



TO: The Honorable Mayor and City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: August 31, 2021

SUBJECT: Amend City of East Peoria Building Regulations to allow automatic pool covers as an alternative to the required fence for in-ground pools.

BACKGROUND: Staff has been approached for a code change as it relates to fencing around in-ground pools. As it currently exists, our building regulations require at least a 5' tall fence that's around the entire pool. A request has been submitted by a resident for an automatic pool cover which can accommodate at least 485lbs in lieu of the required fence. At present, Tazewell County is considering such an exception. Based upon that proposed code change, along with a minimum parcel size (which we have used for wineries, horses, etc.), staff presents the following for your consideration.

Proposal:

Amend 4-9-9 to allow automatic pool covers as an alternative to the required fences if they meet the following requirements:

- Comply with ASTM F 1346-91
- The property is not within a platted subdivision or is greater than 5 acres
- The pool is at least 600' or greater from the closest residential dwelling (other than the Owners)
- Most requirements (other than parcel size) are consistent with proposed Tazewell County Code change (to be considered by their ZBA on Sept 8th)
- The review of such requests will be conducted by both inspections staff (to confirm the standard for the cover is met) and zoning staff (to ensure the property meets the requirements for size/platting and distance from other dwellings).

RECOMMENDATION: Approval, as presented.

ORDINANCE NO. 4589

**AN ORDINANCE AMENDING THE SWIMMING POOL REGULATIONS
OF THE EAST PEORIA CITY CODE**

WHEREAS, the City of East Peoria has proposed amendments to the swimming pool regulations found at Title 4, Chapter 9 of the East Peoria City Code which proposed amendments are hereinafter set forth; and

WHEREAS, the City Council finds that adoption of the proposed amendments to the swimming pool regulations found at Title 4, Chapter 9 of the City Code would serve the best interests of the City of East Peoria and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. Title 4, Chapter 9, Section 9 of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline, deletions by ~~strikeout~~):

4-9-9. Design and construction requirements.

In addition to such requirements as may be reasonably imposed by the director of city inspections, he shall not issue any permit as required by this chapter unless the following design and construction requirements are to be observed in such work, and all pools shall be constructed and maintained in conformity with the following requirements:

- (a) *Material.* The material used for lining pools shall be one which is light in color, is impervious and will provide a tank with smooth and easily cleaned surfaces. Unlined sand or dirt bottoms are prohibited.
- (b) *Steps or ladders.* At least one means of egress in the form of steps or ladders shall be provided for all private residence swimming pools. Steps or ladders shall be equipped with a handrail.
- (c) *Walk area:*
 - (1) There shall be an unobstructed walk area not less than thirty six (36) inches wide to extend entirely around the pool. It is recommended but not required that the walk area shall be constructed of impervious material and the surfaces shall be smooth and easily cleaned and of nonslip construction. The slope of the paved walk shall have a pitch of at least one-fourth inch per foot,

designed to prevent back drainage from entering the pool.

- (2) Where an impervious walk area as described under subparagraph 1 is not installed, then the slope away from the edge of the pool shall be at least one inch per foot for a distance of not less than three (3) feet.

(d) Fences. Except as otherwise specifically provided in this section, a fence or wall shall be installed and maintained to completely surround the pool. The fence or walls shall be an effective barrier to small children and be at least five (5) feet high. The fence or wall shall be constructed with continuous footings or imbedded into the earth to a depth of at least six (6) inches or otherwise constructed so as to prevent burrowing under the fence by small children or animals. Fence framing and braces shall be on the inside of the pool enclosure to eliminate external handholds or footholds for small children. Open horizontal board fencing shall not be used. There shall be no fixed objects, tree limbs, etc., adjacent to the outside of a fence that may be used by a child to get over the top of the fence. Gates shall be locked when the pool is not in use. The fencing material shall be of sufficient strength and thickness to resist lateral pressures by children, youngsters, snow, etc. (Fencing when required by this ordinance shall be approved by the city Inspector as appropriate for a pool fence prior to installation.)

(e) Pool Covers. A pool cover is permitted for a completely below the ground pool in lieu of the fencing requirements set forth in this section only when the following conditions have been met:

- (1) The pool cover meets the design, installation, and performance standards of ASTM F1346-91, as amended and updated from time to time.
- (2) The property upon which the swimming pool is located must be greater than five (5) acres in size or not within a platted subdivision.
- (3) The pool must be located no less the 600 feet from the nearest residential dwelling on neighboring or nearby property.

(4) The pool cover shall be approved by the city inspector as appropriate for the pool and the pool's location prior to installation.

(f) Pools shall be equipped with facilities for completely emptying the pool.

(gf) *Inlets and outlets.* Swimming pool water recirculation system inlets shall be located so as to produce so far as possible uniform circulation of water throughout the pool without the existence of dead spots and to carry pool bottom deposits to the outlets.

(hg) All swimming pools must be equipped with an adequate filtration system which meets with the minimum standards as outlined below.

Section 2. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 3. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2021.

APPROVED:

ATTEST:

Mayor

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel