

Ordinance No. 706

AN ORDINANCE OF THE CITY OF RANDOLPH, NEBRASKA, AMENDING THE ZONING REGULATIONS CONTAINED IN ARTICLE 8, SECTION 8.6 OF THE RANDOLPH, NEBRASKA ZONING ORDINANCES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF RANDOLPH, CEDAR COUNTY, NEBRASKA:

- A. Upon recommendation of the City of Randolph (the "City") Planning Commission and its findings of fact, the Mayor and City Council hereby find and determine that it is necessary and desirable to amend the swimming pool regulations, all as previously set forth in Article 8, Section 8.6 titled "SWIMMING POOLS/PUBLIC AND PRIVATE", Randolph, Nebraska Zoning Ordinances.
- B. The Planning Commission findings of fact are: that the amendment is consistent with the Planning Commission recommendation after discussion at their public meeting and posting notice of the same; that the amendment is consistent with the City Comprehensive Plan and the current and future land use of the City.
- C. That Article 8, Section 8.6 of the Randolph, Nebraska Zoning Ordinances is hereby amended as follows:

8.6 SWIMMING POOLS/PUBLIC AND PRIVATE

All "above" or "in" ground swimming pools 24" of depth and greater constructed within the zoning jurisdiction shall meet the following standards:

1. Be located at least five (5) feet from the nearest property line.
 - The walls of a private, residential or family swimming pool shall be located at least five feet from any lot line.
2. All pools will be registered at City Hall, before the initial work is commenced on the construction of a private, residential or family pool, an application for a permit from the City of Randolph is required. In ground pool construction plans shall be accompanied by one set of construction drawings, one plot plan and one surveyor certificate for examination and approval in accordance with the provisions of this Code.
 - The in ground construction drawings and permit for a private, residential or family pool shall be approved by the City Council before the applicable permits shall be issued by the permits and inspections division.
3. The City of Randolph is hereby authorized to promulgate rules and

regulations for the operation and maintenance of private, residential or family pools for the protection and promotion of public health and safety.

4. Every in-ground or below grade outdoor private, residential or family pool shall be completely surrounded by a fence or wall not less than five feet seven inches in height.
 - All fence openings for both in-ground and above ground pools shall not allow passage of 4 inch diameter sphere. Above ground and/or on-ground pools shall have a minimum 48 inch high fence.
 - A dwelling or accessory building may be used as part of such enclosure.
 - Fences must comply with section Zoning Ordinance 8.3 Fences.
5. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device located at least 45 inches above grade level for keeping the gate or door securely closed at all times.
6. Where a wall of the house serves as part of the enclosure barrier, either all doors including sliding doors with direct access to the pool shall be equipped with an approved automatically resetting audible alarm, or doors shall be self-closing and self-latching with the release mechanism for the latch installed 54 inches minimum above the threshold, or the pool shall be equipped with an approved power safety cover. This requirement shall be limited to in-ground swimming pools and/or pools set into a deck and that have no other existing barrier.
7. The pool structure may be acceptable as a barrier, provided the 48 inch minimum height requirement is met, or if the barrier is mounted and sturdy on top of the pool structure. A removable ladder shall not constitute an acceptable alternative to barrier requirements. When the pool structure qualifies as the barrier, the ladder access area shall be enclosed with an approved minimum 48 inch high fence with self-closing and self-latching gate or door. The self-latching device shall be located at least 45 inches above grade level for keeping the gate or door securely closed at all times.
8. The provisions of this section shall be applicable to all outdoor family pools, which have a depth of 24 inches of water or greater:

- Depth shall be measured from the pool bottom to the point of overflow of the pool rim.
- No person in possession of land within the city limits, either as owner, purchaser, lessee, tenant or licensee, upon which is situated a family pool having a depth of 24 inches or greater, shall fail to provide and maintain such fence or wall as herein provided.
- Private, residential or family spas shall have a safety cover complying with ASTM F 1346 and shall be covered at all times when not in use.

9. Drainage of said swimming pool must not be onto adjoining property. There shall be no drainage of said swimming pool into the sanitary sewer of the City.

10. Drainage may be permitted into the storm sewer provided the chemicals contained in said swimming pool are first diluted.

11. All chemicals for said swimming pool must be stored in a secure area.

12. The carrying on of any commercial undertakings at a private, residential or family pool entailing sales of food, drinks, novelties or other merchandise is hereby prohibited.

13. Recommended Safety of Bathers:

- All reasonable precautions shall be taken to protect the users and bathers in private, residential or family swimming pools from injury or accident. Convenient means of ingress and egress shall be provided and the depth of water and any irregularities of the bottom shall be clearly indicated. Safety appliances such as life buoys, life hooks, ropes and first-aid kits, are recommended and should be readily accessible.

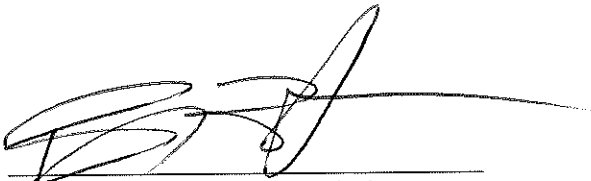
14. Any associated fees will follow the current Ordinance Fee Schedule.

D. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

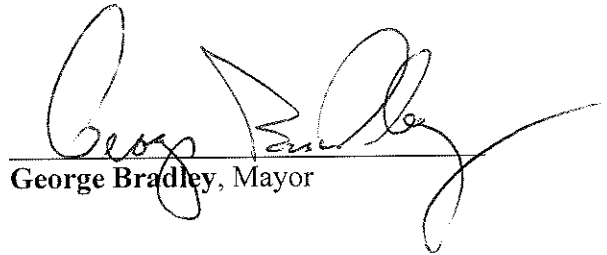
E. The City Clerk of the City of Randolph is hereby ordered and directed to cause this Ordinance to be published in pamphlet or book form.

F. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED, APPROVED, AND ADOPTED by the City Council and the Mayor of the City of Randolph, Cedar County, Nebraska at their regular meeting held on the 12th day of August, 2020.



Benjamin Benton, City Clerk



George Bradley, Mayor