

ORDINANCE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 26 ARTICLE III – *SWIMMING POOLS* OF THE MUNSTER MUNICIPAL CODE

**WHEREAS**, the Town Council of the Town of Munster is the municipal legislative body of the unit; and

**WHEREAS**, The Town of Munster, its Staff, and consultants have reviewed and recommended various changes to the Munster, Indiana Code regarding swimming pools; and

**WHEREAS**, based on those recommendations, the Munster Town Council has conducted a public hearing after due notice as required by law on the proposed amendments; and

**WHEREAS**, The Town of Munster, after said public hearing and after due deliberation, has concluded that amendments to Chapter 26 – Land Development Code, Article III - Swimming Pools, §§ 26-101 through 26-160 are appropriate; and

**WHEREAS**, The Munster Town Council deems it to be in the best interest of the general health, safety, and welfare of the citizens of the Town of Munster to amend Chapter 26 – Land Development Code, Article III - Swimming Pools, §§ 26-101 through 26-160 of the Munster Code of Ordinances;

Now, therefore, be it **ORDAINED** by the Town Council of the Town of Munster, Lake County, Indiana as follows: Chapter 26 – Land Development Code, Article III - Swimming Pools, §§ 26-101 through 26-160 of the Munster Code of Ordinances, is hereby repealed and deleted in its entirety and replaced with the following:

**ARTICLE III. - SWIMMING POOLS AND SPAS**

**DIVISION 1. - GENERALLY**

**Sec. 26-101. - ~~Definitions, Compliance~~**

Residential swimming pools and spas, whether permanent or temporary, shall comply with all provisions for swimming pools in the Municipal Code, which adopt by reference the applicable requirements of the Indiana Administrative Code; Chapter 675 Indiana Administrative Code, Article 14.

Non-Residential swimming pools and spas, whether permanent or temporary, shall comply with all provisions for swimming pools in the Municipal Code, which adopt by reference the applicable requirements of the Indiana Administrative Code; Chapter 675 Indiana Administrative Code, Article 20.

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Family pool* means a swimming pool used or intended to be used solely by the owner or lessee thereof and his family, and by friends invited to use it without payment of any fee, of one of the following types:~~

~~(1) Type I: Family portable prefabricated or inflated aboveground pool with a designed water depth of 18 inches or less.~~

~~(2) Type II: Family portable prefabricated (no means of permanent anchorage for pool or perimeter deck) aboveground pool with a designed depth greater than 18 inches.~~

~~(3) Type III: Family portable structural (permanent anchorage for pool or perimeter deck) aboveground pool with a designed depth greater than 18 inches.~~

~~(4) Type IV: Family in-ground pool (if any point within the swimming pool is below the outside grade it shall be in-ground).~~

~~Health department means the health department of the county.~~

~~Public pool means a swimming pool, exclusive of a family pool, operated and maintained in conjunction with or by clubs, motels, hotels, schools or community organizations, whether above or below the ground, and whether indoors or outdoors.~~

~~Swimming pool means a body of water in an artificial or semi-artificial receptacle or other container, whether located indoors or outdoors, whether in the ground or above the ground, used or intended to be used for public, semipublic or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon such adults or children, operated and maintained by any person, whether he is an owner, lessee, operator, licensee or concessionaire, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool.~~

~~Swimming season means the time of the year beginning May 1 and ending the first Monday in September. No part of this article is meant to limit use of pools to this period of time.~~

~~(Code 1985, § 25-3)~~

~~Cross reference — Definitions generally, § 1-2.~~

#### **Sec. 26-102. - Purpose of article. Timing of Construction**

No residential pool shall be constructed unless the principal building is constructed or under construction simultaneously with the accessory structure.

~~(a) The purpose of this article is to create a legal framework for a comprehensive town policy on the construction, operation and maintenance of swimming pools. With this concept in mind, this article is adopted for the following purposes:~~

~~(1) Preserve, protect and promote the public health, safety and welfare.~~

~~(2) Protect the general public from damage and/or injury which may be caused by the faulty and uncontrolled construction or maintenance of swimming pools.~~

~~(3) Preserve the value of adjoining private property.~~

~~(b) It is the intent of this article that the board of zoning appeals may permit individual variances when the request for variance from this article is not in conflict with this statement of purpose.~~

~~(Code 1985, § 25-2)~~

**Sec. 26-103. - Compliance with state and county requirements. Location**

Residential pools may be constructed only in a location that complies with the Town of Munster Chapter 26 Article VI Zoning Character-Based Code, within the third lot layer no nearer than six (6) feet from side or rear lot lines or from any building and shall not be constructed within a utility or drainage easement.

