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## LINCOLN MUNICIPAL CODE

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### TITLE 8 HEALTH AND SANITATION

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#### Chapter 8.36 FAMILY SWIMMING POOLS, BASKETBALL COURTS, AND TENNIS COURTS

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##### 8.36.010 Definitions.

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For purposes of this chapter, the following words shall have the following meanings:

**Family swimming pool** (Pool) shall mean a swimming pool, spa, hot tub, whirlpool, or similar installation used or intended to be used solely by the owner, operator, or lessee thereof and their family and friends invited to use it without payment of any **fee**.

**Fence** shall mean a barrier that meets ASTM F1908-08.

**Safety Cover** shall mean a cover certified, listed, and labeled to ASTM International (ASTM) F1346-91 by an American National Standards Institute (ANSI) accredited certification organization which when fully closed covers the entire surface area of the Pool.

**Tennis court** shall mean any area designed, constructed, modified, or used for the purpose of engaging in tennis and used or intended to be used solely by the owner, operator, or lessee thereof and their family and friends invited to use it without payment of any **fee**.

**Basketball court** shall mean any area designed, constructed, modified, or used for the purpose of engaging in basketball, and used or intended to be used solely by the owner, operator, or lessee thereof and their family and friends invited to use it without payment of any **fee**.

(Ord. 21429 §1; March 27, 2023; Ord. 15564 §1; May 14, 1990; P.C. §8.66.010; Ord. 11411 §1; July 14, 1975; Ord. 7243 §1; August 1, 1960).

### **8.36.020 Enclosures, Barriers, and Safety Covers.**

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Every Pool having a depth of eighteen inches or more shall be secured by:

- a. Being completely surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four inches in any dimension except for doors and gates. A dwelling house or accessory building may be used as part of such enclosure. If the Pool is constructed wholly or partially above ground level, that part of the pool wall which is out of the ground may be included as part of the fencing height requirement; provided, the ground is level or slopes away from the Pool for at least three feet from the Pool wall.

All gates or doors opening through such enclosure 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, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

Any Pool which is above-ground where the Pool wall makes up any portion of the Pool enclosure, the entrance into the Pool must either be enclosed in a fence with gate, both of which meet the requirements previously stated, or the entrance to the Pool must be by use of a limited access ladder which has provisions for making entry to the Pool inaccessible when the Pool is not in use; or

- b. Use of a Safety Cover. As defined by ASTM F1346-91, a power safety cover shall be used if commercially available. Any time the Safety Cover is not fully closed, the Pool must be supervised by an individual at least 16 years of age having an unobstructed view of the entire Pool interior. In the event the safety cover becomes inoperable, cannot be fully closed, and supervision requirements cannot be met, the Pool shall be immediately drained.

It shall be unlawful for any person in possession of land within the city, either as owner, purchaser, lessee, or tenant, upon which is situated a Pool having a minimum depth of eighteen inches to fail to provide and maintain such fence or wall as herein provided. If a limited access ladder is used, it shall be unlawful for said person to allow the ladder to be left in a useable position when the Pool is not in use. Any such Pool in existence on the date this chapter becomes effective shall, within thirty days from such effective date, secure by enclosing such Pool with a fence or wall; or installation of Safety Cover as herein provided.

(Ord. 21429 §2; March 27, 2023: Ord. 15564 §2; May 14, 1990: P.C. §8.66.020: Ord. 14264 §1; November 18, 1985: Ord. 7243 §2; August 1, 1960).

### **8.36.030 Interference with Enjoyment of Property Rights of Others.**

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No family swimming pool, basketball court, or tennis court shall be located, designed, operated, or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining such facility or located in the neighborhood. (Ord. 15564 §3; May 14, 1990: P.C. §8.66.030: Ord. 11411 §2; July 14, 1975: prior Ord. 7243 §3; August 1, 1960).

### **8.36.040 Shielding Lights.**

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Lights used to illuminate any family swimming pool, basketball court, or tennis court shall be so arranged and shaded as to reflect light away from adjoining premises. (Ord. 15564 §4; May 14, 1990: P.C. §8.66.040: Ord. 11411 §3; July 14, 1975: prior Ord. 7243 §4; August 1, 1960).

### **8.36.050 Penalty for Violations.**

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Any person upon whom a duty is placed by the provisions of this chapter who fails, neglects, or refuses to perform such duty, or who shall violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$100.00. Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such. (Ord. 15564 §5; May 14, 1990; P.C. §8.66.060; Ord. 7243 §6; August 1, 1960).