

An Ordinance of the City of Brookfield, Missouri Amending its Property Maintenance Ordinances and Regulations regarding Private Pools

WHEREAS, The City of Brookfield, Missouri maintains a Municipal Code for the enforcement of the rules regarding property maintenance; and

WHEREAS, The City of Brookfield, deems it advisable to amend said ordinances for the safety and good regulation of Private Pools in City Limits.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BROOKFIELD, MISSOURI, AS FOLLOWS:

Section 1. Upon passage, the Code of the City of Brookfield is hereby amended by amending provisions in Section 303 of the property maintenance code, which shall now read as follows:

**SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS**

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, which may contain water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. 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 pool side 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. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exceptions: 1) Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

2) Pools with barrier walls 48 inches (1219 mm) in height by themselves or through permanent fence extensions, or by permanent gated structure, shall be exempt if the

barrier contains a locking gate or locking ladder mechanism that is used or removed so as to eliminate easy access to children at all times the pool is not under supervision by an adult.

Section 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. If any clause, word, paragraph, section or other part or portion of this ordinance is held to be invalid, illegal, unlawful, or unconstitutional for any reason, the City Council hereby declares it would nevertheless have enacted the remaining portions thereof, and such remaining portions shall remain in full force and effect.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 26 DAY OF June, 2018.

CITY OF BROOKFIELD, MISSOURI

Lonnie Trentham, Mayor

ATTEST:

Donna Barger, City Clerk