

PRIVATE, RESIDENTIAL, OR FAMILY SWIMMING POOLS

CLOSING POOL – WHEN AUTHORIZED

The Health Department is hereby authorized to close any private, residential or family pool for failure to comply with the rules and regulations or whenever in the determination of the Health Department, further operation creates a menace to the health or safety of the users of the pool. The owner of any pool which has been so closed may appeal to the Douglas County Board of Commissioners. In the case of installations prior to the adoption of this regulation dealing with design and construction requirements not creating a menace to the health or safety of the users, such items need not be brought into compliance with this regulation until such time as replacing or remodeling occurs. No appeal under this regulation, however shall entitle the owner to continue operation of such pool pending action by the Board.

SANITATION OF PREMISES

The buildings, grounds, dressing rooms, and all other pool facilities shall be kept clean and in a sanitary condition and maintained free from garbage, trash, and other refuse.

INSPECTIONS

The Health Department may inspect or cause to be inspected all private, residential or family pools in the County at such times as it may deem necessary to carry out the intent of this regulation. All inspections conducted pursuant to this regulation shall be performed by persons who are registered environmental health specialists or trainees as defined in Nebraska Revised Statutes 71.3702. The Health Department is hereby authorized to enter upon any premises, private or public, to take such samples of water from such pools at such times as it may deem necessary and to require the owner, proprietor or operator to comply with rules and regulations pertaining to swimming pools promulgated by the Health Department in accordance with this regulation.

In the event any person, owner, proprietor or operator of a pool fails, refuses or neglects to comply with the provision of this regulation, or the rules and regulations promulgated hereunder, the Health Department is authorized to close or suspend the use of such pool until such times as the same is no longer a menace to the health or safety of users.

INTERFERENCE WITH ENJOYMENT OF PROPERTY RIGHT PROHIBITED

No family pool shall be so located, designed, operated or maintained as to interfere unduly with the enjoyment of property rights of owners adjacent or adjoining premises.

SHIELDED LIGHTS

Lights used to illuminate any private, residential or family pool shall be so arranged and shaded as to reflect light away from adjoining premises.

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REQUIREMENTS

Construction of a private, residential or family pool requires a building permit from the Permits and Inspection Division and a construction plan review evaluation endorsed by the Health Department.

DEFINITIONS (specific to this regulation) Please refer to Article 2 of the Zoning Regulations for general definitions.

For the purposes of this regulation, the following terms, phrases, words, and their deviations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" as used herein is mandatory and not merely directory.

Private, residential or family pool shall mean a swimming pool 24 inches or more in depth used or intended to be used solely by the owner, or lessee thereof and his family, and by his guests, invitees, permittee or friends invited to use it without payment of any fee.

APPLICATION

An application for building permit accompanied by two sets of construction drawings, two site plans and two surveyor's certificates shall be submitted to the Permits and Inspection Division. The construction drawings shall be reviewed and endorsed by the Health Department before a building permit shall be issued by the Permits and Inspection Division. (Please refer to Article 13.06, C (application for Building Permits) of the Zoning Regulations.)

WATER PURIFICATION TURNOVER CYCLE

The pump, filters, chemical feeders together with all piping and valves shall be designed to completely treat the entire volume of water in the pool in 18 hours or less.

ENCLOSURE OF POOL

Every outdoor private, residential or family pool shall be completely surrounded by a fence or wall not less than five feet seven inches in height, which shall be so constructed as not to have openings, holes, or gaps to allow passage of a four inch diameter sphere. Above ground and/or on-ground pools shall have a 48 inch high fence. A dwelling or accessory building may be used as part of such enclosure.

From: Maureen Freeman-Caddy <Maureen@wahoolaw.com>
Sent: Monday, March 30, 2020 4:23 PM
To: Village of Elmwood
Subject: RE: Swimming Pool Regulations

You have to go through a notice to sell publicly. Municipal Code section 6-115 indicates that the Board needs to adopt a resolution directing the sale and the manner and terms of sale. Normally, I see villages round up all of the stuff they don't necessarily need anymore (desks, equipment, etc...) and provide for either a sealed bid process or a little public bid auction on a Saturday morning. In today's times, you probably would want to submit bids. You need to indicate that it is an "as is" "where is" type of sale, when the things need to be removed by, how payment is to be made, etc... in the Resolution and the date.

