

Sec 7.15 Swimming Pools

7.15.1 General Provisions

The purpose of this chapter is to prescribe rules and regulations controlling the construction, maintenance and operation of private swimming pools in the unincorporated areas of the county to protect the public health, safety and welfare from the dangers which are often associated with a private swimming pool. It shall be the duty of the owner of a private swimming pool to comply with the provisions set forth in this private swimming pool chapter as such provisions now exist or may hereinafter be amended.

7.15.2 Location and Setbacks

1. The owner of the proposed private swimming pool or his representative or agent shall install the same in conformance with the applicable requirements set forth in this Chapter as well as setbacks from appurtenances, lot lines, buildings, walks, fences, and electrical service lines established herein. If a conflict arises between the requirements of this section and another section of the Peoria County Code, the most restrictive requirements shall apply.
2. The location of the pool shall adhere to the following minimum setbacks:
 - a. Five (5) feet from walls, landscaping elements or structures, trees and other appurtenances;
 - b. Ten (10) feet linear and eighteen (18) feet diagonally from electric services lines (it is recommended that such service lines be placed underground to provide additional safety);
 - c. Ten (10) feet from principle or accessory structures, excluding decks;
 - d. Property and building line setbacks as stipulated in Article 6, Bulk Regulations, Density & Dimensional Standards.

7.15.3 Fees

The applicant for permit required by Subsection 3.11.1-1 or by Section 7.15.5, Variances, of this chapter shall accompany the permit application with payment of the applicable fees set forth in Appendix A.

7.15.4 Fences

1. It shall be the duty of the owner of a private swimming pool to either:
 - a. Install a fence not less than five (5) feet in height which shall completely surround the swimming pool except for those portions of the enclosure where there is a building that would serve as a five-foot barrier; or

- b. Install a barrier which may include the sides of the pool structure of aboveground pools, not less than five (5) feet in height which shall completely surround the swimming pool except for those portions of the enclosure where there is a building that would serve as a five-foot barrier.
2. The following requirements shall apply to all private swimming pool owners:
 - a. Each fence shall be equipped with a gate with self-closing and self-latching devices placed at the top of the gate. Such self-closing and self-latching devices shall be installed at such a height so as to be inaccessible to small children, but in no case shall such device be installed at a height lower than forty-eight (48) inches as measured from grade.
 - b. All pool fence gates shall be closed and locked when the pool is not in use.
 - c. There shall be no fixed objects, tree limbs, etc., within five (5) feet adjacent or extending over the fence that may be used to climb over the fence top, unless such limbs or other objects are five (5) feet above the top of the fence and which are not closer to grade than ten (10) feet, as measured vertically from grade.
 - d. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches.
 - e. Openings in the barrier shall not allow passage of a four-inch diameter sphere.
 - f. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
 - g. Where barriers is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and seven-eighths (1-7/8) inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters (1-3/4) inches in width.
 - h. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five (45) inches or more, spacing between vertical members shall not exceed four (4) inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters (1-3/4) inches in width.
 - i. Where a chain-link fence is provided, the opening between the links shall not exceed two and three-eighths (2-3/8) inches.

- j. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-quarters (1-3/4) inches.
 - k. All fencing shall comply with setback requirements as established in Section 7.4 ("Fences").
3. Once construction of the pool is complete it shall be the responsibility of the property owner or tenant in control to ensure that a temporary barrier be placed around the pool until all permit requirements have been met and approved by the zoning department, and such temporary barrier shall adhere to the following minimum standards:
 - a. Four (4) feet in height, as measured vertically from grade;
 - b. Supporting poles or members shall be placed at intervals which maintain the barrier in a vertically upright position, however such poles or supporting members shall not be placed less than every ten (feet).

7.15.5 Variances

1. Whenever in a specified case the strict application of the regulations of this chapter would result in practical difficulties or particular hardship in carrying out the strict letter of such regulations, the Zoning Board of Appeals shall have the power to vary their application in harmony with their general purpose and intent.
2. The petitioner for variance shall apply for the variance in the same manner as for variances under Section 3.7 ("Variances") et seq. of this Chapter.
3. The petition shall be given a public hearing before the Zoning Board of Appeals as for any other petition for variance under Section 2.2 ("Zoning Board of Appeals") of this Chapter.

7.15.6 Existing pools

1. If a pool is fenced as of September 11, 1990 and the fence is at least four (4) feet in height and is not determined by the Zoning Administrator to be so inadequate a barrier to small children as to constitute a menace to public safety, then such fence shall not be required to adhere to the requirements as set forth in Section 7.15.4, Fences, of this chapter. The pool owner may appeal the administrator's decision under this subsection as per Section 3.8 ("Appeals of Administrative Decisions") of this Chapter.
2. If the owner of an existing fenced pool replaces the fence or at least fifty (50) percent thereof subsequent to September 11, 1990, then the entire reconstructed fence shall adhere to the requirements as set forth in Section 7.15.4, Fences, of this Chapter.

7.15.7 Validity of permit

Once the permit is obtained by the property owner to construct a fence as required by Sections 7.15.4, Fences, and/or 7.15.6, Existing pools, of this Chapter, the construction shall be completed to the satisfaction of the Zoning Administrator no later than six (6) months after the permit's date of issuance.