~~In the construction, operation and maintenance of any swimming pool, state laws and the rules, regulations and requirements of the county and state shall be observed. In the event of any conflict between the provisions of this article and any provision of state law or requirement, rule or regulation of the county or state, the provision imposing the higher standard or the more stringent requirement shall be controlling.~~

~~(Code 1985, § 25-18)~~

**Sec. 26-104. - Protection of safety of users.**

~~All reasonable precautions shall be taken to protect the users of and bathers in all swimming pools from injury or accident. A responsible person shall be present at all times that a swimming pool is in use.~~

~~(Code 1985, § 25-15)~~

**Sec. 26-~~105~~104. - Sanitation of premises.**

The buildings, grounds, dressing rooms and all other swimming pool facilities shall be kept clean and in a sanitary condition and maintained free from garbage, trash and other refuse at all times.

(Code 1985, § 25-19)

**Sec. 26-106. - Cleaning of pool.**

~~Visible dirt on the bottom of swimming pools and visible scum or floating matter on the surface of pools shall be removed as often as necessary during the swimming season to maintain good sanitary conditions. All swimming pools shall be thoroughly cleansed at reasonable times in a manner and by~~

~~the use of such disinfecting agents or cleansing materials as may be required by the health department.~~

~~(Code 1985, § 25-20)~~

~~**Sec. 26-107.—Interference with rights of other property owners.**~~

~~No swimming pool shall be so located, designed, operated, drained or maintained as to interfere unduly with the enjoyment of property rights by owners of property adjoining the swimming pool or located in the neighborhood.~~

~~(Code 1985, § 25-24)~~

~~**Sec. 26-108.—Excessive noise.**~~

~~It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool any loud, unnecessary 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 swimming pool, the use of, 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 persons who are in the swimming pool premises, shall be unlawful.~~

~~(Code 1985, § 25-26)~~

~~**Sec. 26-109.—Commercial activities.**~~

~~The carrying on of any commercial undertakings at a public pool entailing sales of food, drinks, novelties or other merchandise in a manner unreasonably disturbing neighboring property owners and inhabitants in the enjoyment of their property shall be prohibited. Swimming pool signs and placards shall be of such type and so affixed as not to prejudice or unreasonably disturb the enjoyment of neighboring property owners of their property. No commercial undertakings shall be carried on at a family pool.~~

~~(Code 1985, § 25-27)~~

~~**Cross reference**—Businesses, ch. 10.~~

~~**Sec. 26-110.—Discharge of water from pool.**~~

~~Every pool shall be equipped with facilities for completely emptying the pool. The discharge of the pool water to the sewer shall be at a rate not exceeding 250 gallons per minute. Discharge shall not be allowed to drain onto or into adjoining properties.~~

~~(Code 1985, § 25-22)~~

Secs. 26-~~111~~105—26-130. - Reserved.

**DIVISION 2. - ADMINISTRATION AND ENFORCEMENT<sup>[5]</sup>**

**Footnotes:**

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**Cross reference**— *Administration, ch. 2.*

**Sec. 26-131. - ~~Construction permit~~Permit.**

Construction of any in-ground pool or permanent on-ground pool, and all pools constructed inside a residence for use as a swimming pool, regardless of water depth, shall require a permit.

~~Before work is commenced on the construction or erection of any type III, type IV or public swimming pool or on any addition to such type of swimming pool, an application for a permit to construct or erect, and the plans and specifications and pertinent explanatory data, if required, shall be submitted to the town for its approval, and no part of the work shall be commenced or erected until the town has granted such approval by a written permit to construct or erect and has further evidenced its approval by a suitable endorsement upon such plans and specifications, if required. Plumbing permits shall be obtained by a licensed plumber or a pool contractor to install any underground recirculation pipe or underground services. Electrical permits shall be obtained by a licensed electrical contractor or pool contractor when any electrical apparatus serves the pool's operation or adjacent area.~~

~~(Code 1985, § 25-7)~~

**~~Sec. 26-132. — Submission of plans; information to be shown on plans.~~**

~~Plans, specifications and pertinent explanatory data required to be submitted in connection with an application for a permit to construct a type III, type IV or public pool or any alteration, addition, remodeling or other improvement to such pool shall comply with the following requirements and include the following plans and applicable information, as well as such other data as may be reasonably requested by the town:~~

