

Article K: Accessory Uses and Structures; Screening  
and Landscaping; Fences and Hedges

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**Sec. 13-1-200 Accessory Uses or Structures.**

- (a) **Building Permit Required for Accessory Buildings.**
- (1) **Permit Required.** No owner shall, within the City of Osseo, build, construct, use or place any type of accessory building, including pre-fabricated accessory buildings, until a building permit shall have first been obtained from the Building Inspector. Application for an accessory building permit shall be made in writing to the Building Inspector. With such application, there shall be submitted a fee pursuant to the City Building Code and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
  - (2) **Applicability to Temporary, Movable and Permanent Buildings.** For purposes of this Section, no regulatory distinction is made between temporary, permanent or movable accessory buildings (such as mounted on skids).
- (b) **Principal Use to be Present.**
- (1) **General Requirements.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
  - (2) **Limited Placement Exception.** If an accessory structure is placed before a principal structure a site plan must be provided with the application showing where the principal structure and accessory structure will be placed. The accessory structure must be placed in either the rear or side yard and meet all set backs and other requirements set forth within that zoning district. A principal structure must be built within three (3) years of the application for the accessory structure.
- (c) **Number of Permitted Garages and Accessory Buildings on Residential Lots.** As accessory use or structure in a residential district may be established subject to the following regulations:
- (1) **Accessory Building Number Limits.** In any residential district, in addition to the principal building, a detached garage or attached garage and one (1) additional accessory building and one (1) children's play structure may be placed on a lot, except as provided in Subsection (c)(2) below.
  - (2) **Limitation on Number of Detached Garages and Accessory Buildings.**

- a. Residentially zoned parcels with a single garage attached to the dwelling are permitted to have an additional one (1) or two (2) car detached garage on the parcel. If a detached garage is erected, no other detached accessory buildings may be constructed or maintained on the parcel.
- b. Residentially zoned parcels with more than a one (1) stall garage attached to the dwelling are permitted to have an additional one (1) stall garage on the parcel if a detached garage is erected, no other detached accessory buildings may be constructed or maintained on the parcel.
- c. Garages attached to dwellings shall be three (3) stalls or less, and shall have no more than three (3) single garage doors or combination thereof. Dwellings with an attached three (3) stall garage are not permitted to have an additional detached garage on the parcel.

**(3) Attached Accessory Buildings.**

- a. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
- b. When accessory buildings are attached to the principal building by a breezeway, passageway or similar means, they become part of the principal building and shall comply in all respects with the yard requirements and local building code requirements for the principal building.

**(4) Detached Accessory Buildings; Lot Area Coverage; Square Footage.**

- a. No detached accessory building shall occupy any portion of the required front or side yard.
- b. Garages and other detached accessory buildings shall be less than fifteen (15) feet in height.
- c. No detached accessory building(s) shall occupy more than twenty percent (20%) of the required rear yard or exceed one thousand five hundred (1,500) square feet in size in aggregate for each residential parcel provided that one (1) garage is attached, whichever is more restrictive.
- d. No detached accessory building shall be located within five (5) feet of any other accessory building.
- e. Galvanized exterior finishes are not permitted on detached accessory structures. Setbacks shall be as prescribed by district regulations.
- f. The dimensions of any swimming pool, children's play structure, detached garage, tennis court and other detached accessory buildings/structures shall be included in the determination of available lot area coverage for accessory structures.
- g. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire-resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.
- h. All detached structures over one hundred fifty (150) square feet in size, in a residential district, must have a minimum one (1) foot overhang with

facial and soffit on all sides, unless an alternative option is approved by the Common Council, upon the recommendation of the Plan Commission.

- i. Accessory structures shall not be closer than three (3) feet to any lot line.
- (d) **Use Restrictions – Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes.
- (e) **Placement Restrictions – Nonresidential Districts.** An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than five (5) feet to any side or rear lot line.
- (f) **Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.
- (g) **Landscaping Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, fountains, statuary, bird baths, trees, shrubs and flowers and gardens, pursuant to Subsection (k) below.
- (h) **Temporary Accessory Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.
- (i) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
  - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
  - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
  - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (j) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties and shall not register more than one-half foot candles at the property line.

