

ORDINANCE NO. 1202

AN ORDINANCE TO AMEND AND REENACT CHAPTER 4-200, SECTION 4-441.5, AND SECTION 4-442.6 OF THE REVISED ORDINANCES OF 1990 OF THE CITY OF WEST FARGO RELATING TO SWIMMING POOLS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, NORTH DAKOTA:

SECTION 1. Chapter 4-200 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted by amending the definition of "Swimming Pool," and adding the definition of "Temporary Swimming Pool" to read as follows:

PERMANENT SWIMMING POOL: Any structure, basin, or tank, either above or below the ground, designed to be used for swimming or wading, which has a capacity of five thousand (5,000) gallons or more, or which has a depth of over twenty-four (24) inches.

TEMPORARY SWIMMING POOL: Any structure, basin, or tank, either above or below the ground, designed to be used for swimming or wading, which has a capacity of less than five thousand (5,000) gallons, or which as a depth of less than twenty-four (24) inches.

SECTION 2. Section 4-441.5 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

5. PRIVATE RECREATIONAL FENCES. Private recreational fences shall conform to the provisions attached to residential fences. Permanent swimming pool fences shall be six (6) feet in height.

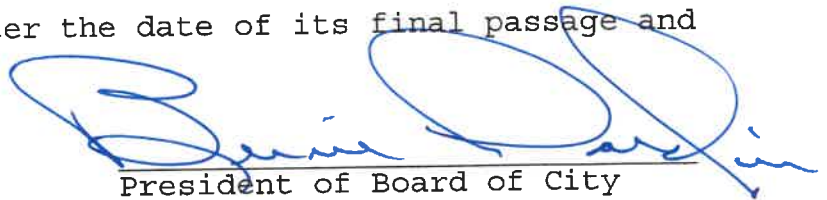
SECTION 3. Section 4-442.6 of the Revised Ordinances of 1990 of the City of West Fargo, North Dakota, is hereby amended and reenacted to read as follows:

6. All swimming pools as defined by this ordinance shall be regulated as follows:
  - a. All permanent swimming pools shall be provided with safeguards to prevent children from gaining uncontrolled access. This can be accomplished with fencing, screening or other enclosure, or any combination thereof (collectively "barrier") of sufficient density as to curtail access. Hard and soft pool covers are not considered to be adequate

barriers. All barriers must be at least six feet (6') in height. Fences shall be of a noncorrosive material and shall be constructed so as to be not easily climbable. All barrier openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to permanent swimming pools shall be equipped with self-closing and self-latching devices placed at a height of at least fifty-four (54) inches from finished grade so as to be inaccessible to all small children. All barrier supports shall be decay or corrosion resistant and shall be set in concrete bases or other suitable protection. The opening between the bottom of the barrier and the ground or other surfaces shall not be more than four inches (4"). A permit for permanent pools is required to be reviewed and approved by the West Fargo Building Inspections Department and West Fargo Planning and Zoning Department prior to construction.

- b. Permanent swimming pools with platforms and railings that are six (6) feet in height above the ground and temporary pools are not required to be enclosed as provided in paragraph (a) above; however, all ladders and stairways providing access to such swimming pools shall be removed from the swimming pool or shall be adequately fenced and fitted with gates, or folded up and locked to prevent entry when the swimming pool is not in use.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and publication.



President of Board of City  
Commissioners of the City of  
West Fargo, North Dakota

ATTEST:

  
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City Auditor

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Date of Second Reading: December 20, 2021  
Date of Publication: January 26, 2022