

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : December 6, 2022 **(BOT) Date:** December 15, 2022

SUBJECT: Text Amendments to Section 150.317 et. Seq. of the Village Code:
Swimming Pool Code

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development *WJH*

BACKGROUND/POLICY IMPLICATIONS:

The Board of Building Appeals (BOBA), members considered the amendments to Section 150.317 pertaining to the swimming pool code provisions. The first edit removes all local references and code provisions that were previously a part of our swimming pool code provisions and replaces it with the International Swimming Pool and Spa Code (the "Pool Code") in its entirety. In review of the Pool Code, in cases which an automatic pool cover is provided, a fence barrier requirement is not required. Staff finds that this still presents a substantial safety concern as it suggests that the pool cover itself would be in place at all times when people are otherwise not present.

Please place this item on the December 15, 2022 Village Board agenda for consideration and approval, with a BOBA recommendation of approval of the proposed amendments.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

THROUGH: William J. Heniff, AICP, Director of Community Development *WJH*

FROM: Keith N. Steiskal, Building & Code Enforcement Director *KS*

MEETING DATE: December 15, 2022

SUBJECT: **Text Amendments to Section 150.317 et. seq. of the Village Code:
Swimming Pool Code**

At the November 9, 2022 Special Meeting of the Board of Building Appeals (BOBA), the members considered the amendments to Section 150.317 et. seq. pertaining to the swimming pool code provisions.

The first edit removes all local references and code provisions that were previously a part of our swimming pool code provisions and replaces it with the International Swimming Pool and Spa Code (the "Pool Code") in its entirety.

In review of the Pool Code, in cases which an automatic pool cover is provided, a fence barrier requirement is not required. Staff finds that this still presents a substantial safety concern as it suggests that the pool cover itself would be in place at all times when people are otherwise not present. Many pool accidents occur during short periods of time when individuals may be away momentarily, otherwise distracted or are the result of general property encroachments. To that end, the value of a physical safety fence barrier should still be required, and that the exemption provision from the Pool Code should be stricken from the local provisions.

The BOBA members unanimously supported the proposed amendments as proposed by staff and as set forth in the attached draft Ordinance.

ACTION REQUESTED

Please place this item on the December 15, 2022 Village Board agenda for consideration and approval, with a BOBA recommendation of approval of the proposed amendments.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING APPROVAL OF TEXT AMENDMENTS
TO TITLE 15, CHAPTER 150, SECTIONS 150.317 – 150.324
OF THE LOMBARD VILLAGE CODE**

(The Swimming Pool Code)

WHEREAS, the Village of Lombard maintains a Building Code which is found in Title 15, Chapter 150 of the Lombard Code of Ordinances; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Building Code and make necessary changes; and,

WHEREAS, a review of the Building Code has been conducted by the Village of Lombard Board of Building Appeals on November 9, 2022; and,

WHEREAS, the Board of Building Appeals has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 150, Article XXVII and Sections 150.317 through 150.324 of the Lombard Village Code shall hereby be amended as follows with text amendments in **bold and underline** and deletions denoted by ~~strikethrough~~:

ARTICLE XXVII. - PRIVATE INTERNATIONAL SWIMMING POOLS AND SPA CODE

§ 150.317 - ~~Definitions.~~ **Adoption by reference.**

All provisions as listed in the International Swimming Pool Spa Code, 2018 Edition, are incorporated by reference with the following changes:

These requirements are in addition to those in the State of Illinois Swimming Pool Code. ~~and the 2018 International Swimming Pool and Spa Code.~~

(A) All pools shall comply with the regulations of the Village Zoning Ordinance.

(B) 305.1 Delete pool power cover option to serve as pool “barrier”.

§ 150.318 - ~~Permit required.~~

~~(A) No private pool or appurtenances thereto shall be constructed, installed, enlarged, or altered until a permit therefor has been obtained from the Community Development Department.~~

~~(B) Application for a permit shall be in writing in the form prescribed by the Community Development Department. Such application may require plans for the construction or erection of the pool proposed by the applicant.~~

~~(C) Plans shall accurately show dimensions and construction of the pool and appurtenances, and properly establish the distances to lot lines, buildings, walks and fences, details of water supply system, drainage and water disposal systems, and all appurtenances pertaining to the pool. Reasonably detailed plans of their structure, including vertical elevations, may be required by the Building Division and the Zoning Department.~~

~~(Ord. 2561, passed 10-28-82)~~

~~Cross reference — Penalty, see § 150.999~~

~~§ 150.319 — Permit and inspection fees in accordance with § 150.140. —~~

~~A fee in accordance with § 150.140 shall be required for all applications which show electrical connections. Notice to the Building Division will be required upon completion of electrical construction and before such construction is covered up by any other work.~~

~~(Ord. 2561, passed 10-28-82)~~

~~§ 150.320 — Location.~~

~~(A) Pools shall be permitted on any residential property.~~

~~(B) All pools shall comply with the regulations of the village zoning ordinance.~~

~~(Ord. 2561, passed 10-28-82, Ord. 4065, passed 8/3/95)~~

~~Cross reference — Penalty, see § 150.999~~

~~§ 150.321 — Fences and walls around pools.~~

~~(A) All pools must be enclosed by a fence or wall either around the periphery of the yard containing the pool or around the pool itself. The fence or wall shall be not less than four feet in height. The fence or wall shall also meet the requirements of the Lombard Zoning Ordinance.~~

~~(B) Pools that have an overall height of at least four feet above grade and are only accessible by means of folding or otherwise removable ladder so as to make unauthorized entry into the pool difficult shall be exempt from the fence requirements as set forth above.~~

~~(Ord. 2561, passed 10-28-82; Ord. 4699, passed 9/2/99)~~

~~Cross reference — Penalty, see § 150.999~~

~~§ 150.322 — Water supply and control.~~

~~(A) No source of water, other than that secured from the village waterworks distribution system, shall be used in private pools.~~

~~(B) If a hose connection is to be used for supplying make-up water or for filling purposes, then an approved vacuum breaker shall be installed between the sillcock or control valve at the fixture on the hose connection.~~

Ordinance No. _____

Re: Chapter 150.317

Page 3

~~(C) All backwash water and effluents shall be discharged to the sewer through an indirect connection. Drainage of any pool shall be carefully controlled and provided for so that such drainage shall not cause flooding or damage to adjacent property. (Ord. 2561, passed 10-28-82; Ord. 6602, passed 4/7/11)~~

~~Cross reference — Penalty, see § 150.999~~

~~§ 150.323 — Electrical requirement.~~

~~Any and all electrical construction involved in the construction, operation, or maintenance of pools or appurtenances shall be in conformity with the electrical code of the village. (Ord. 2561, passed 10-28-82)~~

~~§ 150.324 — Prior existing pools.~~

~~(A) The provisions of § 150.320 shall not apply to pools which have been constructed prior to the effective date of this Chapter and for which a permit or license was obtained, pursuant to Ordinance 828.~~

~~(B) Pools of a demountable or portable nature which are dismantled or demantled for any reason whether it be for the winter season, change of location, or the like, upon their re-erection or reconstruction, shall conform to the requirements of this Chapter.~~

SECTION 2: That this ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2022.

First reading waived by action of the Board of Trustees this ____ day of _____, 2022.

Passed on second reading this ____ day of _____, 2023.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2023.

Keith T. Giagnorio, Village President

Ordinance No. _____

Re: Chapter 150.317

Page 4

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this _____ day _____, 2023.

Elizabeth Brezinski, Village Clerk