- (k) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (l) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls. No such wall shall be closer than three (3) feet from the property line.
- (m) **Children's Play Structures.** For purposes of this Section, children's play structures, including play houses, tree houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this Section, whether such play structures are placed on a foundation or not. Swing sets, slides and sandboxes are not considered children's play structures for purposes of this Section. A building permit is not required for the construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
- (n) **Terrace Area Restrictions.** In addition to the definitions and restrictions contained in Title 6, Chapter 2 of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.
- (o) **Offensive Uses Prohibited.** No accessory use shall be dangerous, obnoxious or offensive to persons residing in the vicinity, nor shall it impair the use, enjoyment or value of any property.
- (p) **Prohibited Dwelling Use.** No accessory dwelling unit in any Residential District shall be used or let for living purposes, whether for compensation or not.
- (q) **Gardening.** Home gardening is a permitted accessory use on any residential lot with a dwelling or the principal use on any vacant lot or parcel.
- (r) **Dog Houses/Runs.** Dog houses and/or runs shall comply with the setback requirements in Section 13-1-202(n).
- (s) **Agricultural Structures.** Agricultural structures in properly zoned agricultural districts such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.
- (t) **Tent or Hoop-Supported Structures.**
  - (1) No tent or hoop-supported structure may be used as a permanent accessory structure in a non-agricultural district; such structures may be erected and used

no more than six (6) months per year without being removed. An exception is that a tent or hoop-supported greenhouse may be maintained if used exclusively for personal greenhouse use.

- (2) Any permitted tent or hoop-supported structure shall be fastened or anchored in a stable manner to the ground.
- (3) No plumbing, electrical, heating or other utility service may be installed in a tent or hoop-supported structure, except seasonal use in personal greenhouses. A tent shall not be used as a dwelling.

### **Sec. 13-1-201 Outside Storage of Firewood.**

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) Not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.

### **Sec. 13-1-202 Fences.**

- (a) **Definitions.** The following words and terms shall have the meanings herein provided in this Section:
  - (1) **Arbor.** A decorative solid or latticework structure or trellis which is used as an entrance focal point along a barrier which serves the purpose of a fence.
  - (2) **Berm.** A mound of earth higher than the final elevation of a lot.
  - (3) **Fence.** An enclosed barrier or vertical screen device consisting of wood, stone, vinyl or metal intended to limit ingress or egress and/or provide privacy and containment. This definition also includes, but is not limited to, trellises, railings and walls when used around the perimeter of a property.
  - (4) **Fence, Agricultural/Farm.** A fence meeting the agricultural fence standards of Chapter 90, Wis. Stats., consisting of wire strands, high tensile strands or other

types of material used for agricultural purposes meeting the statutory requirements.

- (5) **Fence, Architectural or Aesthetic.** A fence constructed to enhance the appearance of the structure or the landscape.
  - (6) **Fence, Boundary.** A fence placed on or within five (5) feet of the property lines of adjacent properties.
  - (7) **Fence, Good Neighbor.** A fence constructed of solid or spaced boards where the face boards are installed at the center of the posts so that the fence looks the same from both sides.
  - (8) **Fence, Protective.** A fence constructed to enclose a hazard to the public health, safety and welfare.
  - (9) **Fence, Security.** A fence designed for protection of a site, of an open-type similar to woven wire or wrought iron fencing, not exceeding eight (8) in height.
  - (10) **Install, Installation, Installed.** To construct, erect, install, place, or replace over sixteen (16) lineal feet.
  - (11) **Lot, Double Frontage.** An interior lot having street frontage on the front and the rear of the lot.
  - (12) **Trellis.** A frame or structure of open latticework.
- (b) **Fence Permit Required.** No person shall install a fence in the City of Osseo without first obtaining a fence permit from the City, including special purpose fences under Subsection (n), paying the required permit fee prescribed by Sec. 1-3-1, and complying in all respects with the terms and conditions in this Section. A fence permit shall be valid only for the term of issuance, unless sooner revoked. A fence permit is not required for painting, maintenance, or repair or replacement of less than sixteen (16) lineal feet of a fence within a five (5) year period. A fence permit may include reasonable conditions required by the City of Osseo. A fence permit application shall be filed with the City and include the following:
- (1) **Fee Payment.** Payment of the permit fee and completed application forms required by the Building Inspector or City of Osseo.
  - (2) **Site Sketch.** A drawing, site plan or plat map displaying property boundaries, the location of buildings and structures on the property, the proposed location of the fence and its distances from other structures on the parcel.
  - (3) **Design Information.** Accurate design information for the proposed fence, including height and materials to be utilized.
  - (4) **Owner's Consent on Leased Property.** If the fence is proposed to be installed on leased or rented property, the written consent of the owner.
- (c) **Responsibilities of Applicant; Location Determination.**
- (1) **Proper Location Responsibility.** The property owner installing a fence is solely responsible for ensuring that the fence is properly located on his/her property, and is in compliance with height, setback, vision clearance and materials requirements. If uncertainty exists regarding the actual location of lot lines, it is the applicant's responsibility to secure a lot survey.

