

**City of South St. Paul
Dakota County, Minnesota
Ordinance No. 1376**

**AN ORDINANCE REPEALING AND REPLACING SECTION 118-255 AND
AMENDING SECTIONS 106-56 AND 118-8 REGARDING SWIMMING POOLS**

The City Council of the City of South St. Paul does ordain:

SECTION 1. REPEAL AND REPLACE. South St. Paul City Code Section 118-255 is hereby repealed and replaced as follows:

Sec. 118-255. - Swimming pools.

(a) Swimming Pool Requirements.

- (1) *Building Permit.* A building permit shall be required for swimming pools over 24 inches in depth with a capacity of more than 5,000 gallons. Temporary pools over 24 inches in depth with a capacity of more than 5,000 gallons do not require a building permit, provided they are entirely above ground and only set up between April 1st and October 31st. See Section 106-56 for building permit requirements.
- (2) *Setback Standards.*
 - a. Swimming pools, including temporary pools, are subject to the setback requirements for accessory structures as found in Section 118-208.
 - b. In residential districts, above-ground or below ground swimming pools shall be located at least six (6) feet away from any principal structure or frost footing with the exception of a deck that services the pool area. This requirement shall not apply to above-ground hot tubs, spas or temporary pools.
 - c. Swimming pools shall not be located beneath overhead utility lines, over underground utility lines, nor within any private or public utility, walkway, or drainage or other easement.
- (3) *Barrier Requirements.* All swimming pools shall be equipped with safeguards to prevent children from gaining uncontrolled access. This can be accomplished with fencing, screening, or other enclosure or any combination thereof of sufficient density as to be impenetrable. If fences are employed, they shall be at least four (4) feet in height for all pools of less than four feet in elevation above the ground. In addition to the fencing requirements in Section 118-199, fence openings or points of entry into the pool area shall be equipped with self-closing and self-latching devices placed at sufficient heights so as to be inaccessible to small children.
 - a. *Exceptions:*
 - i. Hot tubs or spas with approved locking safety covers, meeting ASTM standard F1346-91, provided the cover is locked at all times during periods of nonuse.

- ii. Above-ground pools, spas, and hot tubs with sides or attached fences that create a barrier at least four (4) feet in height above grade.
- iii. Temporary swimming pools, provided all means of access (ladders, etc.) are removed from the pool during periods of nonuse.

(4) *Drainage.*

- a. Pools shall be constructed and operated in such manner that backflush or emergency water or water from pool drainage shall pass into an approved public drainage way or shall remain on the property of the owner, and water shall not be permitted to drain from the pool, directly or indirectly onto property other than that of the owner.
- b. Swimming pools must be dechlorinated before discharging in an area where drainage to street or storm sewer systems may occur. For pools to be considered dechlorinated, the pool water must be allowed to sit seven days without the addition of chlorine to allow for chlorine to evaporate.

SECTION 2. AMENDMENT. South St. Paul City Code Section 106-56 is hereby amended as follows:

Sec. 106-56. - Permits; application.

An owner or an authorized agent of the owner who intends to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment the installation of which is regulated by this chapter, or any person wishing to construct, enlarge, alter, repair, move, demolish, or change a building or structure, including, without limitation, new construction, garages, decks, swimming pools, sheds (120 square feet or larger), roof replacement, soffit, fascia, gutters, siding, windows, doors, interior remodeling, fences, concrete work, asphalt, sheetrock, stucco work, retaining walls more than four feet tall, or cause any such work to be done, shall first make application to the building official and obtain the required permit. The application shall be, on forms provided by the city, filed in the office of the city engineer and contain or be accompanied by the following information:

(6) *Swimming Pools.* A building permit shall be required for swimming pools over 24 inches in depth with a capacity of more than 5,000 gallons. Temporary pools over 24 inches in depth with a capacity of more than 5,000 gallons do not require a building permit, provided they are entirely above ground and only set up between April 1st and October 31st. See Section 118-255 for swimming pool performance standards.

- a. *Application.* Any application for a swimming pool building permit shall be accompanied by plans to show the following:
 - i. Proposed location and distance to the principal building and other structures on the lot.
 - ii. Pool's setbacks from adjacent properties.
 - iii. Pool size.
 - iv. Fencing and other fixtures on the lot, such as utility locations and trees.

- v. The location, size, and a statement as to the types of pool equipment including, but not limited to filter unit, pump, wiring, heating unit, backflush and drainage outlet, fencing, and pool itself.

~~(6)~~ ~~(7)~~ *Exceptions.* Certification by a registered land surveyor of the plat of land required in this section need not be submitted for the following:

- a. Building construction of a building where, in the opinion of the building official, the building inspector, and the city planner, there is no possibility of violation of any setbacks or location requirements;
- b. Construction of city municipal airport property.

~~(7)~~ ~~(8)~~ *Other information.* Other information reasonably required by the building inspector or the city planner.

After the building inspector has reviewed the application and determined that the work will comply with state and city regulations, the building official may issue a building permit.

SECTION 3. AMENDMENT. South St. Paul Section 118-8 is hereby amended as follows:

Sec. 118-8. - Lots, distances, and definitions.

Swimming pool means any structure intended for swimming, wading or bathing containing water over 24 inches in depth, including spas and hot tubs.

Temporary pool means any swimming pool constructed on or above the ground for seasonal use that is able to be readily disassembled for storage and reassembled to its original integrity.

SECTION 4. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance amends the performance standards for swimming pools.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: April 5, 2021

Published: April 9, 2021

Christy Wilcox, City Clerk

