

Planning Commission Agenda Item

Subject: Commission Consideration of Ordinance No. 25-06, Zoning Text Amendments to Chapter 21.29 Swimming Pools of the Revised Ordinances of the City of Watertown

Meeting: Planning Commission - May 22 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

At the April 24, 2025, Board of Adjustment meeting, the Planning Commission directed staff to research and present a proposed ordinance amendment to Chapter 21.79 Swimming Pools in relation to barriers/fencing requirements for permanent swimming pools after the denial of a variance request with no hardship being met by how the ordinance is currently written.

The current city ordinance requires a fence to be at least 6' in height to completely enclose the permanent, outdoor pool; the International Swimming Pool and Spa Code (ISPSC) requires pools be surrounded by a barrier at least 4' in height, along with other safety requirements. According to ISPSC Section 305 Barrier Requirements, 205.1 General, swimming pools that are equipped with a powered safety cover that complies with ASTM F1346 are not required to comply with Barrier Requirements such as fences. The City did not adopt that portion of the International Residential Code/ISPSC in ordinance.

After reviewing the ISPSC regulations, staff is proposing to allow for two options that promote safety when a permanent outdoor swimming pool is installed as the main purpose of the barrier requirements is to prevent accidental drowning:

1. If a powered safety cover that complies with ASTM 1346 is installed, a 4' fence is required.
2. If there is no powered safety cover being installed, a 6' fence is required.

With either option, access gates with self-closing and self-latching devices placed not less than 3 inches below the top of the gate and shall be equipped to accommodate a locking device. Openings in the fence shall not allow passage of a 4-inch diameter sphere are requirements.

§21.7907: Fences

All outdoor swimming pools for which a permit is required shall be completely enclosed by a fence. All fence openings or points of entry into pool area enclosure shall be equipped with gates. The fence and gates shall be six (6) feet in height above the grade level and shall be constructed of a minimum number nine (9) gauge woven wire mesh corrosion resistant material, or non-climbable wooden fence. All gates shall be equipped with self-closing and self-latching devices placed at the top of the

gates. Fence posts shall be decay or corrosion resistant and shall be set in concrete bases. (Ord 05-05; Rev 05-02-05)

§5.0301: Building Codes Adopted with Modifications

jj. Section R326 SWIMMING POOLS, SPAS AND HOT TUBS. Not adopted by City. (Ord 18-27; Rev 12-28-18)

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Brandi Hanten, Community Development Manager

Justin Petersen, City Engineer

Carla Heuer, Planner

Reid Peterson, Building Official

STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve Ordinance No. 25-06, Zoning Text Amendments to Chapter 21.29 Swimming Pools of the Revised Ordinances of the City of Watertown

ATTACHMENT(S):

[Illustration](#)

[Ordinance No. 25-06](#)

ILLUSTRATION TO ORDINANCE NO. 25-06

Chapter 21.79 SWIMMING POOLS

Section

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21.7901	Compliances Required
21.7902	Permit Required
21.0903	Location
21.7904	Recirculation Pools
21.7905	Structural Design
21.7906	Walk Areas
21.7907	FencesBarriers
21.7908	Steps or Ladders
21.7909	Water Supply
21.7910	Outlets
21.7911	Electrical Requirements
21.7912	Safety Precautions
21.7913	Commercial Pools

21.7901: COMPLIANCE REQUIRED

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It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the City except in compliance with all the provisions of this ordinance and other applicable building codes and all such regulations not fully set forth herein do not contradict any express provision of this chapter. (Ord 05-05; Rev 05-02-05)

21.7902: PERMIT REQUIRED

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~~An Accessory Building~~A Swimming Pool Permit shall be obtained for the construction of a swimming pool that is permanent, either in ground or above ground that will remain on the property for more than six (6) months. A permit is not required for:

1. Pools that are seasonal, remain on the property for less than (6) months
2. Hot tubs or spas

21.7903: LOCATION

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No portion of any outdoor swimming pool for which a permit is required shall be located within the accessory structure setback for the applicable district, or within thirty (25) feet of any principal structure on an adjacent property. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than nine (9) feet from any side property line. (Ord 05-05; Rev 05-02-05)

21.7904: RECIRCULATION POOLS

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All swimming pools for which a permit is required shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps, the water drawn from the pool being clarified and disinfected before being returned to the pool. Equipment shall be provided for the disinfection of all pool water. Any disinfection method using materials other than chlorine compounds shall be subject to the approval of the Building Official. Disinfection equipment installed for the use of chlorine compounds shall have sufficient capacity to maintain a minimum free chlorine residual of 0.5 parts per million. (Ord 05-05; Rev 05-02-05)

21.7905: STRUCTURAL DESIGN

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Swimming pools shall be designed to withstand the water pressure from within, to resist the pressure of the earth when the pool is empty, and to resist buoyancy forces due to ground water when empty. (Ord 05-05; Rev 05-02-05)

21.7906: WALK AREAS

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Unobstructed walk areas not less than thirty six (36) inches wide shall be provided to extend entirely around any swimming pool for which a permit is required. The walk area shall be constructed of impervious material, and the surface shall be smooth and easily cleaned and of nonslip construction. The slope of the walks shall have a pitch of at least one-fourth (1/4) inch to the foot away from the pool. (Ord 05-05; Rev 05-02-05)