- (2) **Covenant/Easement Compliance.** The applicant is responsible for complying with any private subdivision covenants or deed restrictions or utility easement(s) restrictions, including any applicable plan review/approval requirements.
- (d) **Fence Installation General Requirements.** No fence shall be installed except in strict compliance with this Section, permit conditions, and the following:
- (1) **Digger’s Hotline.** Prior to fence installation, the applicant shall contact Diggers Hotline service to have the project site marked.
  - (2) **Good Neighbor Placement Requirement.** Structural and support components of a fence shall face internally into the applicant’s lot, facing away from adjacent properties. Fences shall be installed with the finished side facing adjacent properties or the public right-of-way. Fence posts shall be located on the inside of the fence facing the property on which the fence is located, except when the style of fence is of a design commonly known as a “Good Neighbor Fence.”
  - (3) **Grade; Contour.** Fences shall be installed plumb and the top finish of the fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the fence.
  - (4) **Height.** Fence height shall be measured from the surface of the ground immediately below the fence. Berms, retaining walls or other methods to raise the elevation of the fence site shall require approval by the Building Inspector prior to installation. The height of fences and walls shall be measured vertically from the finished grade on the exterior side of the fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a fence is prohibited. If a fence is placed on a berm, the berm shall be included in the height of the fence and the height will be measured vertically from the base of the berm.
  - (5) **Placement Near Sidewalks.** Fences shall be installed no closer than six (6) inches to a public sidewalk.
- (e) **Approved Fence Materials.**
- (1) **Proper Materials.** Fences located in side and/or rear yards of residential parcels shall be constructed using materials suitable for residential-style fencing, including, but not limited to: brick, fieldstone, wrought iron, vinyl, chain link [with a required top rail support and a minimum nine (9) gauge thickness], split rail wood, stockade or board-on-board wood.
  - (2) **Open Visibility Standard.** Residential front yard fences shall be fifty percent (50%) open (see-through) and be of wrought iron, picket or split rail design. Chain link fencing is permitted in side or rear yards only and its use is not permitted in residential front yards.
  - (3) **Agricultural Fences.** Agricultural/farm fences shall only be permitted in agriculturally-zoned or used districts, as determined by the City of Osseo, and shall comply with Ch. 90, Wis. Stats.
  - (4) **Improper Materials.** No fence shall be constructed of used, discarded or scrap materials in disrepair, including, but not limited to, pallets, tree

branches/stumps, crates, vehicle parts, refuse or other similar items. Materials not specifically manufactured for fencing, such as doors, railroad ties, landscape timbers or utility poles shall not be used in fences. Fences shall not be constructed of luminous materials or smooth or corrugated metal materials.

- (5) **Finish.** All fences, including privacy fences, shall only be painted or stained in neutral colors.
- (f) **Modifications to Existing Fences.** All modifications to a pre-existing fence shall comply with this Section. Any existing fence shall not be enlarged, extended or replaced for more than sixteen (16) linear feet in a three (3) year period except in compliance with this Section.
- (g) **Height and Placement of Residential Fences Regulated.**
- (1) **Height.** Residential fences six (6) feet or less in height are permitted on rear and side lot lines, but shall not continue beyond the front of the principal structure or the required front yard setback, whichever is furthest from the street right-of-way. Residential fences less than or equal to four (4) feet in height are permitted in the street/front yard setback area but shall not be closer than two (2) feet to any public right-of-way and shall not exceed two and one-half (2-1/2) feet in height in a vision clearance triangle [see Subsection (j) below].
- (2) **Narrow Lot Standards.** In any residential district or on any lot or premises, the principal use of which is for residential purposes, no lengthwise fence or other lengthwise barrier or obstruction shall be erected, placed, installed or reinstated in any area where there is a distance between main residential buildings of ten (10) feet or less.
- (3) **Non-Residential Fences Adjacent to Residential Parcels.** No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
- (h) **Setback for Residential Fences.** Fences in or adjacent to a residential property (or property primarily residential in use) are permitted along lot lines without permission from adjacent property owners. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.
- (i) **Industrial/Commercial Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed eight (8) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (j) **Corner Lot Vision Clearance Requirements.**
- (1) **Standards.** In order to provide adequate vision clearance on corner lots, no fence shall be erected or maintained within the triangular space formed by two (2) intersecting street, alley, or driveway (public or private) property lines and a line joining points on such property lines (or projections thereof) located less than:



