

ORDINANCE NO. 47-94

ON ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA AMENDING THE ZONING ORDINANCE ARTICLE IV, SECTION 4.2 (16) (b) AND THE ARTICLE VI, SECTION 6.2 (11) (b); ARTICLE VII, SECTION 8.2 BY ADDING A NEW SUBSECTION (1) AND ARTICLE IX, SECTION 9.2 BY ADDING A NEW SUBSECTION (1) REGARDING THE CONDITIONS FOR USE OF EXTERIOR RESIDENTIAL STRUCTURE WALLS AS PART OF THE REQUIRED POOL FENCE ENCLOSURE.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA AS FOLLOWS:

Section 1. That the Town Zoning Ordinance Article IV, Section 4.2, (16) (b) and Article VI, Section 6.2 (11) (b) are hereby amended to read as follows:

(b) Private swimming pool along with incidental installations, such as pumps and filters, provided such pool and incidental installations are located in other than the required front yard and completely enclosed from adjoining lots by a solid wall of protective fence of not less than five (5) feet in height and provided such pool sets back from all lot lines a distance of not less than three (3) feet. Any fence/wall used for pool enclosure may not contain any openings that might be used for foothold climbing purposes (e.g., unslatted chain link fence). Every opening in a required pool fence/wall shall be provided with a minimum five (5) foot high self-closing gate, which shall open outwards away from the pool and shall have a self-latching latch or lock in good condition, with the latch/lock placed at least fifty-four (54) inches above the underlying ground and with the closing device (spring, pneumatic, etc.) at least five (5) inches below the top of the gate. Any vertical opening or opening at ground level in a pool enclosure fence (e.g. wrought iron) shall be of such size that a spherical object four (4) inches in diameter cannot pass through the openings. Wrought iron or wood barriers or enclosures shall be constructed with at least fifty-four (54) inches between the top surfaces of the horizontal members. All fish ponds and other contained bodies of water wither above or below ground level, with the contained body of water being eighteen (18) inches or more in depth and/or wider than eight (8) feet at any pint measured on the long axis shall conform to the location and enclosure requirement for swimming pools. Irrigation and storm water retention facilities and the water features in public parks and golf courses are exempt fro the fencing requirement of this provision. It is the responsibility of the property owner to ensure that any pool enclosure fence and its appurtenances (e.g., gates, latching devices, locks, etc.) are maintained in safe and good working order

Section 2. That the Town Zoning Ordinance, Article I, Section 4.2. (16) and Article VI, Section 6.2. (11) are hereby amended by the addition of a subsection (c) reading as follows:

(c) If a residence or living area constitutes part of the enclosure required by subsection (b) for a swimming pool or other contained body of water in lieu of the requirement of subsection b, there shall be one of the following: (1.) Between the swimming pool or other contained body of water and the residence or living area, a minimum four foot wall, fence or barrier to the pool area which meets all of the requirements of subsection b. (2.) The pool shall be protected by a motorized safety pool cover which requires the operation of a key switch which meets the American society of testing and materials emergency standards 13-89 and which does not require manual operation other than the use for the key switch. (3.) All ground level doors or other doors with direct access to the swimming pool or other contained body of water shall be equipped with self-latching device which meets the requirements of subsection b. Emergency escape or rescue windows from sleeping rooms with access to the swimming pool or other contained body of water shall be equipped with a latching device not less than fifty-four (54) inches above the floor. All other operable dwelling unit or guest room windows with similar access shall be equipped with a screwed in place wire mesh screen, or a keyed lock that prevents opening the window more than four inches, or a latching device located no less than fifty-four (54) inches above the floor. (4.) The swimming pool shall be an above ground swimming pool which has no climbable exterior sides which are a minimum height of four feet. Any access ladder or steps shall be removable without tools and secured in an inaccessible position with a latching device not less than fifty-four inches above the ground when the pool is not in use.

Section 3. That Article VIII, Section 8.2 and Article IX, Section 9.2 regarding use regulations is hereby amended to add a subsection (1) to read as follows:

(1) That for private swimming pools no residential structure walls containing an exterior entry door may be used in meeting the pool enclosure requirements of this code.

PASSED by the Council of the City of Queen Creek this 7th day of
September, 1994

SIGNATURE ON FILE
David Johnston, Vice Mayor

ATTEST TO:

SIGNATURE ON FILE
Claudia Diffenbaugh, Town Clerk

APPROVED AS TO FORM:

SIGNATURE ON FILE
William E. Farrell, Town Attorney

REVIEWED BY:

SIGNATURE ON FILE
Cynthia Seelhammer, Town Administrator