

## ORDINANCE 1859

### 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Development Code, Article III - Swimming Pools, §§ 26-101 through 26-160 of the Munster Code of Ordinances, is hereby repealed and deleted in its entirety and replaced with the following: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. - 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.

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

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

### **Sec. 26-103. - 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.

### **Sec. 26-104. - 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)

### **Secs. 26-105—26-130. - Reserved.**

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

### ***Footnotes:***

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

### **Sec. 26-131. - 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.

## **DIVISION 3. - DESIGN AND CONSTRUCTION STANDARDS**

### **Sec. 26-132. - Enclosures.**

(a) Except as to aboveground residential swimming pools with a designed water depth of 18 inches or less, 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. An aboveground residential 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)

**Secs. 26-133—26-180. - Reserved.**

TOWN COUNCIL OF THE TOWN OF MUNSTER  
LAKE COUNTY, INDIANA

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Charles Gardiner, President

ATTEST:

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Wendy Mis, Clerk-Treasurer