

Private Outdoor Swimming Pools

1. A single private outdoor swimming pool is permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the residential structure or their guests. Such a pool may not be located within the required rear or side yards of the district in which the pool is to be located, except that any walk, fence, slide, deck or accessory pool appurtenances surrounding the body of water may extend not more than three (3) feet into any required side or rear yard.
2. At a minimum, all in-ground pools shall be surrounded and enclosed by a four-foot-high fence structurally suitable to prevent direct access to the body of water in the pool. Such a fence shall not have openings, holes or gaps therein larger than four inches in width, or, if larger than four inches in width, no larger than four inches in length except for doors or gates; provided, however, that if a picket fence is erected or maintained, the horizontal dimensions shall not exceed four inches. A dwelling house or accessory building may be used as a part of such a fence.
3. Fences shall be constructed of weather-resistant materials and shall be assembled or fabricated with sufficient rigidity to prevent any substantial alteration or deformation of the lawful openings, holes or gaps. Fences surrounding in-ground pools shall be anchored using concrete pilings installed below the frost line.
4. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings which forms any part of the enclosure hereinabove required need not be so equipped.
5. The sides of a pool constructed above ground level shall be considered to meet the requirements for a fence preventing direct access to the pool, provided that such side of the pool is at least four feet high, and provided further that any stairs, steps or ladders used to reach the water surface of the pool are removable or capable of being folded up or secured in a way which would prevent their use when the pool is not in operation by the residents of the property or their guests. Sides of above-ground pools that are less than four feet above ground level shall be fenced in accordance with this section.
6. A privacy fence may be constructed to surround and enclose a pool constructed above the ground level; provided, however, that the height of any such fence shall not be greater than 4 1/2 feet, measured from the top of the side of the pool to the top of the fence.
7. The fencing provisions of this Section shall not be limited or affected by the general fencing requirements set forth herein; provided, however, that fencing existing on the perimeter of a property may be substituted to comply with the fencing requirements of this section where its proximity to the pool satisfies the purpose and intent of the fencing requirements contained in this section.
8. For purposes of this Section a "swimming pool" shall mean any above ground, below ground, temporary or collapsible structure more than two (2) feet in height, and/or capable of holding more than 5000 gallons water for swimming, play or other recreational purposes. A "structure" less than two (2) feet in height and/or capable of holding less than 5000 gallons of water shall not be a "swimming pool" for purposes of this section.