
AN ORDINANCE AMENDING ZONING REGULATIONS RELATING TO
PRIVATE SWIMMING POOL ENCLOSURES

WHEREAS, the Plan Commission has held a public hearing regarding the ordinance change, as set forth herein, on October 29, 2019; and

WHEREAS, the Plan Commission has recommended to the Common Council the approval of the ordinance change, as set forth herein.

NOW THEREFORE, the Common Council of the City of Berlin do ordain as follows:

Sec. 82-568 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-568. - Swimming pools.

...
(f) *Fence.*

- (1) Except as provided in subsections 82-568(f)(2) or (3), Swimming pools within the scope of this section which are not enclosed ~~with by~~ a permanent building shall be completely enclosed by a fence or other enclosure of sufficient strength to prevent access to the pool, ~~or have a cover or other protective device over such pool of such a design and material that it can be securely fastened in place, and when in place, it shall be capable of sustaining a person weighing 250 pounds. Such cover or protective device shall be securely fastened in place, at all times, when the swimming pool is not in actual use for swimming or bathing purposes.~~ Such fence or wall enclosure shall not be less than ~~five~~four feet in height, and constructed so as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors within such enclosure shall be kept locked while the pool is not in actual use ~~self-closing and self-latching, with the latches being on the inside and no less than 36 inches above ground level.~~
- (2) An swimming pool enclosure around the entire swimming pool as described in subsection 82-568(f)(1) may be omitted where portable pools are if the swimming pool, (i) is installed so that its exterior walls are at least four feet above ground and at least six feet from any other wall, fence, or other structure, which can and may be readily climbed by children, and have (ii) has a raised deck with a building code compliant enclosed railing around the entire pool perimeter, and (iii) the entrance to the swimming pool is completely enclosed by a fence or enclosure compliant with the height, gating and latching specifications set forth in subsection 82-568(f)(1) ~~with an attached enclosed gate a minimum of 36 inches high on the top.~~

(3) An enclosure around the entire swimming pool as described in subsection 82-568(f)(1), or around the entrance to a swimming pool as described in subsection 82-568(f)(2), may be omitted if the swimming pool has a cover or other protective device over the swimming pool of such a design and material that it can be securely fastened in place, and when in place, shall be capable of supporting 100 pounds per square foot of area. Such cover or protective device shall be securely fastened in place, at all times, when the swimming pool is not in actual use for swimming or bathing purposes.

...

This ordinance shall take effect the day after publication.

The numeric section numbers and headings of any portions of the Code of Ordinances affected by this Ordinance shall be subject to modification in the discretion of the codifier, and the approval of the City Attorney, during codification into the City's current Code of Ordinances.

Passed, approved and adopted this ____ day of _____, 2019.

ROLL CALL VOTE:

CITY OF BERLIN

_____ AYES
_____ NAYS
_____ ABSENT

BY: _____
Richard D. Schramer, Mayor

APPROVED AS TO FORM:

ATTEST: _____
Jodie Olson, City Clerk

Matthew G. Chier, City Attorney