~~(1) Plot plans with site grades and dimensions shall be drawn to scale and shall show the following: property lines, easements, rights of way of record and overhead or underground utilities, sewer lines, water lines, existing structures, fencing, retaining walls and relevant characteristics adjacent to the pool area.~~

~~(2) Plans shall be drawn to scale indicating all dimensions, including the length, the width and the varying depths of the pool, and a proposed deck work configuration showing its anticipated drainage, together with anticipated overall drainage of the pool site.~~

~~(3) A profile plan showing the same information shall also be required.~~

~~(4) A cross section of scum gutters and/or skimmers shall be required.~~

~~(5) A piping diagram showing the type of, the sub-materials to be used for, and the sizes of all pipes, inlets, outlets, makeup water lines, vacuum lines, waste and discharge lines, circulation and other piping shall be required.~~

~~(6) The pool equipment room layout, showing filters, their location, pumps, chlorinators, chemical feeders, flow meter gauges, sight glass, strainers, hair and lint interceptors, dimensions of the filter room, its location, floor drains, sumps and other pertinent information shall be submitted.~~

~~(7) The liquid capacity of the pool shall be provided.~~

~~(8) The liquid capacity of any wading pool shall be provided.~~

~~(9) The kind, number and size of filters, including the square footage of the filter area in each unit, shall be provided.~~

~~(10) Top capacity of the filter in gallons per minute shall be provided.~~

~~(11) A description of chemical feeders for soda ash and alum shall be provided.~~

~~(12) The type, kind and a description of the chlorinator shall be provided.~~

~~(13) A description of the gauges and water flow meter shall be provided.~~

~~(14) A description of the skimmers and/or scum gutters shall be provided.~~

~~(15) The type and range of testing equipment, including chlorine, shall be provided.~~

~~{Code 1985, § 25-8}~~

**~~Sec. 26-133.— Use permit required; issuance.~~**

~~A use permit shall be acquired for all pools, except a type I family pool, in existence on July 1, 1977. Purchase of this permit by any person guarantees that the purchaser has noted and complied with all terms of this article. A use permit for all pools constructed after July 1, 1977, or under construction on July 1, 1977, will be issued upon inspection and approval of the pool by the building inspector or his designee.~~

~~{Code 1985, § 25-16}~~

**~~Sec. 26-134.— Revocation of use permit.~~**

~~Any permit granted by the town under this division may be revoked by the town's building inspector for failure to comply with the requirements of this article. No appeal of such revocation shall allow the permit holder to continue operation of any swimming pool pending a decision on such appeal.~~

~~(Code 1985, § 25-17)~~

~~**Sec. 26-135.— Building, plumbing and electrical inspections.**~~

~~Building, plumbing and electrical inspections for swimming pools shall be in accordance with town ordinances. A one-time use permit fee in the amount established by the town shall be paid to the town for each pool, except a type I pool. A reinstatement permit fee in the amount established by the town shall be paid to the town in order to have the building inspector or his designee return to a pool for reinspection.~~

~~(Code 1985, § 25-30)~~

~~**Sec. 26-136.— Periodic inspections; authority to order suspension of use.**~~

~~The town or the health department may inspect or cause to be inspected, during normal town business hours, all swimming pools within the town at such times as it may deem necessary to carry out the intent of this article. The town or the health department is hereby authorized, upon reasonable notice, to enter upon any premises, private or public, to take such samples of water from such pools at such times during the swimming season as it may deem necessary. In the event of failure to comply with the requirements of this article, the town building inspector shall have the power to abate or cause a suspension of the use of and use permit for such swimming pool until such time as the pool is no longer in violation of this Code, as determined by reinspection.~~

~~(Code 1985, § 25-21)~~

~~**Sec. 26-137.— Authority of town to correct hazardous conditions.**~~

~~If a public hazard exists under this article and after due notice has been given to the property owner, the town may take action to remove or eliminate such hazard. The property owner shall be responsible for such costs and will be billed accordingly.~~

~~(Code 1985, § 25-32)~~

~~**Secs. 26-138—26-150.— Reserved.**~~

~~**DIVISION 3.— DESIGN AND CONSTRUCTION STANDARDS**~~

~~**Sec. 26-151.— Location and size.**~~

~~(a) Except as to type I and type II family pools, all outdoor family pools and all public pools erected in districts R-1, R-2, R-3 and and R-4 must conform to the following regulations:~~

~~(1) All swimming pools shall be constructed so that there will be not less than seven feet between the main building and the swimming pool. No swimming pool shall be placed nearer to the rear or side~~

property line, excluding easements, than five feet. No swimming pool shall be placed nearer to a rear lot line which serves as a side line of adjoining property than ten feet, or nearer to a front property line than 60 feet, or nearer to a side street property line than is permitted with respect to the main building (see article VI of this chapter for building setback regulations). Pumps, filters and the pool water disinfecting equipment shall be located at a distance not less than five feet from any property line. No swimming pool shall be placed upon any area where underground service lines exist, including but not limited to the following services: gas, electricity, telephone, water and sewer.

