

POLICY STATEMENT

April 22, 2003

Re: Swimming pool / Spa barrier Clarification
Replaces policy statement dated July 20, 1993

Definitions:

Property Fence: The common fence between properties usually located on the property line.

Internal Fence: A fence that exists inside a property fence.

Internal fences over three (3) feet in height require building permits and inspections. However, internal fences need not comply with the pool fencing requirements so long as the property fence meets all requirements as described in section 5.2.7 of the Land Development Code and this policy statement.

Property fence issues:

Pool fences are measured on the side away from the pool.

Raised planters, decks, water features, or other amenities, which are easily climbable, shall not be closer than three (3) feet to a pool fence.

It is each pool owners' responsibility to provide and maintain a compliant pool fence. However, if while inspecting a new pool it is determined that the new pool owner has put an adjoining neighbor's pool out of compliance the new pool should not pass inspection till such time that both pools are compliant with the requirements in section 5.2.7 of the Land Development Code and this statement.

Land Development Code

5.2.7 Swimming Pools

A. Location

1. Residential Districts

In any residential district, private swimming pools shall be located in the side or rear yards and shall not be any closer than 3 feet from any property line and may not be located within any recorded easement except with a written approval of the easement holder. In case of a corner lot, a pool may not be located closer than 5 feet to the street side property line. Minimum width of yards for pools adjacent to an alley, an alley easement, a street, or an existing building shall not be less than the depth of the pool adjacent thereto unless

approved in writing by the Building Inspections Department and in no case shall the yards be reduced to less than 3 feet in the side or rear yard, or 3 feet in the street side yard.

2. Non Residential Districts

In any district other than those above, a private swimming pool or a semi-public swimming pool shall not be closer than 7 feet to any property line, except that in the case of a corner lot, a swimming pool shall not be closer than 10 feet to the side property line on the street side; and if located in other than the side yard, rear yard, or in a court or other open space which is more than 50 percent surrounded by a building, the same shall be subject to the grant of a use permit as Town of Gilbert Land Development Code September 1, 2021 Chapter 1 Section 5.2 Site Regulations Page 10 hereinafter provided.

3. Public Swimming Pools

No public swimming pool shall be located closer than 25 feet to any lot line on the lot on which it is situated.

B. Enclosures and Gates

1. Enclosures

All swimming pools shall be enclosed by walls of a single family residential building or by a solid wall or a chain link or wrought iron fence not less than 5 feet nor more than 6 feet in height. If the design or the material of the fence or gate is such that there are openings, such openings shall be of a size to prohibit a spherical object 4 inches in diameter from passing through or under the fence or gate.

2. Gates

All gates shall be substantially the same height as the wall or the fence and shall be self-closing and self-latching and be constructed in such a manner as to prevent uninvited access.

C. Exceptions

1. The above regulations shall not apply to non-permanent wading pools made of rubber, plastic or similar materials and containing water up to a maximum depth of not more than 18 inches.
2. Where the premises upon which the pool is located abuts a body of water in an approved Planned Area Development, the fence enclosure parallel to the water shall not be required provided that the abutting enclosure extends horizontally 18 inches beyond the lake bank. For purposes of this exception, the word "abutting" shall mean terminating at the point of contact with the lakeside edge of the bank.
3. Double width gates which are not the sole means of ingress and egress shall not be required to be self-closing and self-latching but shall be padlocked at all times when not being used.