



MEMORANDUM

DATE: July 18, 2022

TO: Honorable Mayor and City Councilmembers
Dave Perrault, City Administrator

FROM: Jessica Jagoe, City Planner

SUBJECT: City Code Section 910, Swimming Pools Fence Regulations

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

Council Should Consider

Council should consider and provide direction to City Staff regarding the public comment received at the July 11, 2022, Regular City Council Meeting requesting the minimum height requirement for pool safety fencing be reduced to 4 feet.

Background/Discussion

At the July 11th City Council Regular Meeting, Katy Muckala at 1147 Karth Lake Drive addressed the Council during public inquiry requesting Council consideration to amend the ordinance on the minimum height requirements for safety fencing around swimming pools. Ms. Muckala is proposing the City Council amend the current ordinance language in City Code Chapter 9, Building Regulations under Section 910, Swimming Pools to reduce the safety fencing requirement from a minimum of five feet tall to four feet tall. The Arden Hills City Code current language is as follows:

Section 910.11, Construction Standards, Subd. 7 Safety Fencing

- A. All pools shall be provided with safeguards to prevent children from gaining uncontrolled access. This shall be accomplished with fencing of not less than five feet in height.*
- B. All fence openings or points of entry into the pool area enclosure shall be equipped with gates.*
- C. All gates shall be equipped with self-closing and self-latching devices placed on the top of the gate or otherwise inaccessible to small children.*

Planning staff was directed to bring this item back to the City Council at a future work session meeting for further discussion. To aid in the review, staff has prepared the table below identifying the minimum pool safety fencing requirements of adjacent communities.

	<u>4 feet</u>	<u>5 feet</u>	<u>6 feet</u>
City	Shoreview, Roseville, Little Canada, Falcon Heights, New Brighton, Mounds View, Vadnais Heights	Arden Hills, Columbia Heights, North Oaks	St. Anthony, Fridley

The Cities of North Oaks, Vadnais Heights, and Falcon Heights also have an exemption to safety fencing requirements for above-ground pools if the pool sides meet the minimum fence requirement and have a removable ladder and/or gate system at entry of the pool.

Additionally, Minnesota statutes and rules define “public pool” and “private residential pool”. There are specific statutes and rules for construction, decking, fencing, lifesaving equipment, etc. applicable to a public pool that is licensed by the Department of Health. Another reference staff found to swimming pools was for licensed nonresidential programs that would be applicable to a group family day care facility which is an allowed use in single-family residential districts. In this statute, the subdivision states “the licensee is required to satisfy any existing local ordinances regarding swimming pool installation, decks, and fencing.”

Possible actions for Council consideration:

- No further action directed and ordinance language to remain as is.
- Direct staff to prepare an ordinance amendment for Section 910 to be brought back to the City Council for review and adoption at an upcoming regular meeting.
 - Planning Commission review is not required since this provision does not fall under Chapter 13, Zoning Code.

Budget Impact

N/A

Attachments

- Attachment A – Resident Public Comment Handout
- Attachment B – City Code Section 910
- Attachment C – MN Dept. of Health Handout
- Attachment D – Contract Cities Survey Ordinance Language