

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS

ORDINANCE #2023-11

"An Ordinance Regulating Swimming Pools and Hot Tubs"

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS
13th DAY OF September 2023

Published in pamphlet form by authority of the Village Board of the Village of Hammond, Piatt
County, Illinois, this 13th day of September 2023

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS
ORDINANCE #2023-11

Be it ordained, by the Village President and the Board of Trustees of the Village of Hammond, Piatt County, Illinois, as follows:

Section 1: *Regulation:* It shall be unlawful for any person to construct, maintain, install, or enlarge any private swimming pool or private hot tub in the Village of Hammond, except in compliance with the provisions of this Ordinance.

Section 2: *Definition:* The terms "private swimming pool" and "private hot tub" are hereby defined for the purposes of this Ordinance as any privately owned artificial basin, pool, or hot tub of water used for swimming, wading, etc. located on private residential property and intended for the use of the owner thereof, the occupant thereof, and/or their guests.

Section 3: *Yard location:* No portion of any swimming pool or hot tub outside of a building shall be located at a distance of less than five feet from any side or rear property line or any building line, and shall be at least 10 (ten) feet or more from your house. This is for both above and inground pools. Any swimming pool or hot tub located in the front yard of a property must comply with the same set back lines as would apply to a house constructed on said lot. Make sure overhead electrical lines do not pass over the pool. Power lines should be at least 25 feet away from the pool in all directions. Allow a minimum clearance in any direction of at least 18 feet between overhead power lines and a diving board, deck, platform, slide, or observation area. ***According to the National Electric Code, pools under power lines must have at least 22 ½ feet of clearance from the water to the line to avoid electrical hazards. Some companies will not install pools under power lines at all depending on the location. *** DO NOT FORGET TO CALL JULIE AT 811 BEFORE YOU DIG!

Section 4: *Permit requirement:* It shall be unlawful to proceed with the construction, installment, or enlargement or alteration of any private swimming pool or hot tub and appurtenances thereto, unless a permit therefore shall have first been obtained from the Village Building Inspector, along with a \$10.00 permit fee.

No swimming pool covered by the Ordinance shall be filled with water or used until a permit has been issued by the building inspector. No permit shall be issued until the fencing is completed.

ALL swimming pools, permanent and seasonal, and ALL hot tubs are subject to inspection by the Village Building Inspector. If all criteria for such is not met, the Building Inspector cannot issue a permit until everything is in compliance with this Ordinance.

Section 5: *Applications and plans:*

1) All applications for new swimming pool and hot tub permits shall be made to the Village Building Inspector and shall be accompanied by drawings and plans showing the proposed

construction, installation, enlargement, or alteration of any swimming pool or hot tub appurtenances.

2) All plans and drawings shall be drawn to scale and shall accurately depict the size and dimensions of the pool or hot tub and volume of water in gallons, the lot lines, fence construction, and location for the pool or hot tub, drainage and water disposal provisions, and the geographical relationship of the pool to the home. The plans shall describe the type of materials to be used in the pool or hot tub and fencing. Fencing and landscape plan, or a combination thereof.

3) All swimming pools or hot tubs and appurtenances, water supply, and drainage systems shall be constructed in conformity with the plans submitted to the Village Building Inspector. 4) Upon the denial of any application for the permit by the Village Building Inspector, an appeal may be made to the Village Board, which shall have the authority to grant or deny the application, as it deems appropriate.

Section 6: *Construction Requirements:*

No pool shall be located, erected, constructed, or maintained closer to any side or rear lot line than allowed by zoning ordinance for permitted accessory building uses, and in no case shall the water line of any pool be less than four feet (4') from any lot line.

No direct connection shall be made to the sanitary sewer or septic system.

Section 7: *Fences:* Pools within the scope of this Section or not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool and shall not be less than four feet (4') in height, so constructed as not to have voids, holes, or openings larger than four inches (4") in one dimension. Gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

Above ground pools with self-provided fencing to prevent unguarded entry will be allowed without separate additional fencing, providing the self-providing fence is of minimum required height and design as heretofore specified.

The Consumer Product Safety Commission recommends surrounding all pool areas with childproof fencing and gates, and that goes for above-ground pools, too. Above-ground pools have elevated edges that toddlers can't reach, but stairs and ramps that provide access to the pool's surface should be secured with gates and childproof locks. All states require that a fence be installed around a pool to protect against accidental drowning.

