

**City of Woodbury  
Washington County, Minnesota**

**Ordinance 2054**

**An Ordinance of the City of Woodbury, Washington County, Minnesota providing that the City Code be Amended by Amending Chapter 22 – Swimming Pools, Article II.—Private Swimming Pools.**

THE CITY COUNCIL OF THE CITY OF WOODBURY, WASHINGTON COUNTY, MINNESOTA  
DOES ORDAIN:

**SECTION ONE. Amendment that Chapter 22 – Swimming Pools, Article II.—Private Swimming Pools be amended as follows:**

Sec. 22-16. - Definition.

*Private swimming pool* means any structure that retains over 24 inches of water intended or used for swimming, recreational bathing or wading and includes, but is not limited to, in-ground, above-ground and on-ground pools; hot tubs; spas and fixed in-place wading pools used or intended to be used solely by the owner, lessee or tenant of the underlying property and their family and by friends invited to use it without payment of any fees.

Sec. 22-17. - Permit.

- (a) It shall be unlawful for any person to construct, alter or repair a private swimming pool within the city without first having secured a permit therefor from the building official. An application for this permit shall be made on such form as may be furnished by the city, and shall be accompanied by a swimming pool fence agreement approved by the city and complete plans and specifications for the pool, including the type and location thereof with respect to the boundary lines of the land of the applicant. The applicant shall pay the fees established by resolution for such permit.

*Exceptions:* Swimming pools exempted from permit requirements per the MN State Building Code.

- (b) The building official may revoke any permit for failure to comply with this article. Before a permit is revoked, the pool owner shall have notice in writing listing and describing the instances of failure to comply with this article. The permit shall be reissued upon proper application and upon presentation of evidence that the deficiencies causing revocation have been corrected.

Sec. 22-18. - Compliance with article.

It is unlawful for any person to own or maintain a private swimming pool that does not comply with this article.

Sec. 22-19. - Setback requirements; location generally; drainage generally.

- (a) Private swimming pools shall be located outside of easements, at least ten (10) feet from any side or rear lot line and at least six (6) feet from any principal structure or frost footing. Pools shall be located at least ten (10) feet from any portion of a private sewage system. Pools shall not be located within any required front yard. Pools shall be drained to the storm sewer system unless otherwise authorized by the city.

Exception: When any above-ground pool is 80 square feet or less, and located on a deck or patio adjacent to a principal structure, said pool shall be exempt from the required setback to the principal structure and frost footing if allowed by building code standards. A setback exemption shall also be allowed along a shared side property line of attached dwellings when such a pool is located on a deck or patio adjacent to a principal structure.

- (b) Structures similar to private swimming pools, but 24 inches or less in depth, are intended to be temporary and shall be located at least five (5) feet from property lines, outside of easements, and shall be drained to the storm sewer system unless otherwise authorized by the city.

Sec. 22-20. - Fences.

- (a) All private swimming pools shall be completely 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 either vertical or horizontal direction, except for doors and gates. A dwelling or accessory building may be used as part of such enclosure. An above-ground private swimming pool with a wall of at least four (4) feet in height does not require a fence however, slides, ladders, and/or other apparatus used to access the private swimming pool shall be removed when not in use, or such apparatus shall be equipped with self-closing, self-latching and lockable gate(s) or door(s) at least 4 feet in height, that shall remain secured when not in use. Above ground private swimming pools protected by a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

*Exception:* On lots that are zoned R-1 and R-2, private in ground swimming pools exceeding a 100 foot setback from all property lines may be permitted to utilize a pool cover in lieu of a fence providing the cover:

- (1) Is in compliance with the American Society for Testing and Materials (ASTM) standard F1346; and
  - (2) Is kept in good repair and shall be locking and automatic (not manual).
- (b) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when the private swimming pool is not in use and be provided with hardware for permanent locking devices, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Gates shall be secured when the private swimming pool is not in use.
- (c) When it is necessary to fill a private swimming pool prior to the installation of the required fencing, a barrier e.g., snow fencing may be installed in a substantial manner; with the approval of the building official. The maximum time allowed for such a barrier shall be 30 days unless otherwise approved by the code official.
- (d) Fences must comply with fence ordinance chapter 6, article IV, of this Code.

Sec. 22-21. - Pool covers.

Private swimming pool covers, whether they can be locked or not, do not alone meet public safety requirements unless otherwise provided within Sec. 22-20 (a).

Sec. 22-22. - Polluted water.

- (a) No body of water, whether it be a natural or an artificial body of water in the city, which contains sewage, waste, or other contaminating or polluting ingredients rendering the water hazardous to health shall be used for swimming or bathing by any person or persons.
- (b) Water shall not be allowed to remain in any unused or abandoned pool.
- (c) Water within private swimming pools shall be maintained in a clean, clear and sanitary condition as determined by the city.

Sec. 22-23. - City water supply.

There will be no cross-connections of the city water supply with any other source of water supply for the pool. The line from the city water supply to the pool shall be protected against backflow of polluted water by means of either an air gap, vacuum breaker or other adequate device to prevent back siphonage. All exterior hose bibs shall be protected by anti-siphon vacuum breakers.

Sec. 22- 24. Pool Equipment.

Pool equipment includes pumps, heaters, filters, and the like; and shall be located at least five (5) feet from property lines and outside of easements. Unless otherwise specified within manufacturer's installation requirements, external pool equipment shall be located at least five (5) feet from above ground swimming pools so as not to be used as an access point to the pool.

**SECTION TWO. Effective Date.**

This ordinance shall be in full force and effect following its passage and publication according to law.

Passed and adopted by the City Council of Woodbury, Washington County, Minnesota, this 8<sup>th</sup> day of May, 2024.

ATTEST:

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Anne W. Burt, Mayor

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Clinton P. Gridley, City Administrator

(SEAL)