

ORDINANCE NO. 475

AN ORDINANCE OF THE CITY OF PONCA, DIXON COUNTY, NEBRASKA TO ESTABLISH RULES AND REGULATIONS GOVERNING PRIVATE SWIMMING POOLS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF PONCA, NEBRASKA:

Section 1. Installation. It shall be unlawful for any person to construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the city and within its zoning jurisdiction except in accordance with the following regulations of this article.

Section 2. 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.

Swimming Pool means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, and either above or below the ground in which water more than 24 inches in depth is contained and which is used primarily for the purpose of bathing and swimming. Hot tubs which have a cover that is locked or secured in place are exempt.

Section 3. Permit Required. It shall be unlawful for any person to construct, install, enlarge or alter any private swimming pool unless a swimming pool permit has first been obtained from the land use administrator. Applications shall be on forms provided by the land use administrator and shall be accompanied by plans drawn to scale showing the following;

- A. POOL DIMENSIONS
- B. LOCATION AND TYPE OF WASTE DISPOSAL SYSTEM
- C. LOCATION OF POOL ON LOT, DISTANCE FROM LOT LINES, AND DISTANCE FROM STRUCTURE.
- D. FENCING OR LANDSCAPING PLAN, OR A COMBINATION OF BOTH.

Section 4. Construction Requirements. No swimming pool shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by zoning ordinance for permitted accessory building uses, and in no case shall the water line of any pool be less than four feet from any lot line.

No direct or indirect connection shall be made to the City of Ponca sanitary sewer system.

Section 5. Fence. Swimming pools within the scope of this section or not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool and shall be not less than 48 inches in height, so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices for keeping the gate or door securely closed at all times when not in actual use.

Aboveground pools with self-providing fencing to prevent unguarded entry will be allowed without separate additional fencing, provided the self-providing fence is a minimum of 24 inches in height. A side wall of a pool shall not be considered a barrier on its own.

Permanent access from the grade to aboveground pools having stationary ladders, stairs or ramps shall have not less than equal safeguard fencing and gates.

No fence shall be located, erected, constructed or maintained closer to a pool than 3 feet unless a self-providing fence is being used.

The wall of a house or building facing a pool may be incorporated as a portion of such fence, providing that doors and other such openings are designed to be self-closing and self-latching.

Section 6. Electrical Requirements. All electrical installations provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and city ordinances regulating electrical installations.

If overhead floodlights or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.

Section 7. Adverse Impact Prohibited. No swimming pool shall be so operated or maintained as to create a nuisance, a hazard, an eyesore or otherwise to result in a substantial adverse effect on neighboring properties, or to be in any way detrimental to public health, safety and welfare.

Section 8. Maintenance. A swimming pool shall be maintained in a sanitary manner. The health board or other authorized city personnel may inspect or cause to be inspected each private swimming pool maintained in the city.

Section 9. Penalty. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of up to \$500 for each violation. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

Section 10. All ordinances and sections thereof in conflict herewith are hereby repealed.

Section 11. This Ordinance shall be in full force and take effect from and after its passage, approval, and publication or posting according to law.

Passed and approved this _____ day of _____, 2024.

CITY OF PONCA, NEBRASKA

DJ Smith, Mayor

ATTEST:

Jaime Schweers, City Clerk-Finance Director

(SEAL)