

**VILLAGE OF FLANAGAN
LIVINGSTON COUNTY, ILLINOIS**

**ORDINANCE NO. 2023-03
AN ORDINANCE ESTABLISHING THE REGULATIONS OF
SWIMMING POOLS AND SPAS**

**ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF FLANAGAN**

On this 18th day of April 2023

VILLAGE OF FLANAGAN, ILLINOIS

ORDINANCE NO. 2023-03

AN ORDINANCE ESTABLISHING THE REGULATIONS OF SWIMMING POOLS AND SPAS

DEFINITIONS.

The following terms shall apply to this Chapter as written unless the context indicates or requires different meanings:

The following definitions shall apply in this Chapter:

Barrier: A fence, a wall, a building wall, or a combination that surrounds the swimming pool and obstructs access to the swimming pool. A barrier may also include the swimming pool or spa itself.

Swimming Pool: An accessory structure, whether indoors or outdoors, which is a receptacle for water or an artificial pool of water having a depth at any point of more than twenty-four (24) inches and with a capacity of more than one thousand (1,000) gallons, or with a water surface area exceeding two hundred fifty (250) square feet which are used or intended for immersion or partial immersion therein of human beings, and including all appurtenant equipment constructed, installed and maintained in or above the ground.

Permanent pool or spa. Any constructed pool cannot be disassembled, moved, or relocated in its entirety or parts.

Temporary pool or spa. Any manufactured pool designed, either in its entirety or by sections, for seasonal assembly and dismantling.

Pool depth. The distance between the floor of the pool and the maximum operating level of water when the pool is in use.

Applications

All applications must be filed with the Village of Flanagan Zoning Board. Once it is determined that the application is complete, the Zoning Board will determine if all requirements have been met. For applications that meet the requirements of this section, the Zoning Board shall process these applications. For applications that do not meet the requirements of this section, the Zoning Board shall advise the applicant of the process for Variations. A fee of \$35.00 shall be charged to the owner for each accepted permit application. **It shall be unlawful to erect, construct, reconstruct, enlarge, or structurally modify a permanent pool or spa without obtaining a permit.**

An accurate sketch showing the proposed location of the swimming pool or spa on the premises shall be furnished to the Zoning Board. The sketch shall show the location of any utility easements on the property, if known, property dimensions, and the pool setback from property lines and structures. An aerial image can also demonstrate the pool's location but must include all information.

1. *Barrier:* It is unlawful, within the Village limits, for any person to maintain a swimming pool or spa that has a maximum depth of more than twenty-four (24) inches of water unless the same is surrounded by a guard or fence not less than forty-eight (48) inches in height and spacing between vertical members shall not exceed four inches (4").
2. *Gate and door latching requirements.* All gates or doors opening into the pools shall be equipped with self-closing and self-latching devices with locking provisions for keeping the gate or door securely closed at all times when not in actual use. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the poolside of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. A rigid wall or tube-supported pool with a pool depth of 48 inches or greater accessible only by a lockable ladder shall be exempt from this requirement. Also, a spa with a hard cover that encloses the entire surface is exempt from this requirement.
3. *Setback Requirements.* **All permanent pools and spas must only be located in the rear yard.** No swimming pool or spa portion outside a building shall be located less than five feet (5') from the rear lot line and not within your lot's side yard setback area. Swimming pools and spas must be located at least 10 feet away from overhead electrical lines-horizontal clearance. Swimming pools and spas must be located at least 5 feet away from underground electrical lines-horizontal clearance.
4. *Swimming Pool Replacement.* It shall be unlawful for the owner, occupant, or person in custody of any premises in the Village, having a swimming pool thereon, to permit such pool to exist in a state or condition which is liable to cause injury to any person or property, or which is liable to collapse, or which infringes upon or cannot fulfill the functions of a swimming pool.
5. *Improvement of nonconforming enclosures.* The owners of all pools in existence, on or before the effective date of the Ordinance from which this Chapter is derived, who have a guard or fence enclosure less than three (3) feet in height or not otherwise in compliance with this Ordinance shall cause said improvements and additions to be carried out over a period not to exceed six (6) months from the effective date of the Ordinance to comply with the requirements of this Ordinance; provided, however, that whenever any guard, fence or enclosure as described in this section is replaced, it shall fully comply with the minimum forty-eight (48) inch height requirement set.
6. *Utility Statement Variations.* The homeowner's utility account will receive a credit equal to the swimming pool or spa's total volume in gallons once a year. When calculating a homeowner's credit amount, a rate of \$2.95 for every 1000 gallons or fraction thereof shall be used.
7. *Temporary Swimming Pool and Spa Registration Form.* All temporary swimming Pools and spas must pass an annual inspection conducted by the Village of Flanagan.
8. *Renter submission.* Renters must obtain written permission from the property owner to put any swimming pool or spa on the property submitted to the Village of Flanagan.
9. *Variations.* The Village Board may authorize variations from the provisions of this Ordinance.

ENFORCEMENT AND PENALTIES.

(A) Failure to comply with any requirement of Ordinance 2023-03 shall be subject to a fine of no less than \$150.00 and no more than \$750.00 plus court costs. A separate offense shall be deemed committed each day a violation occurs or continues.

(B) The failure to abide by Ordinance 2023-03 shall be considered a basis for the Village filing an action to remediate a nuisance.

(C) Notwithstanding the provisions of division (A) or any other section or provision of this code, the following penalty provision and procedure shall apply to all violations except as otherwise indicated.

A written notice of violation shall be issued to the individual, person, or entity alleged to have violated any provision of the code of ordinances. The notice of violation shall contain the name and address of the violator; the section of the code alleged to be violated; the date, time, and location of the violation; any other relevant information; the name and identification of the complainant; a specific due date; together with a statement that the violation may be resolved without a court appearance upon payment of a pre-filing penalty paid on or before the due date and proof of compliance with the Ordinance. The pre-filing penalty shall be one-half of the minimum fine indicated for such a violation if there is no stated minimum fine for such a violation, half the amount indicated in the Uniform Fine Schedule.

PRESENTED to the Board of Trustees of the Village of Flanagan, Livingston County,



Illinois, this 18th day of April 2023.

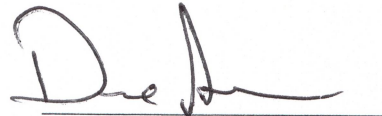
PASSED by the Board of Trustees of the Village of Flanagan, Livingston County,
Illinois, this 18th day of April 2023.

SIGNED by the President of the Board of Trustees of the Village of Flanagan, Livingston
County, Illinois, this 18th day of April 2023.

AYES: 5 6

NAYES: 0

ABSENT: 0



David Iverson
Village President
Village of Flanagan



Abby L. Tower Simpkins
Village Clerk
Village of Flanagan