- a. A minimum of twenty (20) feet from the intersection of the two street property lines;
  - b. A minimum of fifteen (15) feet from the intersection of the two alley property lines; or
  - c. A minimum of fifteen (15) feet from the intersection of the two driveway property lines.
- (2) **Determination.** Street or alley property lines are measured from the right-of-way or easement lines establishing such street or alley. Driveway lines are measured from the easement establishing such driveway, or, in the case of no easement, from the edge of the driveway surface.

(k) **Prohibited Fences.**

- (1) **Dangerous Condition; Barbed Wire.** No fence shall be constructed which is of a dangerous condition, or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are eight (8) feet above the ground or height and project toward the fenced property and away from any public area.
- (2) **Electric Fences.** Although fences which conduct electricity or are designed to electrically shock are generally prohibited, such fences using smooth wire are allowed for the limited purpose of deer control if located five (5) feet from a lot line.
- (3) **Improper Wire Fencing.** No woven, twisted, welded or interlaced wire fence or farm-type woven wire, such as using chicken wire, shall be located in a non-industrial district, unless such fencing is ornamental in character.
- (4) **Improper Wood-Slat Fencing.** No wood-slat or plastic snow fence shall be permitted as a regular use in a Residential District, except as a temporary use or under Subsection (m).
- (5) **Post-Only Fences.** No fence shall consist solely of fence posts or be maintained as an incompletely constructed fence consisting only of posts and supporting members.

(l) **Fences to be Repaired; Corrective Action.**

- (1) **Good Repair Requirement.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property. Fences shall be maintained in a manner as to prevent rust, corrosion and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. Every fence installed shall be maintained by the owner in such a way that it will remain plumb and in good repair.
- (2) **Compliance Standards for Existing Fences.** Any existing fences which do not conform to the requirements of this Section and which are damaged, or in need of repair to the extent that exceeds fifty percent (50%) of the then value of the

fence, said entire fence shall either be completely dismantled or reconstructed in compliance with the provision of this Section.

- (3) **Failure to Maintain.** All new and existing fences shall be maintained in such a manner so as not to allow rust, dents or deterioration to take place. Failure to maintain a fence in good condition and repair will result in the City issuing an order to the property owner to take whatever steps are necessary to correct the condition. Said notice shall set forth a reasonable time for compliance and shall set forth a notice that failure to comply will result in a violation and with a penalty set forth in Section 1-1-7.

(m) **Temporary Fences; Permit Not Required.**

- (1) **Standards.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (2) **Seasonal Fences.** This Section is not intended to regulate seasonal or temporary fences such as garden or snow fences except that such fences shall be removed when the condition or season for the said fence was erected no longer exists. Under no circumstances shall a snow fence be erected for more than five (5) months.

(n) **Special Purpose Fences.**

- (1) **Swimming Pool/Hot Tub Fences.** Swimming pool and hot tub fences shall comply with the requirements of Section 13-1-203.
- (2) **Pet Enclosures; Dog runs.** Pet enclosures and dog runs shall be permitted in residential districts subject to the following conditions:
- a. A fence permit is required prior to installation of a pet enclosure or dog run.
  - b. No pet enclosure or dog run shall be in excess of two hundred and fifty (250) square feet in area, or be more than six (6) feet in height above the surface of the ground.
  - c. Pet enclosures and dog runs may be constructed of any material permitted for a residential fence.
  - d. No pet enclosure or dog run shall be constructed contrary to required vision clearance area requirements.
  - e. Pet enclosures and dog runs shall be located no closer than ten (10) feet to a side or rear lot line, and shall not be located to the front of the principal structure.

- (o) **Nonconforming Fences.** Any fence existing on the effective date of this Chapter and not in conformance with this Section may be maintained, but alterations, modifications or

improvements of more than fifty percent (50%) of said fence shall require the owner to bring the fence into compliance with this Section.

