

AN ORDINANCE ESTABLISHING AND REGULATING FENCES
FOR SWIMMING POOLS AND ESTABLISHING PENALTIES FOR
VIOLATIONS OF THE ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK,
KANSAS:

Section 1. Definitions:

A. Swimming Pool, Above Ground: Any structure which is designed to hold water to a depth of two feet or more, is placed directly on the ground, is constructed so that it may be readily assembled and disassembled and is designed to be used primarily for water oriented recreational activities. This does not include pools which are constructed with rigid sidewalls or sidewalls consisting of air chambers which are self-supporting, are designed to hold water to a depth of less than two feet and are generally known as wading pools. This does include metal or plastic "stock tanks" whose primary purpose is to provide water for livestock.

B. Swimming Pool, In Ground: Any structure which is designed to hold water to a depth of two feet or greater, with sidewalls constructed of concrete, fiberglass or other rigid impervious material, which is constructed below grade or at least one-half of the structure's average depth is below ground level. The construction is considered permanent as it may not be readily removed or dismantled and reassembled at another location and is designed primarily for water oriented recreational activities.

Section 2. Fences: Every above-ground swimming pool and in-ground swimming pool shall be completely enclosed by a protective enclosure or fence which shall be maintained by a locked gate when the pool is not in use.

Section 3. Height: Fences shall be at least four (4) feet in height. Exceptions may be granted for fences in existence at the time of adoption of this ordinance.

Section 4. Fence Materials: Fences may be constructed of wood, wire, chain link or other permanent material. All fencing materials are subject to the provisions of the Zoning Regulations and Subdivision Regulations of the City of Sedgwick, as amended and other such restrictions as may be in force at the time of passage of this ordinance.

Section 5. Exclusions: The fencing requirement shall not apply to detention or retention ponds, farm ponds, other manmade lakes or pools, or to "stock tanks" whose use is to provide water for livestock and not for water oriented recreational activities.

Section 6. Setbacks: No in-ground or above-ground swimming pool shall be placed, erected or constructed in any required front, side or rear yard setbacks as provided in the Zoning Regulations and Subdivision Regulations of the City of Sedgwick.

Section 7. Penalties:

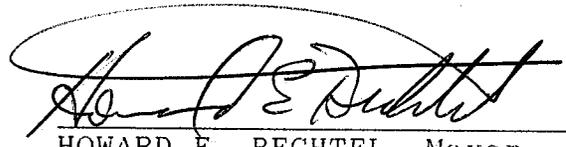
Pursuant to K.S.A. 12-710 as amended, the owner or agent of a premises, or lessee or tenant of an entire premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist, or the agent, architect, building contractor, or any other person who commits, takes part in, or assists in any violation or who maintains any premises in or upon which such violation shall exist shall be guilty of a misdemeanor and shall be punished by a fine of not more than four-hundred ninety-nine dollars (\$499) for any one offense. Each day of non-compliance with the terms of this ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his or her rights under the U.S. Constitution.

Section 8. Remedies: In case any fence or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the appropriate authorities of the City may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the use of said structure, or premises.

Section 9. Publication: This Ordinance shall be in full force and effect after publication in the official publication of the City of Sedgwick, the Sedgwick Pantagraph.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEDGWICK, KANSAS, THIS THIRD day of DECEMBER, 1990.



HOWARD E. BECHTEL, Mayor

ATTEST:



PATTY BROONER, City Clerk