Permanent access from grade to above ground pools having stationary ladders, stairs, or ramps shall have not less than equal safeguard fencing and gates.

Location of fencing required shall be subject to all other applicable ordinances.

No fence shall be located, erected, constructed, or maintained closer to a pool than three feet (3’).

All outdoor swimming pools shall be completely enclosed by a fence. All fence openings or points of entry into the pool area shall be equipped with gates. Such fences and gates shall be at least four (4) feet in height above the grade level and shall be constructed of a decay or corrosion resistant, non-flexible material which allows entry to pool area only through a gated entry. The fence must be constructed in a manner which does not allow entry to pool area through a fence, but only through a gate. All gates must be equipped with a lock. A fence surrounding a yard in which a swimming pool is located shall satisfy the provisions of this Section as long as it is of the height required herein and all openings in said fence are equipped with gates and locks. Such yard fences will be deemed sufficient if they attach to the house or other building located on the lot, and it shall not be necessary that the fence be extended to cover an area occupied by a building. Above ground hot tubs and spas must have a lockable safety cover that complies with the American Society for Testing and Materials (ASTM) F1346, and should be labeled as such.

A pool with no fence or barrier could be considered an “attractive nuisance”, meaning something that might attract people, especially children, onto a property without permission to be there. This means you could be liable for injuries to trespassers if you have no fence or an ineffective fence.

Section 8: *Electrical Requirements:* All electrical installations provided for, installed, and used in conjunction with a private swimming pool shall be in conformance with the State laws and Village ordinances regulating electric installations.

If overhead flood or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.

Section 9: *Drainage:* Water drained from any residential swimming pool or hot tub covered by this Ordinance shall be drained into the Village sanitary sewer system only.

Section 10: *Adjustment:* A one-time adjustment per calendar year may be made to the sewer charge upon completion of filling pool or hot tub. You must notify the Village Clerk when you are filling your pool and/or hot tub to receive your adjustment.

Section 11: *Other regulations:* No pool shall be so operated or maintained as to create a nuisance, a hazard, an eyesore, or otherwise to result in a substantial adverse effect on neighboring properties, or to be in any other way detrimental to public health, safety, and welfare.

Section 12: *Compliance:* You have seven (7) days in which to comply with this ordinance. There will be no exception to this due to the life-threatening possibilities a pool represents.

Section 13: *Penalty:*

- 1st Offense: \$180.00
- 2nd Offense-committed within 12 months of any prior offense: \$330.00
- 3rd Offense-committed within 12 months of any prior offense: \$580.00

Notice shall be deemed to be properly served by:

- a. Depositing the notice in U.S. mail, prepaid first-class postage regardless of whether the addressee accepts or refuses delivery; or
- b. Personal service; or
- c. Posting of notice upon property.

The Village may take such other action as it deems appropriate in accordance with the law to enforce the provisions of this Ordinance. Seeking to enjoin the continuation of the nuisance by the filing of a lawsuit in a court of competent jurisdiction.

Section 14: *Severability:* Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and affect.

Section 15: *Effective date:* This Ordinance shall be in full force and affect from and after its passage and approval. Any and all prior Ordinances not in conformity are hereby revoked and declared to be null and void.

Passed by the Board of Trustees of the Village of Hammond, Piatt County, Illinois, this 13th day of September 2023, by the following roll call vote:

AYES: 5

NAYS: 0

ABSENT: 0

Approved by the President of the Board of Trustees of the Village of Hammond, this 13th day of September 2023.

Marsha Burgener
President, Board of Trustees
Village of Hammond, Piatt County, Illinois

ATTEST:

Brenda Sebens
Village Clerk, Village of Hammond
Piatt County, Illinois

State of Illinois)
) ss.
County of Piatt)
Certificate of Publication)

I, Brenda Sebens, certify that I am the duly appointed and acting Municipal Clerk of the Village of Hammond, Piatt County, Illinois.

I further certify that on September 13, 2023, the Corporate Authorities of such municipality passed and approved Ordinance #2023-11, entitled "An Ordinance Regulating Swimming Pools and Hot Tubs", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance #2023-11, including the Ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building commencing on September 14, 2023 and continuing for at least 10 (ten) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Hammond, Illinois, this 13th day of September, 2023.

(SEAL)

Brenda Sebens
Municipal Clerk