

ORDINANCE NO.2023-1

AN ORDINANCE OF THE VILLAGE OF ELMWOOD, CASS COUNTY, NEBRASKA, TO ADD SECTION 9-204: FAMILY SWIMMING POOLS AND SPAS (PERMANENT AND/OR TEMPORARY); TO REPEAL ANY CONFLICTING ORDINANCES; AND TO PROVIDE FOR AN EFFECTIVE DATE

**BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF ELMWOOD, NEBRASKA:**

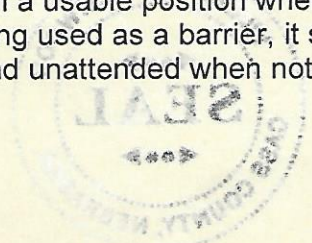
THEREFORE BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ELMWOOD, NEBRASKA:

**Section 1.** New section 9-204 shall be added to the Village Code under the heading "Article 2 Building Permits" as follows:

§ 9-204: Family Swimming Pools and Spas (Permanent and/or Temporary)

Every family swimming pool or spa having a depth of eighteen inches or more shall be secured as per the requirements set forth below.

- A. Every family swimming pool or spa having a depth of eighteen inches or more shall be completely surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four inches in a dimension; and if a picket fence is erected or maintained, the horizontal dimension shall not exceed four inches. A dwelling house or accessory building may be used as part of such enclosure. If the pool/spa is constructed wholly or partially above ground level, that part of the pool/spa is constructed wholly or partially above ground level, that part of the pool/spa wall which is out of the ground may be included as part of the fencing height requirement; provided, that the ground is level or slopes away from the pool/spa for at least three feet from the pool/spa wall.
- B. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all time when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
- C. On above-ground pools/spas where the pool/spa wall makes up the pool/spa enclosure, the entrance into the pool/spa must either be enclosed in a fence with gate, both of which meet the requirements previously stated, or the entrance to the pool/spa must be by use of a limited access ladder which has provisions for making entry to the pool/spa inaccessible which the pool/spa is not in use.
- D. Spas equipped with a lockable safety cover and pools equipped with a power safety cover that make the pool/spa inaccessible when not in use are not required to meet the fencing requirements.
- E. It shall be unlawful for any person in possession of land within the Village, either as owner, purchaser, lessee, or tenant, upon which is situated a family swimming pool/spa having a minimum depth of eighteen inches to fail to provide and maintain such fence or wall as herein provided. If a limited access ladder is used, it shall be unlawful for said person to allow the ladder to be left in a usable position when the pool is not in use. If a pool or spa with a lockable cover being used as a barrier, it shall be unlawful for said person to leave the pool/spa open and unattended when not in use.





- F. Pools/Spas installed within the Village of Elmwood need to be registered with the Village office before installation. Existing pools/spas need to be registered one time. The owner/tenant installing the swimming pool is also required to notify their insurance company of the installation. A one-time registration fee of \$10 is required. This registration is non-transferable.
- G. Any such family swimming pool/spa in existence on the date this chapter becomes effective shall, within forty-five days from such effective date, be able to show proof of purchase or installation of locking ladder, cover, or fence.
- H. Temporary pools must also comply with the forty-five-day rule, listed above, the first year. In subsequent years, temporary pools must comply with the ordinance before water is added.
- I. Set back requirements of pools/spas are required to match those as defined in Section 5.07 of the zoning ordinance.

**Section 2.** The Village Clerk is authorized to create and promulgate application, permit, and other forms in furtherance of this Ordinance without further approval by the Village Board of Trustees.

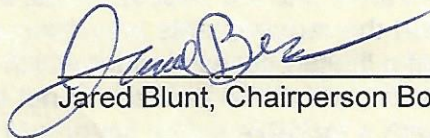
**Section 3.** All conflicting ordinances are hereby repealed. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

SUSPEND  
READINGS  
(3/4 VOTE)

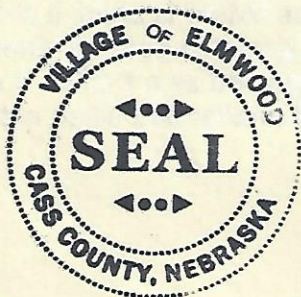
5-0

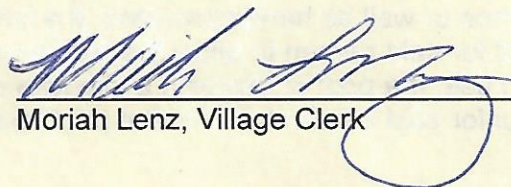
FIRST READING \_\_\_\_\_  
SECOND READING \_\_\_\_\_  
THIRD READING \_\_\_\_\_

PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF APRIL 2023

  
Jared Blunt, Chairperson Board of Trustees

ATTESTED AND PUBLISHED IN BOOK OR PAMPHLET FORM AND BY POSTING IN THE VILLAGE HALL, POST OFFICE, AND FIRE STATION PER § 1-307 OF THE ELMWOOD MUNICIPAL CODE WITHIN FIFTEEN (15) DAYS OF PASSAGE ON THE 5<sup>th</sup> DAY OF April 2023.



  
Moriah Lenz, Village Clerk