1') on paper or cloth, in ink or by some process that will not fade or obliterate. All distances and dimensions shall be accurately figured and drawings made explicit and complete showing the lot

lines, distance from the residence(s) and including information pertaining to the pool, walk and fence construction, water supply system, drainage and water disposal systems, and all appurtenances pertaining to the pool. Detailed plans and vertical elevations shall also be provided.

- C. All pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans.

**5-5-4: LOCATION RESTRICTIONS:**

- A. Private residential swimming pools shall be permitted in single-family residential zones only. No portion of the pool shall be located less than fifteen feet (15') from a side or rear lot line. Pools and appurtenant equipment shall not be permitted in any front yard.
- B. Public swimming pools shall be permitted in residential and business zones except that any public swimming pool operated for the purpose of profit or operated in connection with a business operated for profit shall not be operated in a single-family residential zone. No portion of a public pool or its appurtenant equipment shall be located less than fifteen feet (15') from a side or rear lot line. Public pools shall not be located in a front yard. (Ord. 73-305-20)

**5-5-5: CONSTRUCTION REQUIREMENTS:**

- 5-5-5-1:** All swimming pools and swimming pool barriers shall be designed and constructed in conformance with the International Residential Code, Appendix "G", published by the International Code Council, Inc. most recently adopted by the Village, as outlined in Section 5-4C-1, and the following sections: (Amd. Ord. 11-3204-26, eff. 5/9/11)

- 5-5-5-3: STEPS OR LADDERS:** Two (2) or more means of egress shall be provided. The deep end shall be furnished with an anchored ladder equipped with hand rails while steps or stairway shall be furnished at the shallow end.

- 5-5-5-7: WALK AREAS:** An unobstructed walk area constructed of impervious materials and smooth non-slip surfaces not less than thirty six inches (36") in width shall be provided to extend entirely around any swimming pool. All pool walk areas shall slope away from the pool walls so as to prevent drainage from entering the pool or pool filter system. Walk areas shall not be located in an easement. (Amd. Ord. 11-3204-26, eff. 5/9/11)

**5-5-6: SWIMMING POOL BARRIERS:**

- A. **General Requirements:** All swimming pools shall be completely enclosed by a swimming pool barrier, as defined in Section 5-5-2, which is located on the same property as the pool. Only one swimming pool barrier shall be permitted on a zoning lot. Berms or mounds are not permitted adjacent or near to the pool as a means of denying entry into the pool area. Swimming pool barriers shall be constructed so that a finished side faces outward. All posts shall be decay or corrosion resistant and shall be adequately braced below grade in either a stone or concrete base. In the event a swimming pool is completely removed and is no longer operational, the pool fence that is associated with such pool shall be removed in its entirety, unless said fence fully complies with all Yard Fence requirements as described in Chapter 15 of Title 6.

Where the wall of an existing structure acts as one or more sides of the swimming pool barrier, it shall be subject to the Additional Requirements of Section 5-5-6(H). However, it shall be exempt from the height, material, opacity and color regulations contained herein.

- B. **Location:** No swimming pool barriers shall be located in required front or corner side yard setback areas; within drainage easements or on top of berms or mounds. The barrier shall be no closer than five feet (5') to the edge of the pool at any point.

- C. **Height:** A swimming pool barrier shall be a minimum of four feet (4') and a maximum of five feet (5') in height. Any swimming pool barriers that are located in a yard adjacent to Half Day Road and Riverwoods Road shall be permitted to be a maximum of six feet (6') in height, as measured from the crown of the road, in accordance with Chapter 15 of Title 6, provided that such barriers are located only in a yard located along the frontage to such arterial roads. However, in no event shall a swimming pool barrier be permitted to be less than 4' in height, as measured from the existing grade along the fence line.

Any swimming pool barriers that are located in a yard adjacent to incompatible land uses, in accordance with Chapter 15 of Title 6, shall be permitted to be a maximum of eight feet (8') in height, as measured from the existing grade along the fence line.

- D. **Materials:**

1. Swimming pool barriers shall be constructed of wood or ornamental metal materials. Neither material shall be subject to the review of the Architectural

Review Board.

