

**CITY OF ONALASKA  
ORDINANCES ON FENCING & POOLS**

**Sec. 13-6-10 Fences and Hedges.**

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this Section, the term "fence" shall include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- (b) **Fences Categorized.** Fences shall be categorized into five (5) classifications:
  - (1) **Boundary Fence.** A fence placed on or within three (3) feet of the property lines of adjacent properties.
  - (2) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
  - (3) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
  - (4) **Hedge.** A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
  - (5) **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (c) **Height of Fences Regulated.**
  - (1) Residential fences are permitted up to the property lines in Residential Districts but shall not, in any case, exceed a height of six (6) feet, shall not exceed a height of four (4) feet in the street yard and shall not be closer than three (3) feet to any public right-of-way. Residential fences greater than six (6) feet shall require a Conditional Use Permit. All fences must be constructed and maintained in a good state of repair and appearance. Decorative picket style fences less than three (3) feet in height or decorative lot corner landscape may be placed up to the property line in Residential Districts.
  - (2) No fence, wall, hedge or shrubbery shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
  - (3) Property owners shall locate fences so that each side of the fence may be properly maintained by the owner of the fence while on said owners property.
- (d) **Security Fences.** Security fences are permitted on the property lines in all districts except Residential Districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (e) **Prohibited Fences.** No fence shall be constructed which is in a dangerous condition, or which conducts electricity or is designed to electrically shock 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 ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
- (f) **Fences to be Repaired.** 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.
- (g) **Temporary Fences.** 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.
- (h) **Nonconforming Fences and Hedges.** Any fence or hedge existing on the effective date of this Code of Ordinances and not in conformance with this Section may

be maintained, but no alteration, modification or improvement of said fence shall comply with this Section.

- (i) **Fences Required Under Conditional Use Permits.** An opaque fence of six (6) feet in height may be required on property for which a conditional use permit is granted in those cases in which such a fence is determined to be beneficial to the health, safety or welfare of the public or adjoining property owners.

#### **Sec. 13-6-11 Swimming Pools.**

- (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, used or intended to be used solely by the owner, operator or lessee thereof and his 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.
- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and 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.
- (c) **Permit Required.** Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Department of Inspection. Plans and specifications and pertinent explanatory data should be submitted to the Department of Inspection 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 minimum building permit fee pursuant to the City Building Code shall accompany such application.
- (d) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Department of Inspection, the Department of Inspection shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
  - (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the City now in effect or hereafter enacted.
  - (2) All plumbing work shall be in accordance with all applicable Ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.
  - (3) 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 shall be in conformance with the state laws and City Ordinances regulating electrical installations.
- (e) **Setbacks and Other Requirements.**
  - (1) Private swimming pools shall be erected or constructed on rear yards only and only on a lot occupied by a principal building. No swimming pool 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) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and

in no case shall the water line of any pool be less than six (6) feet from any lot line.

- (f) **Fence.**
- (1) **Proper Enclosure Required.** Every swimming pool and wading pool, which extends wholly above the ground or partially above the ground shall, at all times, be enclosed so as to prevent children and animals from accidentally falling into such pool.
  - (2) **Pool Wall May Serve as Barrier.** 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. Inflatable pools having soft sides do not qualify for the pool wall serving as a barrier.
  - (3) **Fence or Other Wall May Serve As Barrier.** An approved barrier shall consist of a properly erected and maintained wall or fence at least fifty (50) inches in height, which entirely surrounds the pool. Every such fence shall be constructed in accordance with the requirements of Section 13-6-10. Every such wall or fence shall be located not less than six (6) feet from the vertical, water-enclosing wall of the pool. All gates in such walls or fences shall be self-enclosing and self-latching, and shall be at least fifty (50) inches in height with latches placed at least fifty (50) inches above the ground level, or such gate latch shall be made inaccessible to small children in some other approved manner.
- (g) **Compliance.** All swimming pools existing at the time of 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.
- (h) **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank nor 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.
- (i) **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.
- (j) **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.