(2) Not more than 30 percent of the area of the lot shall be covered by a main building, swimming pool or pools, and other accessory buildings.

(b) All outdoor public pools located in districts other than dwelling house districts R-1, R-2 and R-3 and apartment house district R-4 must conform to the regulations set forth in article VI of this chapter.

(Code 1985, § 25-4)

**Sec. 26-152. — Walk areas.**

Walk areas not less than 36 inches wide shall be provided to extend entirely around type III and type IV family pools and public pools. The walk area around all in-ground pools shall be constructed of non-asphaltic impervious material, with the surface smooth so as to be easily cleaned, and of non-slip construction. The slope of the walk shall have a pitch of at least one-fourth inch to the foot, designed so as to prevent back drainage from entering the pool.

(Code 1985, § 25-5)

**Sec. 26-153. — Construction prior to construction of principal building.**

No swimming pool shall be erected or used unless the dwelling house or apartment building to which it is accessory has been previously erected or a building permit for the erection of such main building has been previously issued. This can be on the same or contiguous property.

(Code 1985, § 25-6)

**Sec. 26-154. — Public pools.**

The town shall not issue a permit to construct or approve the construction of any public pool or any relocation, alteration, addition, remodeling or other improvement to a public pool unless the following design and construction requirements are observed. Public pools shall be constructed and maintained in conformity with the following requirements:

(1) *Structural design.* Public pools shall be designed to withstand water pressure from within and to resist pressure of the earth when the pool is empty to a pressure of 2,200 pounds per square foot. Materials used shall be subject to the approval of the building inspector. The grade height of pools constructed after February 2, 1962, shall not exceed the established grade.

(2) *Lining material.* The material used for lining artificial swimming pools shall be one which is light in color, is impervious and will provide a tight tank with smooth and easily cleaned surfaces. Sand or dirt bottoms therefore are prohibited.

(3) *Walls, markings and slope.* The walls of the pool shall be vertical. Conspicuous markings shall be provided showing the location and depth of the shallow and deep portions and the location of the pool changes. Special marking shall be necessary for large and odd-shaped pools as prescribed by the town.

(4) *Overflow gutters.* Skimmers or overflow gutters around the pool shall be provided. Gutter water shall flow away from or be recirculated through the filters.

(5) *Inlets and outlets.* All pools shall be provided with an outlet at the deepest point of sufficient size to permit the pool to be completely drained or emptied. The outlet opening in the floor of the pool shall be designed and located to reduce suction currents and shall be covered with a proper grating. Inlets for fresh or re-purified water shall be submerged and located so as to produce as nearly as possible a uniform circulation of water through the entire pool.

(6) *Heating.* All indoor pools which are to be used when the outside temperature is below 60 degrees Fahrenheit (15 degrees Celsius) shall be provided with facilities for uniform and adequate heating of the pool room, dressing rooms and water in the pool.

(7) *Water quality.* The water in the swimming pool shall meet the requirements of the county health department.

(8) *Recirculation of water.* For new pools, provision shall be made for complete circulation of water through all parts of the pool. The system shall be designed and constructed so that a turnover of at least one time in each six-hour period shall be provided. The installation in new pools of the fill and draw type of circulation shall not be permitted. For pools already in existence, the town shall furnish the owners with a program of improvements and additions which shall be carried out over a period not to exceed five years in order to comply with the requirements of the town for new pools. If, however, the bathing load of the pools already in existence is not excessive according to standards prescribed by the health department in rules and regulations promulgated under this article, the town may designate for such swimming pool the maximum number of bathers allowed at one time or during any one day, and such maximum shall not be exceeded. The bathing load allowable for any existing pool shall be computed according to accepted public health standards, and the action of the health department in this regard shall be final. A satisfactory recirculating system for the swimming pool shall be installed consisting of circulating pumps, chemical dosing equipment (alum or alkali) or surge tanks, float valve controls on the water supply, hair and lint catchers, chlorinators, indicators, recording and totalizing instruments, flow meters, pressure gauges, and piping connections to inlets and outlets, and all other necessary fixtures and connections.