Maureen

Maureen Freeman-Caddy
maureen@wahoolaw.com

Due to the COVID-19 virus, our office will be following the recommended precautionary measures and only conducting telephonic consults and client meetings at this time. Additionally, if you would like to meet via video conferencing, please let us know so we can accommodate. If you have further questions, please feel free to call our office or email one of the members of our team.

From: Village of Elmwood <villageofelmwood@msn.com>
Sent: Monday, March 30, 2020 3:22 PM
To: Maureen Freeman-Caddy <Maureen@wahoolaw.com>
Subject: RE: Swimming Pool Regulations

Ok thanks! I have another question about old play equipment... We have one of those dome climbing things that was down at the park before the renovation. There is a person who wants it for their personal house... they wouldn't be buying it from the Village, just getting it for free. Can we do that? Is there anything in terms of liability from that?

Kristen Janssen
Village Treasurer/Clerk
Village of Elmwood
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From: Maureen Freeman-Caddy <Maureen@wahoolaw.com>
Sent: Monday, March 30, 2020 1:39 PM
To: Village of Elmwood <villageofelmwood@msn.com>
Subject: RE: Swimming Pool Regulations

Not that I am aware of. I believe the state might regulate that issue with the sewer operation regs.

Maureen

Maureen Freeman-Caddy
maureen@wahoolaw.com

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From: Village of Elmwood <villageofelmwood@msn.com>
Sent: Monday, March 30, 2020 1:15 PM
To: Maureen Freeman-Caddy <Maureen@wahoolaw.com>
Subject: Swimming Pool Regulations

Maureen: Can you tell me if any other towns you work with have written swimming pool regulations? Specifically regarding draining into the sewer system? If you can let me know, I'd appreciate it.

Kathy Steffen
Village Treasurer/Clerk
Village of Elmwood
113 W E St
PO Box 62
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From: Penny Richter <penny@aebank.com>
Sent: Tuesday, March 31, 2020 2:45 PM
To: Elmwood Village
Subject: Fwd: RE: Liability question

Kristin,

Please see the response to my questions on disposing of the "monkey Bars" to a private individual. Erin and I are not attorney's so can only speak on how insurance may play into this.

Let me know if you have questions, or you may also contact Erin Ball at 402-867-2188.

Penny

----- Forwarded Message -----

Subject: RE: Liability question
Date: Mon, 30 Mar 2020 21:15:38 +0000
From: Erin Ball <erin@ballinsurance.biz>
To: Penny Richter <penny@aebank.com>

- 1) I do not see coverage Bodily injury/ Property damage protection on the General Liability policy for items once they are no longer owned by the Named Insured. 2) I do believe that the E & O policy would still potentially provide a duty to defend.
- 3) I don't know what real exposure exists. That is a matter of opinion and I am not an attorney. I believe that if they proceed, they should consider drafting and having signed a Release/holdharmless purchase agreement.
- 4) We discussed Manly and how they took the tornado slide, I believe that they would be a better option as they too are protected by the recreational act in NE. Private citizens are not. 5) Penny (you) mentioned a good point that the private homeowner policy may not be willing to cover the exposure and the home owner may have difficulty replacing their current policy.

-----Original Message-----

From: Penny Richter <penny@aebank.com> **Sent:** Monday, March 30, 2020 3:21 PM
To: Erin Ball <erin@ballinsurance.biz>
Subject: Liability question

Erin,

As you may know the village of Elmwood has taken down the "monkey bar dome" that was in the park. They have been contacted by a private individual who would like to buy or have the village give them the equipment to put up at their home.

Someone on the Village board thought that this could open the village up to liability under their insurance policy. I am

not sure where this liability would be coming from.

Could you check with One Beacon to see if the village could be opening themselves up to liability by selling or giving the playground equipment to a private individual.

I also told Kristin (the village clerk) that they should consult with their attorney. They may want to have something in writing that states that they are not making any claims to the equipment's safety.

Thank You.

Penny