

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Ordinance No. 2020-0__

**AN ORDINANCE AMENDING THE DENMARK TOWNSHIP
DEVELOPMENT CODE REGARDING POOL SAFETY EQUIPMENT**

The Board of Supervisors of the Town of Denmark ordains:

Article I. Pool Fences and Covers. Chapter Two, Part 3, Section 2.40 of the Denmark Township Development Code is amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

2.40. Swimming Pool. Any pool, hot tub, or spa with a water depth of three (3.0) feet or greater and/or has a capacity greater than 5,000 gallons.

- (1) Required Permits: Allowed in all Districts where single-family dwelling units are permitted uses. The following standards apply:
 - (A) A building permit shall be required for any swimming pool with a capacity of over five thousand (5,000) gallons or with a depth of over three (3) feet.
 - (B) An application for a building permit shall include a site plan showing:
 1. The type and size of pool, location of pool, location of house, garage, fencing and other improvements on the lot, location of structures on all adjacent lots, location of filter unit, pump and writing indicating the type of such units, location of back-flushing and drainage outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc) around the pool, location of existing overhead and underground wiring, utility easements, trees and similar features, and location of any water heating unit.
 - (C) Pools shall not be located within twenty (20) feet of any septic tank/drainfield not within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front or side yard setbacks.
 - (D) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
 - (E) Pools shall not be located within any private or public utility, walkway, drainage or other easement.
 - (F) In the case of underground pools, the necessary precautions shall be taken during the construction, to:

1. Avoid damage, hazards or inconvenience to adjacent or nearby property.
 2. Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringements upon adjacent property.
- (G) All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.
- (H) To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or into approved public drainageways. Water shall not drain onto adjacent or nearby private land.
- (I) The filter unity, pump, heating unit and any other noise-making mechanical equipment shall be located at least fifty (50) feet from any adjacent or nearby residential structure and not closer than ten (10) feet to any lot line.
- (J) Lighting for the pool shall be directed toward the pool and not toward adjacent property.
- (K) A structure or safety fence of a non-climbable type at least ~~five (5)~~ four (4) feet in height shall completely enclose the pool, but shall not be located within any setback areas. A structure or safety fence is not required if a pool safety cover is installed that conforms to ASTM F 1346-91, "Standard Performance Specifications For Safety Covers And Labeling Requirements For All Covers For Swimming Pools, Spas, And Hot Tubs."
- (L) Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Such water shall be subject to periodic inspection by the local health officer.
- (M) All wiring, installation of heating unit, grading, installation of pipes and all other installations and construction shall be subject to inspection.
- (N) Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.
- (2) In All Zoning Districts:
- (A) The ~~R~~required structure, ~~or~~ safety fencing, or safety cover shall be completely installed within three (3) weeks following the installation of the pool and before any water is allowed in the pool.

(B) The owner or occupant of the property shall be responsible for:

1. Ensuring any gates in the structure or safety fencing are closed to prevent uninvited entry to the pool; or
2. Covering the pool with the safety cover when the pool is not actively in use.

~~(B)~~(C) Drainage of pools into public streets or other public drainage ways shall require written permission issued by an official of the appropriate governing body.

Article II. Incorporation of Amendments. The Town Attorney and Town Clerk-Treasurer are hereby authorized and directed to incorporate the amendments made by this ordinance, and any previous amendments that have not been incorporated, into the Development Code and such updated document shall constitute the Town's official Denmark Township Development Code.

Article III. Effective Date. This ordinance shall be effective upon the first day of publication after adoption.

Adopted on the ___ day of _____ 2020.

BY THE TOWN BOARD

Kathleen A. Higgins, Chairperson

Attest: _____
Becky Herman, Clerk-Treasurer