

# City of Minden

P.O. Box 239, 325 N. Colorado  
Minden, Nebraska 68959

phone 308.832.1820  
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[www.MindenNebraska.org](http://www.MindenNebraska.org)



## ORDINANCE NO. 1211

AN ORDINANCE TO AMEND CHAPTER 14 OF THE MUNICIPAL CODE OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY ADDING ARTICLE XII, SECTIONS 14-322 THROUGH 14-329 AS THE SAME RELATES TO PRIVATE SWIMMING POOLS;

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA.

Section 1. That Article XII., and Sections 14-322 through 14-329 – PRIVATE SWIMMING POOLS be added to the Municipal Code of the City of Minden, Kearney County, Nebraska, the same to read as follows:

### Article XII. – PRIVATE SWIMMING POOLS

#### **Section 14-322. – Enforcement and Penalty for violation of article.**

Any person who violates any of the provisions of sections 14-323-14-329 shall be subject to a fine of not less than \$10.00 nor more than \$100.00 for each and every offense. The city council hereby appoints, in addition to police officers, the city administrator and city clerk to enforce Chapter 14, Article XII and issue fines.

#### **Section 14-323. - 8-40. Swimming Pool; Definition.**

Private Swimming Pool means any constructed or assembled structure that is not publicly owned intended for swimming, recreational bathing or wading. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

Storable pool means any inflatable or soft-sided pool that has the ability to be taken down and stored; or a plastic pool.

#### **Section 14-324. - Swimming Pool; Pool Permit Required.**

It shall be required that a pool permit be issued for; the construction or placement of a private swimming pool from the chief building official prior to such construction or placement. An application for a permit shall be submitted by the owner or his agent of the property upon which the pool is to be located. Such application shall be accompanied by a duplicate set of plans, specifications, and plot plans.

The plot plan shall show the accurate location of the proposed pool on the property and properly establish distances to existing lot lines, buildings and fences, and to additional proposed structures or fences. No permit shall be issued until such plans, specifications and plot plans have been approved by the chief building official as being in conformance with all local regulations pertaining to private swimming pools.

Storable pools, hot tubs, and spas shall not require a pool permit as defined by Section 14-323. Any decking or fences around these items require a building permit.

#### **Section 14-330. – Swimming Pool; Location.**

All private swimming pools shall be located in the back yard or side yard. Private swimming pools are not permitted in front yards. All pools shall not be located over a utility easement.

#### **Section 14-325. - Swimming Pool; General.**

The pool shall be constructed or assembled so as to be water tight, easily cleaned and maintained, made of non-absorbent and durable material, and be free of open cracks and joints.

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## **Section 14-326. - Swimming Pool; Conformance with Codes**

All building, plumbing, electrical, and other codes as adopted by the City Council shall be adhered to in the construction or assembly of the all private swimming pools.

## **Section 14-327. - Swimming Pool; Enclosure Required**

Every private swimming pool with a water depth of 24" or greater shall be completely surrounded by a fence or wall not less than four (4) feet in height which shall be of a type which precludes passage through or under and is not readily climbable by small children. This shall not mean an additional fence within a completely fenced yard, provided, the fence meets the stated minimum requirement. All gates shall be equipped with a latch which is not readily operated by small children and is on the side of the fence facing the pool.

The main building, or any accessory structure, on the site may form part of the enclosure. The sides of above-ground pools are acceptable as integral barriers, provided, that the sides extend not less than four (4) feet above the outside ground at all points, and provided further, that access steps or ladders are capable of being rendered inaccessible by being removed or raised more than four (4) feet above the outside grade.

Hot tubs and spas with a hard cover are exempt from Section 14-327 as long as the cover is only open when the hot tub or spa is in use.

## **Section 14-328. - Swimming Pool; Retroactivity**

The lack of a minimum enclosure as herein described, on any existing pool, is hereby deemed to be a serious public safety hazard. The owner of the property, upon which such a pool is located, shall comply with the enclosure requirements of Section 14-327 within thirty (30) days after date of notification to comply.

## **Section 14-329. - Swimming Pool; Discharge System**

All private swimming pools constructed after the effective date of this ordinance shall be provided with an approved drainage outlet to the city sanitary sewage system, or may be used for surface irrigation of the owner's property, provided, that no water shall overflow onto adjacent private or public property in a manner as to cause a nuisance.

Section 2. That any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 3. This ordinance shall be known as Ordinance No. 1211 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 15th day of August, 2016.

/s/ Ted Griess  
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan  
Abbey Jordan, City Clerk

(SEAL)