

**CITY COUNCIL
COMMUNICATION:**

03-489

AGENDA:

OCTOBER 6, 2003

SUBJECT:

ORDINANCE
CHANGES FOR
SWIMMING POOL
REQUIREMENTS

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

LARRY D. HULSE
COMMUNITY
DEVELOPMENT
DIRECTOR

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

SYNOPSIS —

Changes to Section 26-1356(a)(4) of the Des Moines Municipal Code regarding wrought iron style fencing for swimming pool barriers.

FISCAL IMPACT —

None.

RECOMMENDATION —

Approval.

BACKGROUND —

The City of Des Moines presently has specific code language that regulates different style fences that can be used for swimming pool barriers. This section specifically allows wrought iron fencing, which implies the fencing must be made of wrought iron material. The actual wrought iron material fencing is not as prevalent today, and we are finding that there are wrought iron style fencing made of steel, aluminum, and other materials that resemble the style of the old style wrought iron fencing. We believe this style of fencing meets the intent of the ordinance, which is the reason we are suggesting adding "style" to the first part of this paragraph, legitimizing this type of material as an acceptable swimming pool barrier.

In addition, there appears to be a conflict in the ordinance with regards to the horizontal supports of this style of fencing. Presently, the ordinance requires horizontal supports for wrought iron fences to be spaced a minimum of five feet apart (60 inches), the requirement for horizontal supports for wood fences is required to be a minimum of 45 inches apart [Section 26-1356(a)(2)]. We have found that the required spacing of the horizontal supports for the wrought iron style fencing is excessive and allows the vertical rails to flex and create a condition where children can get caught between these rails. We have researched this matter, and we have found that the proposed 45-inch horizontal spacing is consistent with the Iowa Administrative Code [Section 641-15.4(4)I], as well as other recognized national standards regarding swimming pool safety.