### **Sec. 13-1-203 Swimming Pools and Hot Tubs.**

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, having an area greater than one hundred fifty (150) square feet, used or intended to be used solely by the owner, operator or lessee thereof and his/her family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. Such pool is installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land.
- (b) **Exempt Pools.** Storable children's swimming or wading which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section. Inflatable pools of all types are exempt.
- (c) **Permit; Construction Requirements.**
- (1) **Permit Required.** Before work is commenced on the construction or erection of private or residential swimming pools or hot tubs or on any alterations, additions, remodeling or other improvements, an application for a swimming pool or hot tub building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data shall be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the City Building Code shall accompany such application.
- (2) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Zoning Administrator, the Zoning Administrator shall not issue a permit for construction or installation of a swimming pool or hot tub unless the following construction requirements are observed and the fee as prescribed in Section 1-3-1 is paid:
- a. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements for pool or hot tub installation shall be in accord with all state regulations and with any and all Ordinances of the City of Osseo now in effect or hereafter enacted.
  - b. All plumbing work shall be in accordance with all applicable Ordinances of the City of Osseo and all state codes. Every private or residential swimming pool or hot tub shall be provided with a suitable draining

method and, in no case, shall waters from any pool or hot tub be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

- c. All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool or hot tub shall be in conformance with the state laws and City Ordinances regulating electrical installations.

(d) **Setbacks and Other Requirements.**

- (1) **Permissible Locations.** Private swimming pools or hot tubs shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool or hot tub shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (2) **Setbacks.** All swimming pools and outdoor hot tubs shall be at least ten (10) feet from any lot line or building, measured at the water line, unless designed and approved by the City as an addition to a building.
- (3) **Prohibited Placement Areas.** Swimming pools and hot tubs shall not be constructed in the front yard or in a required corner side yard.
- (4) **Area Calculations.** Swimming pools either open or enclosed shall be considered the same as accessory buildings for purposes of calculating the maximum area they may occupy in a required rear yard.

(e) **Enclosure.**

- (1) **Fence; In-Ground Pools.** All outdoor, below grade swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three (3) inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.
- (2) **Above-Ground Pools; Pool Wall Barrier.**
  - a. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more than three (3) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.
  - b. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter

with an attached enclosed railing a minimum of thirty-six (36) inches high on the top.

(3) **Miscellaneous Requirements.**

- a. Swimming pools and hot tubs surrounded in whole or in part by a deck which has steps leading to the swimming pool or hot tub shall be equipped with a gate a minimum of four (4) feet in height and capable of being latched and locked with a combination lock or by a lock worked by a key to secure access to the swimming pool or hot tub when not in use.
- b. Service gates and gates which are part of a fence or wall enclosing a swimming pool or hot tub which are located across a driveway shall be kept closed and latched at all times by the property owner or occupier when not in use for ingress or egress. When such areas are not in use, such gates shall be locked with a combination lock or by a lock worked by a key.
- c. Hot tubs equipped with a fitted cover and capable of supporting a minimum of two hundred (200) pounds shall be exempt from required fencing.

(f) **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer not to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector.

(g) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(h) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

(i) **Compliance.** All swimming pools and outdoor hot tubs existing at the time of original passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

### **Sec. 13-1-204 Retaining Walls.**

(a) **Purpose.** The purpose of this Section is to protect public and private property from the effects of poorly designed and constructed retaining walls.

- (b) **Permit Required.** A permit shall be required for all retaining walls constructed that exceed twenty-four (24) inches in height, including terraced retaining wall projects where the total height of all walls exceeds twenty-four (24) inches, and are closer than fifteen (15) feet to a property line.
- (c) **Application.** Application shall be made to the Zoning Administrator on forms provided and shall include a site plan and a set of construction plans. Plans sealed by a professional engineer registered in the State and/or other information necessary to adequately review the proposed retaining wall may also be required by the Zoning Administrator.
- (d) **Performance Standards.** A retaining wall shall be designed to resist the lateral pressure of the retained material in accordance with accepted engineering practice. Walls retaining drained earth may be designed for pressure equivalent to that exerted by an equivalent fluid weighing not less than thirty (30) pounds per cubic foot and having a depth equal to that of the retained earth. Any surcharge shall be in addition to the equivalent fluid pressure.
- (e) **Setbacks.** Setbacks for retaining walls shall be the same as for fences under Section 13-1-202(c).

**Sec. 13-1-205 through 13-1-219 Reserved for Future Use.**