



TO: Dustin Anderson, Town Manager

FROM: Tom Vander Woude, Planning Director
Chuck Collins, Building Commissioner

DATE: February 24, 2022

RE: Ordinance 1859: An Ordinance Amending Chapter 26, Article III SWIMMING POOLS of the Munster Municipal Code

The purpose of this memo is to introduce Ordinance 1859: An Ordinance Amending Chapter 26, Article III SWIMMING POOLS of the Munster Municipal Code. Adoption of this ordinance will revise the outdated Chapter 26, Article III of the Municipal Code of Ordinances, *SWIMMING POOLS*, adopted by Town Council in 1985, by eliminating most of the text and replacing it with references to the current Indiana Residential Code and the current Indiana Swimming Pool Code.

Background

The State of Indiana has amended, repealed, and readopted the Indiana Swimming Pool Code several times since 1985. In 2011, the regulation of residential (One- & Two-Family) swimming pools was removed from the Indiana Swimming Pool Code (Chapter 675 Indiana Administrative Code, Article 20) and moved to the Indiana Residential Code (Chapter 675 Indiana Administrative Code, Article 14). The separation was generally due to public (non-One- & Two-Family, e.g. hotel swimming pools) swimming pools having far greater restrictions and requirements than residential swimming pools.

The Town's regulations in Chapter 26, Article III appear to have been modeled after a previous version of the Indiana Swimming Pool Code. This conflicts with the Town's current building code ordinance, Chapter 26, Article II, which cites the adoption of the 2011 Indiana Swimming Pool, Spa and Water Attraction Code. The current regulations also overlap with other parts of the Munster Municipal Code with respect to issues such as noise and lighting. These are proposed to be removed, but between the standards and regulations included in the state codes and the standards and regulations included in the Munster property maintenance, building, zoning, and other sections of the code addressing nuisances, swimming pools will continue to be adequately regulated for the health, safety, and welfare of the community.

One of the most substantive differences between the Town's current standards and the Indiana Residential Code is the access restrictions required for residential pools. The Town's current code requires that pools be surrounded by a six-foot wall or fence with a self-latching gate, unless a variance is granted by the Board of Zoning Appeals. The state code, by contrast, requires that access to pools be restricted by either a four-foot wall or fence with self-latching gate or a power safety pool cover.

The Town of Munster has already in one instance waived the more stringent requirement. In September 2021, the BZA approved a variance for the use of a power safety pool cover as an alternative safety measure for an inground pool at 9745 Laurel Court. In doing so, the BZA affirmed the standards of the State of Indiana and accepted that the proposed cover would be as safe as a wall or fence. If the proposed revisions are not adopted, staff anticipates that several residents will be submitting similar variance requests in the coming year.

The following is a sample of cities and towns that have adopted the Indiana standards for swimming pools:

- Valparaiso
- Chesterton
- Crown Point
- Cedar Lake
- Dyer
- Columbus
- Zionsville
- Carmel
- Fishers
- Noblesville

Attachments

1. Ordinance 1859: An Ordinance Amending Chapter 26 Article III – Swimming Pools of the Munster Municipal Code (REDLINE COPY)
2. Ordinance 1859: An Ordinance Amending Chapter 26 Article III – Swimming Pools of the Munster Municipal Code (CLEAN COPY)
3. Indiana Administrative Code; Chapter 675 Indiana Administrative Code, Article 14-4.4-38 Section R326
4. Indiana Administrative Code; Chapter 675 Indiana Administrative Code, Article 20

Recommendation

Hear Ordinance 1859 on first reading and schedule second reading for the next regular Town Council meeting.