2. Any swimming pool barriers that are located in a yard along the frontage of Half Day Road shall be constructed of wood and have a natural wood finish and be designed in the following:

- a. Traditional style solid wood fence with post end caps.
- b. A Traditional Board and Batten style solid wood fence with post end caps.
- c. A Traditional style solid wood fence with square lattice on top and post and caps.
- d. A Traditional style sold wood fence with diagonal lattice on top and post end caps.

E. **Color:** Swimming pool barriers shall be a pre-finished black, dark brown, dark green or white color.

F. **Opacity:** Swimming pool barriers and gates shall contain no greater than 60% opaque materials, as measured horizontally along each foot of the length of the fence facing each yard. However, those swimming pool barriers that are located in a yard along the frontage of Half Day Road or Riverwoods Road as well as swimming pool barriers adjacent to non-residential or incompatible land uses, shall be permitted to be non-metal solid or having the opacity greater than 60%, as measured horizontally along each foot of the length of the fence facing each yard.

G. **Fence Permit:** A fence permit must be applied for at the time of application for the swimming pool permit, or included for approval on pool plans. Without the fence permit, no swimming pool permit may be issued. All applications for a swimming pool or swimming pool barrier shall be accompanied by a plat of survey which indicates the placement of the pool, swimming pool barrier, pool walk, and all other accessories to be installed or constructed, in addition to other requirements set forth in Section 5-5-3B and C thereof.

H. **Additional Requirements:** Swimming pool barriers shall comply with Appendix G, Section AG105.2, of the International Residential Code, most recently adopted by the Village, as outlined in Section 5-4C-1, with the exception of Section AG105.2 (6) and Section AG105.2 (10).

- I. **Variations and Exceptions:** In the event the Village Board authorizes a variation for swimming pool barriers for a different pool barrier height, materials, color or opacity, in accordance with Chapter 14 of Title 6, such relief shall preempt any conflicting regulations contained in this Section. However, no variation shall be granted to permit swimming pool barriers to be less than 4' in height, as measured from the existing grade along the fence line; no variation shall be granted from the swimming pool barrier safety regulations as described in Section 5-5-6(H), and no variation shall be granted from the swimming pool barrier location requirements as described in Section 5-5-6(B).
- J. **Conflicts:** Except to the extent provided in subsection (I), in the event of any conflicts, the regulations of this Section shall prevail. (Amd. Ord. 11-3204-26, eff. 5/9/11)
- 5-5-8: ELECTRICAL REQUIREMENTS:** Where conductors are adjacent to pool or moisture area they shall have proper insulation. No overhead electrical wires shall be permitted within fifteen feet (15') of the pool.
- 5-5-9: SAFETY PRECAUTIONS:** All pools shall be maintained in a clean, safe and sanitary condition.
- 5-5-10: INSPECTION REQUIREMENTS:** The Building Official may periodically inspect pools to determine whether or not the provisions of this Code regarding health, sanitation and safety applicable thereto are being complied with.
- 5-5-11: NONCONFORMING STRUCTURES:** Pool erected prior to the effective date of this Code which do not meet the requirements of Sections 5-5-5-3, 5-5-5-7, 5-5-5-6, 5-5-8 and 5-5-9, shall be made to conform to the provisions of said sections within sixty (60) days of the effective date of this Code with the following exceptions:
  - A. Deleted by Ordinance 11-3204-26, eff. 5/9/11.
  - B. Previously constructed fences and gates of a minimum height of forty-two inches (42") completely enclosing a pool area equipped with self-closing and self-latching devices placed as hereinbefore called for shall be allowed to remain for a period of six (6) months after which time they must be brought into compliance with the requirements of this Code. (Amd. Ord. 11-3204-26, eff. 5/9/11)
- 5-5-12: PROHIBITED POOLS:** Inflatable pools and other portable or aboveground

pools holding water to a depth of over one foot (1') are prohibited. (Ord. 73-305-20)

**5-5-13: SPAS AND HOT TUBS:** The installation of any spa or hot tub shall follow the same construction requirements as those which refer to pools, with the following exception:

- A. An approved locking device may be permitted in lieu of the fence requirements for hot tubs or spas.
- B. Hot tub and spa installations shall also be exempt from the requirements set forth in section 5-5-12 of this code.