(9) *Plumbing.* Any plumbing installed for a swimming pool water supply system or drainage system shall require a plumbing permit and will be inspected in accordance with the applicable building codes.

~~(10) Walks. Walks providing ingress and egress to the swimming pool must be of ample size and satisfactorily drained.~~

~~(11) Hoses. Hose connections and hoses must be of ample size and pressure to clean all of the pool area.~~

~~(12) Steps. Steps and ladders must be made of an impervious material, easily cleaned, and must be so designed as to not collect water when the water is lowered in the swimming pool.~~

~~(13) Disinfecting equipment. Disinfecting equipment adequate for the purpose must be provided as an integral part of the swimming pool.~~

~~(14) Accessibility of equipment. All equipment must be readily accessible, and every pool shall be provided with necessary equipment for the measurement of acidity or alkalinity and for residual determinations. The equipment room shall be satisfactorily located and adequately drained.~~

~~(Code 1985, § 25-9)~~

~~**Sec. 26-155. Steps and ladders.**~~

~~Two or more means of egress in the form of steps or ladders shall be provided for all in-ground swimming pools. At least one such means of egress shall be located on a side of the pool at both the deep and the shallow ends. Aboveground pools shall have at least one such means of egress. Treads of steps and ladders shall be constructed of non-slip material and shall be at least three inches wide for their full length.~~

~~(Code 1985, § 25-10)~~

~~**Sec. 26-156. Electrical installations.**~~

~~All electrical installations provided, installed and used in conjunction with all swimming pools shall be in conformance with the provisions of the electrical code of the town and the state. Aboveground wiring, where permitted, shall be installed in rigid thin-wall or flexible conduit and approved by the town electrical inspector. All electrical apparatus shall be operated by means of a grounded switch located not less than six inches above the outside grade. No current-carrying electrical conductors shall cross any swimming pool either overhead or underground or within five feet of such pool.~~

~~(Code 1985, § 25-11)~~

~~**Sec. 26-157. Grounding of metal fences, enclosures and railings.**~~

~~All metal fences, enclosures and/or railings near or adjacent to swimming pools which might become electrically alive as a result of contact with broken overhead conductors or from any other cause shall be effectively grounded.~~

~~(Code 1985, § 25-12)~~

**Sec. 26-158.—Diving board clearance.**

(a) Where a swimming pool has a diving board or diving apparatus for the purpose of diving into the pool, there shall be a clear area of not less than an eight-foot radius ahead of the furthest projection of the diving board. The dimensions of the swimming pool in the diving area shall conform to the following table:

Height of Board Above Water (meters)	Minimum Water Depth at End of Board and 12 Feet Beyond (feet)	Minimum Pool Width at End of Board and 12 Feet Beyond (feet)
0.0—2.0	8½	16
2.1—3.0	10	30
3.1 or more	11½	30

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(b) At least 13 feet of free and unobstructed headroom shall be provided above diving boards.

(c) A horizontal separation of at least ten feet shall be provided between centerlines of diving boards, or, in the case of public pools, between diving boards and side walls, except that this may be reduced to eight feet for surface boards.

(Code 1985, § 25-13)

**Sec. 26-159.—Enclosures.**

(a) Except as to a type I pool, every outdoor swimming pool or entire yard area shall be completely surrounded by a fence or wall six feet in height, which shall be so constructed as not to have openings, holes or gaps wider than four inches, except for doorways and gateways. A type II or type III family pool may have an approved rim-attached enclosure which shall serve as compliance with this section in place of the fence height requirements. All gates or doors opening through such enclosures shall be equipped with a self-latching device for keeping the gate or door securely closed. At all times when the pool or yard area is not in actual use, all doors and gates to the pool shall be locked. These requirements shall be applicable to all such existing outdoor swimming pools and to all outdoor swimming pools hereafter constructed. No person in possession of land within the town, either as the owner, purchaser, lessee, tenant or licensee, upon which is situated an outdoor swimming pool shall fail to provide and maintain such fence, wall or rim as provided in this section.

(b) The board of zoning appeals may make modifications in individual cases, upon a showing of good cause, with respect to the height, nature or location of the fence, wall, gates or latches, or the necessity therefor, provided that the protection as sought under this section is not reduced thereby. The board of zoning appeals may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the fence, wall, gate and latch described in this section.

(Code 1985, § 25-14)

~~Sec. 26-160. Shielding of lights.~~

~~Lights used to illuminate any swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises.~~

~~(Code 1985, § 25-25)~~

Secs. 26-~~161~~132—26-180. - Reserved.