21.7907: FENCES/BARRIERS

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All outdoor swimming pools for which a permit is required ~~shall be completely enclosed by a fence and access gates in accordance with Chapter 21.61 and the additional requirements as described. All fence openings or points of entry into pool area enclosure shall be equipped with gates.~~ The fence and gates shall be ~~six not be less than 48 inches (4') above grade if a powered safety cover that complies with ASTM F1346 is installed; If a powered safety cover as described is not installed, the fence and gates shall not be less than six (6') feet in height. above grade~~ (6) feet in height above the grade level and ~~Openings in the fence shall not allow passage of a 4-inch-diameter sphere shall be constructed of a minimum number nine (9) gauge woven wire mesh corrosion resistant material, or non-climbable wooden fence.~~ All gates shall be equipped with ~~self-closing~~ self-closing and ~~self-latching~~ self-latching devices placed not less than 3 inches below the top of the gates ~~and shall be equipped to accommodate a locking device. Fence posts shall be decay or corrosion resistant and shall be set in concrete bases.~~ (Ord 05-05; Rev 05-02-05)

~~If no locking pool cover than a six foot fence is required.~~

21.7908: STEPS OR LADDERS

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Two or more means of egress in the form of steps or ladders shall be provided for all swimming pools for which a permit is required. At least one such means of egress shall be located on a side of the pool at both the deep end and the shallow end of the pool. Treads of steps and ladders shall be constructed of nonslip material and at least three (3) inches wide for their full length. Steps and ladders shall have a handrail on both sides. No steps shall be permitted in the deep end. (Ord 05-05; Rev 05-02-05)

21.7909: WATER SUPPLY

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No source of water other than that secured from the City Water Works distribution system shall be used in any swimming pool.

1. Pools shall be equipped with suitable facilities for adding make-up water as needed. There shall be no physical connection between the water supply line and the pool system. If the make-up water is added directly to the pool, the outlet shall be at least six (6) inches above the upper rim of the pool. If the make-up water line discharges to a surge or balancing tank, the point of discharge shall be at least six (6) inches above the rim of the tank. If a hose connection from a sill cock or other plumbing fixture is to be used for supplying make-up water, then an approved vacuum breaker shall be installed between the sill cock or control valve at the fixtures and the hose connection. The vacuum breaker shall be installed at a height not less than seven (7) feet six (6) inches above the floor, platform or ground upon which a person would stand when operating the sill cock or control valve. Maximum size of the fill pipe shall be two (2) inches.
2. The system supplying recirculated water and make-up water to the pool shall be constructed in conformance with the ordinances regulating plumbing. (Ord 05-05; Rev 05-02-05)

21.7910: OUTLETS

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All pools shall be equipped with facilities for completely emptying the pool and the discharge of pool water either onto the lawn area or into the sanitary sewer; however, discharge to the storm sewer is prohibited. There shall be an air break between the pool drain and the service sewer line. Every swimming pool for which a permit is required shall have a recirculating system with an hourly capacity equal to the pool volume divided by eight (8). (Ord 05-05; Rev 05-02-05)

21.7911: ELECTRICAL REQUIREMENTS

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All electrical installations provided for, installed and used in conjunction with private residential swimming pools shall be in conformance with Title 9 of this ordinance. (Ord 05-05; Rev 05-02-05)

21.7912: SAFETY PRECAUTIONS[\(back to Chapter contents\)](#)

Every swimming pool for which a permit is required shall be equipped with one or more throwing ring buoys not more than fifteen (15) inches in diameter and having sixty (60) feet of three-eighths (3/8) inch Manilla line or its equivalent, attached, and one or more light but strong poles with blunted ends and not less than twelve (12) feet in length for making reach assists or rescues. (Ord 05-05; Rev 05-02-05)

21.7913: COMMERCIAL POOLS[\(back to Chapter contents\)](#)

The design of any commercial pool for public use must be submitted to the State Department of Health of the State of South Dakota for approval. After obtaining written approval from said State Department of Health, an application for permit may be submitted to the Building Official of the City of Watertown, South Dakota. (D-502) (Ord 05-05; Rev 05-02-05)

ORDINANCE NO. 25-06

AN ORDINANCE AMENDING CHAPTER 21.79 SWIMMING POOLS OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

WHEREAS, The City of Watertown amends the provisions related to Swimming Pools of Title 21 Zoning Ordinance.

BE IT RECOMMENDED by the Planning Commission of City of Watertown, South Dakota Chapter 21.79 Swimming Pools of the Revised Ordinances of the City of Watertown be amended as follows:

Chapter 21.79 SWIMMING POOLS

Section

[\(back to Title contents\)](#)

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21.7902: PERMIT REQUIRED

[\(back to Chapter contents\)](#)

A Swimming Pool Permit shall be obtained for the construction of a swimming pool that is permanent, either in ground or above ground that will remain on the property for more than six (6) months. A permit is not required for:

1. Pools that are seasonal, remain on the property for less than (6) months
2. Hot tubs or spas

21.7907: BARRIERS

[\(back to Chapter contents\)](#)

All outdoor swimming pools for which a permit is required shall be completely enclosed by a fence and access gates in accordance with Chapter 21.61 and the additional requirements as described: The fence and gates shall be not be less than 48 inches (4') above grade if a powered safety cover that complies with ASTM F1346 is installed; If a powered safety cover is not installed, the fence and gates shall not be less than six (6') feet in height. Openings in the fence shall not allow passage of a 4-inch-diameter sphere. All gates shall be equipped with self-closing and self-latching devices placed not less than 3 inches below the top of the gates and shall be equipped to accommodate a locking device. (Ord 05-05; Rev 05-02-05)