

ORDINANCE NO. 298

AN ORDINANCE REGULATING POOL ENCLOSURES AND COVERS.

THE CITY OF DUNDEE ORDAINS AS FOLLOWS:

**Section 1. Definitions**

(a) Building Official. The city employee or agent, designated by the City of Dundee to administer this Ordinance.

(b) Person. A human being and, where appropriate, a public or private corporation, an unincorporated association or a partnership.

(c) Person in Charge of Property. An owner, purchaser under contract, lessee, tenant, licensee or other person having possession or control of property within the City of Dundee.

(d) Special Pool. A fish pond or other decorative pool that holds or is capable of holding a body of water exceeding 24 inches in depth at any point.

(e) Swimming Pool. An outdoor swimming pool or other body of water designed or used for the purpose of swimming, dipping, wading or immersion of human beings which has a depth at any point in excess of 24 inches, whether above or below grade, and whether intended to be temporary or permanent in nature. Includes, but not limited to swimming pools, wading pools, hot tubs, but not including any natural body of water existing within the city limits of the City of Dundee, Oregon.

**Section 2. Permit Required**

(a) No person shall construct, install, enlarge or substantially remodel any swimming pool or fencing required by this

ordinance in connection with it without first obtaining a permit from the building official.

(b) Application for a permit shall be accompanied by an application fee. The amount of the application fee shall be set by Council resolution. The application fee shall be in addition to any other required building permit fees. The application shall contain any information the building official considers necessary for an adequate review of the application. All construction and installation shall conform to the plans approved by the building official.

(c) Permits for temporary pools shall be obtained for the original installation only. However, subsequent installation shall be located on the same property and conform to the original approved plan or a new permit will be required.

### **Section 3. Protective Enclosure**

(a) Every person in charge of property as defined hereinabove, in possession of land within the city on which there is situated an excavated or portable swimming pool containing or capable of containing water 24 inches or more in depth, or containing or capable of containing more than 600 gallons of water, with a ground-level height of less than 48 inches shall erect and maintain on the lot or premises upon which such pool is located an adequate physical barrier sufficient to make such pool inaccessible to unsupervised small children.

(b) Such physical barrier shall completely surround such pool and shall extend not less than 48 inches above the adjacent ground

level. A dwelling house or accessory building may be used as part of such enclosure.

(c) Such physical barrier shall be constructed in such a way as to prevent access under the lower edge by small children.

(d) All access ways, gates, or doors through such enclosure, except the door of any dwelling occupied by human beings and forming any part of the enclosure required by this section, shall be self-closing and equipped with a self-latching device designed to keep such door or gate securely closed at all times when not in actual use.

#### **Section 4. Special Pool Enclosures**

Every person, in charge of land within the City, on which there is situated an excavated or portable special pool as defined hereinabove shall construct and maintain an acceptable enclosure or physical barrier to make such pool inaccessible to unsupervised small children.

An acceptable enclosure or physical barrier for said special pool shall be one of the following:

(a) A fence completely surrounding the special pool, or

(b) A wire screen or a cover of sufficient strength to hold a weight of at least 75 pounds and installed over the pool or at not more than six inches below the surface of the water at all times.

#### **Section 5. Applicability-Exceptions**

(a) All swimming pools and special pools, as defined herein, existing on property within the City of Dundee shall comply with

the requirements of this ordinance within 120 days after the effective date of this ordinance.

(b) All swimming pools and special pools existing on property annexed to the City of Dundee after the effective date of this Ordinance shall comply with the requirements of this Ordinance within 120 days of the effective date of the annexation.

(c) The provisions of this Ordinance shall not apply to swimming pools or special pools which are owned, operated and maintained by a legally constituted public entity.

**Section 6. Penalties**

(a) Any person convicted in any court of competent jurisdiction of a violation of this Ordinance shall be subject to a fine up to the maximum amount permitted by Dundee City Charter. Each day the violation of this Ordinance continues constitutes a separate offense.

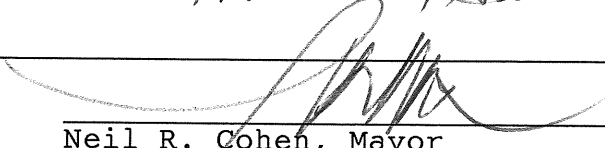
(b) The penalties imposed by this section are not exclusive, and are in addition to any other remedies, civil or criminal, available to the City of Dundee under the law.

(c) Construction, operation or maintenance of a swimming pool or special pool in violation of this ordinance constitutes a public nuisance and may be abated by any of the procedures set forth in Dundee City Ordinances.

Adopted at the regular meeting of the City Council of the City of Dundee held on 7th day of June, 1993.

Ayes Miller, Riley, McCann, Hanson, Sauer

Nays \_\_\_\_\_

  
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Neil R. Cohen, Mayor

ATTEST.

  
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M. J. Strand, Recorder