

ORDINANCE NO. 517

Amended by
Ordinance 98-1049

AN ORDINANCE REGULATING THE MAINTENANCE OF SWIMMING POOLS AN FISHPONDS OR DECORATIVE POOLS OR OTHER ARTIFICIAL BODIES OF WATER; PROVIDING FOR THE FENCING AND OTHER PROTECTIVE MEASURES AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

The City of Sherwood Dees Ordain:

Section 1: (A) Every person, firm or corporation in possession of land within the City of Sherwood, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool or other outside body of water designed or used for swimming, dipping or immersion or any other purpose of a depth of more than eighteen (18) inches, shall:

(1) Maintain on the lot and completely surrounding said pool or other body of water an enclosure consisting of a fence which if constructed with woven wire shall be of a pattern and type and if built of wood to be built of a vertical member type, both types to be such as to discourage children climbing; or

(2) A wall not less than four (4) feet in height, above the underlying ground or base, incapable of being crawled under, and sufficient to make such body of water inaccessible to small children, with openings, holes or gaps therein no larger than four (4) inches in any dimension except for doors or gates; provided, however, that in the event a picket fence is used, the openings between the pickets shall not exceed four (4) inches in width; provided further that at no point shall such fence be closer to the edge of pool than four (4) feet; provided, further, that a dwelling house or accessory building may be used as a part of such enclosure; and

(3) All said fences, enclosures or walls shall be made acceptable to the Building Inspector of the City of Sherwood, Oregon.

(B) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device installed at least 40 inches above the ground or base, designed to help, and capable of keeping, such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped.

(C) No swimming pool shall be constructed without first obtaining a building permit. No building permit shall be issued until the plans filed with the Building Inspector's Office show full compliance with this Ordinance and no pool shall be used until a final inspection is made by said Building Inspector after construction is completed in accordance herewith.

Section 2: (A) Every person, firm or corporation in possession of land within the City of Sherwood, either as owner, purchaser under contract, lessee, tenant or licensee, on which there is a fish pond, or other decorative pool or other artificial body of water a depth of 18 inches or more shall construct and maintain an acceptable enclosure and securely close off or block any and all entrances thereto.

(B) Acceptable enclosure shall be one of the following:

(1) A fence completely surrounding the fish pond, decorative pool or other artificial body of water, as provided in Section 1, above.

(2) A wire screen or cover of sufficient strength to hold a weight of at least 75 pounds and installed not more than (6) inches below the surface of the water at all times.

Section 3: All persons now maintaining pools for swimming, dipping or immersion, or any other artificial body of water, having a depth of more than (18) inches shall comply with the provisions of this Ordinance within 60 days after the effective date thereof. However, the council, upon the application of a property owner, may grant extensions of time for compliance in individual cases upon showing of good cause. Such extensions of time shall not exceed 30 days at a time.

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Section 4: Upon conviction of any person, firm or corporation of a violation of this Ordinance, said person, firm or corporation shall be punished by a fine of not more than \$250.00 or imprisonment in the Municipal Jail for not more than 100 days, or by both such fine and imprisonment. Any person, firm or corporation continuing, committing or permitting any violation on more than one day shall be deemed guilty of a separate offense for each day of violation.

Section 5: It is hereby declared that existing conditions are such that this act is necessary for the immediate preservation of the public peace, health and safety of the City and an emergency hereby is declared to exist, and this ordinance shall take and be in full force and effect from and after the date of its passage by the Council and approval by the mayor.

Passed by the Common Council of the City of Sherwood this 1st
day of September, 1961.

Approved by the Mayor of the City of Sherwood this 1st
day of September, 1961.

Attest: N. G. Albert
Recorder, Sherwood, Oregon

Stanley Steater
Mayor, Sherwood, Oregon