

ORDINANCE NO. 2024-06

AN ORDINANCE REGULATING THE USE OF SWIMMING POOLS WITHIN THE CITY OF ST. GEORGE, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ST. GEORGE, KANSAS:

SECTION 1. Definitions. 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:

Bathing facility: Any swimming pool or special-purpose facility as defined in this section.

Spa: Any commercial whirlpool, hot tub or similar item designed for recreation, or relaxation use, in combination with hydro jet circulation, air induction systems, or other circulation systems using hot, cold or ambient water temperature.

Swimming pool: includes the term in its ordinary sense and meaning, and includes all wading pools, spray pools, private pools, semiprivate pools, or artificial bathing place designed to hold water to a depth of two feet or more, regardless of whether they are operated or managed on a non-for-profit basis, a for-profit purpose, or for personal recreational use. It is intended that this definition excludes pools designed for the use of children holding water of two feet or less.

Swimming Pool (above ground): Any structure which is designed to hold water to a depth of two feet or more, is placed directly on the ground, is constructed so that it may be readily assembled and disassembled and is designed to be used primarily for water oriented recreational activities. This does not include pools which are constructed with rigid sidewalls or sidewalls consisting of air chambers which are self-supporting, are designed to hold water to a depth of less than two feet and are generally known as wading pools. This also does not include metal or plastic “stock tanks” whose primary purpose is to provide water for livestock.

Swimming Pool (in ground): Any structure which is designed to hold water to a depth of two feet or greater, with sidewalls constructed of concrete, fiberglass or other rigid imperious material, which is constructed below grade or at least one-half of the structure’s average depth is below ground level. The construction is considered permanent as it may not be readily removed or dismantled and reassembled at another location and is designed primarily for water oriented recreational activities.

SECTION 2. Enclosure Required.

Every private outdoor swimming pool (whether in ground or above ground) shall be surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension except for doors and gates. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosure shall be equipped with a latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. The Public Officer of the City may permit modifications of the foregoing requirements 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 the protection as sought hereunder is not reduced thereby.

SECTION 3. Maintenance and Location Requirements.

Swimming Pools may not be placed in front yards. For these purposes, “front yard” shall be defined as the area between the edge of the city street and a line running the length of the property, parallel to and directly

adjoining the side of the structure facing the street. If the building facing the street is constructed with walls or garages at different depths, said line will be determined based on the wall farthest back from the street.

Pools may not be placed closer than Three (3) feet to any structure on lot.

No pool may be placed on a utility easement, in right-of-way or under electrical wires.

All pools must be free of excessive debris, and chemically treated for use. No owners shall allow a pool to be maintained that results in algae, mold or other natural growths in the water or on other areas of the pool enclosure or structure. All pools are to be monitored so as to remove any offending growth, item, or animal in the pool.

When not used during the appropriate season, the pool shall be drained or covered in an appropriate manner.

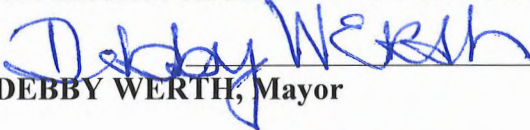
SECTION 4. Enforcement.


- (a) Any City officer, upon receiving a written complaint, or observing any condition in violation of this ordinance, may issue a notice to the owner of the property of the violation, and that, if not abated, further enforcement procedures will be engaged. The notice shall be sent via first class mail and shall give the owner Fourteen (14) days to abate the violation.
- (b) Upon the end of the notice provision, and if the violation remains in effect, a city officer may file an action in municipal court due to the violation, with penalties as provided in City Code Section 1-7(c) as a violation of the City Code.

SECTION 5. All Code sections and Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 5th day of September 2024.


DEBBY WERTH, Mayor

Attest:

ELIZABETH WAGONER, City Clerk

