

PRIVATE, RESIDENTIAL, OR FAMILY SWIMMING POOLS

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.

PRIVATE, RESIDENTIAL, OR FAMILY SWIMMING POOLS

All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device located at least 45 inches above grade level for keeping the gate or door securely closed at all times, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

Where a wall of the house serves as part of the enclosure barrier, either all doors including sliding doors with direct access to the pool shall be equipped with an approved automatically resetting audible alarm, or doors shall be self-closing and self-latching with the release mechanism for the latch installed 54 inches minimum above the threshold, or the pool shall be equipped with an approved power safety cover. This requirement shall be limited to in-ground swimming pools and/or pools set into a deck and that have no other existing barrier and shall be effective for pools installed on or after November 1, 2006.

The pool structure may be acceptable as a barrier, provided the 48 inch minimum height requirements is met, or if the barrier is mounted and sturdy on top of the pool structure. A removable ladder shall not constitute an acceptable alternative to barrier requirements. When the pool structure qualifies as the barriers, the ladder access area shall be enclosed with an approved minimum 48 high fence with self-closing and self-latching gate or door. The self-latching device shall be located at least 45 inches above grade level for keeping the gate or door securely closed at all times.

The provisions of this regulation shall be applicable to all private, residential or family pools, other than indoor pools, which have a minimum depth of 24 inches of water. No person in possession of land within the County, either as owner, purchaser, lessee, tenant or licensee, upon which is situated a private, residential or family pool having a minimum depth of 24 inches shall fail to provide and maintain such fence or wall as herein provided.

SAFETY OF BATHERS

All reasonable precautions shall be taken to protect the users and bathers in private residential or family swimming pools from injury or accident. Convenient means of ingress and egress shall be provided and the depth of water and any irregularities of the bottom shall be clearly indicated. Safety appliances such as ring buoys, life hooks, bamboo poles, or ropes and equipment including first-aid kits shall be provided and be readily accessible.

OPERATION OF POOL

The Health Department is hereby authorized to promulgate rules and regulations for the operation and maintenance of private, residential or family pools for the protection and promotion of public health and safety.

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.

PRIVATE, RESIDENTIAL, OR FAMILY SWIMMING POOLS

NOISE

It shall be unlawful for any person, to make, continue or cause to be made or allow at any private, residential or family pool any loud, 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 private, residential or family 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 such 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 or persons who are in such pool premises shall be unlawful.

COMMERICAL ACTIVITIES

The carrying on of any commercial undertakings at a private, residential or family pool entailing sales of food, drinks, novelties or other merchandise is hereby prohibited.

SEVERABILITY

If any section, clause, provision, or part or portion of any section, clause or provision of this chapter, or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or application of any other section, clause, provision or part or portion of this chapter.

PENALTY FOR VIOLATIONS

Any person who violates any of the provisions of this Regulation shall be guilty of a Class III misdemeanor according to Nebraska Revised Statutes Sec. 23-174. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.