

ORDINANCE NO. 14,284

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing subsection (a) of Section 26-1356 thereof, and enacting a new subsection (a) of Section 26-1356 regarding the required enclosure of swimming pools and water recreational facilities.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, be and is hereby amended by repealing subsection (a) of Section 26-1356 thereof, and enacting a new subsection (a) of Section 26-1356 regarding the required enclosure of swimming pools and water recreational facilities, as follows:

**Sec. 26-1356. Enclosure of facilities.**

(a) *In-ground facilities.* In-ground swimming and water recreational facilities shall be enclosed as follows:

(1) Except for fill and drain wading pools, swimming pools, spas and other related facilities shall be protected by a fence, wall, building, enclosure or solid wall made of durable material not less than five feet high having a maximum vertical clearance to grade of two inches.

(2) Vertical board fences shall have a maximum edge to edge spacing of three-fourths of an inch between the boards. Horizontal nailing boards on rails shall be 45 inches apart. When boards are placed in other than a vertical position, there shall be no space between them.

(3) Chainlink fences shall have a maximum opening between the links of  $2 \frac{3}{8}$  inches as measured diagonally. Support posts shall be firmly implanted in the ground and shall be spaced not more than ten feet apart.

(4) Wrought iron style fencing shall have a maximum spacing of four inches between the vertical rails and a minimum spacing of 45 inches between the horizontal rails. No ornamental devices shall be placed between the vertical rails that could act as a foothold.

(5) Access gates shall comply with the requirements of subsections (a)(1), (2), (3), and (4) of this section and shall be self-closing and shall have a self-latching device located on the facility side of the gate. Secondary access gates need not be self-closing and self-latching if they are kept locked.

(6) All horizontal supports shall be on the pool side of the barriers. Barriers shall be constructed so as not to provide external footholds.

(7) For purposes of this section, and after the effective date of the ordinance from which this section derives, no part of a facility shall be constructed within four feet of a property line, other wall, other fence, or other structure.

(8) All required elements of a swimming pool enclosure shall be completed and the enclosure approved by the city at the point in time that a swimming pool receptacle shall be capable of holding 18 inches of water or more. If the owner or occupant of the property fails to adequately complete the pool enclosure at such time, the pool receptacle shall be dismantled or rendered incapable of holding water if an aboveground pool or completely drained and covered if an

in-ground pool. The pool receptacle shall not be made capable of holding water and shall remain covered if so ordered until such time as the enclosure is approved by the city.

(9) All facilities with indoor pools and spas which have a secured entry to the facility shall be considered to have met the requirements of subsections (a)(1) through (8) of this section.

(10) In the absence of an imminent hazard, the environmental health officer may grant an extension of time for compliance with this subsection.

(11) All facility enclosures which were in use and which were legally acceptable prior to the effective date of the ordinance from which this section derives shall continue to be deemed as acceptable; provided, however, that no alterations or changes can be made which would diminish the level of protection afforded by the fence or barrier.

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Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston Daniels, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 03-2419), passed by the City Council of said City at a meeting held October 20, 2003 signed by the Mayor on October 20, 2003 and

published as provided by law in the Business Record on November 3, 2003 Authorized by  
Publication Order No. 3891.

Diane Rauh, City Clerk