

CHAPTER 156: SWIMMING POOLS

Section

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Cross-reference:

Indiana swimming pool rules and regulations, see § 154.06

§ 156.01 PERMIT REQUIRED.

No person shall construct, remodel, or alter any swimming pool until a permit to do so is obtained from the Building Commissioner. An application for a permit shall be filed with the Building Commissioner, on a form furnished by him or her, together with the plans and specifications for the pool. The Commissioner shall examine the plans and specifications to determine whether or not the pool will comply with the provisions of this chapter. If it appears that the pool will comply therewith, he or she shall note his or her approval on the plans and specifications and shall issue a permit authorizing the work to proceed. The fee for the permit as set forth in the *City of Batesville Official Fee Schedule*, latest edition, shall be paid at the time of the filing of the application.

(Ord. 11-2004, passed 1-10-2005) Penalty, see § 156.99

§ 156.02 INSPECTION.

The Building Commissioner is authorized to enter on any premises to determine whether or not the owner has complied with the provisions of this chapter.

§ 156.03 LOCATION OF FAMILY POOLS.

(A) For the purpose of this section the phrase **FAMILY SWIMMING POOL** shall mean and include an artificial body of water, permanently or non-permanently installed, in-ground or above-ground, with a water depth over 18 inches and a controlled water supply, designed for wading and/or swimming and used, or intended to be used solely by the owner, or lessee thereof, and his or her family or friends, invited to use the pool without payment of any fee. This section does not apply to spas as defined by 675 I.A.C. 20-1.1-18(f), (g), (h), and (I) or artificial lakes.

(B) No family swimming pool shall be constructed except on the same lot as the owner's dwelling or on a vacant lot immediately contiguous thereto if it is under the same ownership as the dwelling. The following conditions must be met if the pool is to be located on the same building lot as the dwelling of the owner:

(1) The pool must be constructed in the rear yard but not closer at any point than 10 feet from the building itself;

(2) The pool must be enclosed by a fence in the manner set forth below and at no point may the fence be closer than 10 feet to any property line;

(3) A fence surrounding or partially surrounding a pool shall not be closer than 6 feet to the edge of the pool at any point; and

(4) The surface area of the pool may not exceed 25% of the area of the rear yard.

(C) When a pool is located on a lot contiguous to the lot on which the owner's house is located and under the same ownership as the dwelling the following conditions must be met:

(1) No part of the pool shall be located forward of the setback line of the owner's dwelling;

(2) No part of the pool shall be closer than 10 feet from the owner's dwelling and no closer than 16 feet from any property line of any other property owner;

(3) No pool shall be built across any property line regardless of the ownership thereof; and

(4) If the contiguous lot has frontage on a street other than that on which the owner's dwelling is located, no part of the pool shall be forward of the minimum setback line.

(Ord. 11-2004, passed 1-10-2005; Am. Ord. 13-2005, passed 10-10-2005) Penalty, see § 156.99

§ 156.04 FENCES.

(A) This section shall apply to any family swimming pool as defined in § 156.03 more than 18 inches in depth which is not considered a residential swimming pool as defined by 675 I.A.C. 20. This includes but is not limited to portable or non-permanent above-ground pools.

(B) All pools to which this section applies shall be completely surrounded by a fence not less than 5 feet in height. The fence shall be either a chain link type or style offering equivalent protection. All gates

or doors opening through the enclosure shall be designed to permit locking and shall be kept locked when the pools is not in actual use or is left unattended.

(C) This section does not apply to spas or residential swimming pools as defined by 675 I.A.C. 20-1.1-18(y).

(Ord. 13-2005, passed 10-10-2005) Penalty, see § 156.99

§ 156.05 UNNECESSARY NOISES.

It shall be unlawful for any person to make, continue, or cause to be made or continued at any pool, any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of a pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person who is in the pool premises shall be unlawful. Penalty, see § 156.99

§ 156.06 SHIELDING LIGHTS.

Lights used to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises and public streets.

Penalty, see § 156.99

§ 156.07 UNATTENDED POOLS WITH POWER SAFETY POOL COVERS.

Residential pools as defined 675 I.A.C. 20-1.1-18(y) with power safety pool covers in lieu of fencing as set forth in 675 I.A.C. 20-4-27 shall have the power safety pool cover completely drawn over

the pool to prohibit access while the pool is unattended or not in actual use.
(Ord. 13-2005, passed 10-10-2005) Penalty, see § 156.99

§ 156.99 PENALTY.

Whoever violates any of the provisions of this chapter for which no penalty is otherwise provided shall be fined not more than \$1,000. A separate offense shall be deemed committed on each day that a violation occurs or continues.

