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### 3.41 Swimming pools, private community, or club.

*3.41.1 Swimming pools.* A swimming pool, whether in the ground or permanently installed aboveground, is hereby defined as any pool, lake, or open tank, other than a farm pond, which is not located within a completely enclosed building and which contains, or is capable of containing, water at a depth at any point greater than 1½ feet. No such private swimming pool shall be allowed in the B-1, AR, PUD districts, or in any R district, except as an accessory use, and unless it complies with the following conditions and requirements:

*3.41.2 Use.* The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests, and no fee shall be charged.

*3.41.3 Location.* It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten feet from **water's edge** to any property line of the property on which it is located, **and ten feet from any dwelling. Swimming Pools are prohibited in the front yard of any Residential Zoning District.**

*3.41.4 ~~Reserved.~~ Fence.* **The swimming pool should be fenced at a minimum of four (4) foot with a locking gate to prevent uncontrolled access by children.**

*3.41.5 Community or club swimming pools.* A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club solely for use and enjoyment by members of the association or club and their families and guests of members. Community and club swimming pools shall comply with the following conditions and requirements:

*3.41.5.1* The pool and accessory structures thereto, including the areas used by the bathers, shall meet the front setback for the district in which it lies. Side and rear setbacks shall be ten feet.

*3.41.5.2* The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than four feet in height and maintained in good condition and grounded for electricity. The area surrounding the enclosure, except of the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and shall be maintained in good condition.

*3.41.6 Private Swimming Pools used for Swimming Lessons.* **A private pool hosting swimming lessons must adhere to the same standards as a community or club swimming pool in Section 3.41.5, as well as obtain a Home Occupation Tax Certificate.**