

ORDINANCE NO. 051-2021

**An Ordinance Amending Appendix B of the
Municipal Code of Effingham, Illinois**

Amending Article 1 – Definitions and Article 5 – Swimming Pool Regulations

WHEREAS, the City of Effingham, Illinois, exercises zoning authority pursuant to Appendix B of the Municipal Code of Effingham, Illinois, pursuant to 65 ILCS 5/11-13-1; and,

WHEREAS, the City of Effingham, Illinois, is authorized to impose appropriate conditions and safeguards to protect the Comprehensive Plan of the City of Effingham, Illinois, to conserve and protect property and property values pursuant to 65 ILCS 5/11-13-1.1; and,

WHEREAS, the City of Effingham Plan Commission held a public hearing on September 14, 2021 after publication of due notice with regard to a text amendment to Article 1 and Article 5 of Appendix B of the Municipal Code of Effingham, Illinois; and,

WHEREAS, the City of Effingham Plan Commission, after proper public hearing and due consideration, has recommended that the City Council of the City of Effingham, Illinois, amend Article 1 and Article 5 of Appendix B of the Municipal Code of Effingham, Illinois with regard to swimming pool regulations; and,

WHEREAS, the City Council of the City of Effingham, Illinois, after careful investigation and upon recommendation of the City of Effingham Plan Commission believes it necessary to amend Article 1 and Article 5 of Appendix B of the Municipal Code of Effingham, Illinois with regard to swimming pool regulations, as recommended by the City of Effingham Plan Commission; and,

WHEREAS, the City Council of the City of Effingham, Illinois, after careful investigation and consideration of the advice and recommendation of the City of Effingham Plan Commission, hereby deems it to be in the best interest of the citizens of the City of Effingham, and in order to conserve the health, safety and welfare of the City of Effingham, finds that it is reasonable and necessary to amend said Appendix B of the Municipal Code of the City of Effingham, Illinois, as provided for herein.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF EFFINGHAM, ILLINOIS, THAT:

SECTION I: The City Council of the City of Effingham, Illinois, hereby adopts the findings made in the prefatory portion of this Ordinance.

SECTION II: Article 1 of Appendix B of the Municipal Code of Effingham, Illinois, is hereby amended to add the following definition:

1-119. Safety Cover: A structure, fabric or assembly, along with attendant appurtenances and anchoring mechanisms, that is temporarily placed or installed over an entire swimming pool, spa or hot tub and secured in place when not occupied.

1-120. Swimming Pool: Any artificial structure designed for filling with water for the purpose of swimming, wading and other leisure activities that is deeper than 18" and is designed and intended to hold water for an extended period such that the structure is equipped with filtration and/or circulation equipment.

SECTION III: Paragraph J of Section 5.3 in Article 5 of Appendix B of the Municipal Code of Effingham, Illinois, currently states the following and is hereby deleted in its entirety:

- J. Swimming pools (above or inground) may occupy part or all of a rear yard but shall not be closer than six (6) feet to any lot line. Swimming pool aprons shall be enclosed by a fence with a minimum height of four (4) feet. Razor wire, barb wire, electric, snow fencing, plywood, t-posts or other temporary fence materials are not allowed.

SECTION IV: Paragraph J of Section 5.3 in Article 5 of Appendix B of the Municipal Code of Effingham, Illinois, is hereby replaced with the following:

- J. Swimming pools (above or inground) require a building permit and may occupy part or all of a rear yard but shall not be closer than six (6) feet to any lot line. Swimming pools shall be completely enclosed by a fence or other solid permanent barrier (natural or manmade) with a minimum height of four (4) feet. Razor wire, barb wire, electric, snow fencing, plywood, t-posts or other temporary fence materials are not allowed. Fence enclosures shall have self-closing, self-latching gates when gates are provided. A fence enclosure is not required if any of the following alternate means of safety protection are utilized. Failure to properly utilize and maintain any safety feature related to a swimming pool is considered a violation of this ordinance:
 - (1) Above ground swimming pools with rigid sides placed so that the top of the wall is not less than 48 inches above ground level, an apron or deck for the entire perimeter of the swimming pool and the manufacturer allows the wall to serve as a barrier may be protected with a safety ladder as listed below. A safety ladder shall be labeled as listed below and at all times shall be properly maintained and used as provided by the manufacturer's recommendations:
 - (a) Type A double access A-frame ladder with the following permanently posted on the ladder. "REMOVE AND SECURE LADDER WHEN POOL IS NOT OCCUPIED".

- (b) Type B limited access A-frame ladder with the following permanently posted on the ladder. "SECURE LADDER WHEN POOL IS NOT OCCUPIED".
 - (c) Type B limited access A-frame ladder that utilizes a swing-up or slide-up section for limiting access to the pool with the appropriate language permanently posted on the ladder. "WHEN POOL IS NOT OCCUPIED, SWING UP AND SECURE", "WHEN POOL IS NOT OCCUPIED, LIFT OFF" or "WHEN POOL IS NOT OCCUPIED, SLIDE UP AND SECURE".
- (2) Swimming pools may be protected with a powered *safety cover* that complies with ASTM F 1346.
- (3) A spa or hot tub shall have a safety cover secured in place when not in use.

SECTION V: The City Clerk is hereby instructed to publish this Ordinance in pamphlet form.

Placed on file this 14th day of September, 2021.


Presented, passed and approved this 21st day of September, 2021.

Published in pamphlet form this 23rd day of September, 2021.


Mayor Schutzbach:	<u>Yea</u>
Commissioner Stephens:	<u>Yea</u>
Commissioner Micenheimer:	<u>Yea</u>
Commissioner Gillenwater:	<u>Yea</u>
Commissioner Moeller:	<u>Absent</u>

YEAS: 4
NAYS: 0
ABSENT: 1

CITY OF EFFINGHAM, ILLINOIS


Michael Schutzbach, Mayor

ATTEST:


Abbey Nosbisch, City Clerk