

BENTON COUNTY ORDINANCE NO. 350

WHEREAS, the Benton County Department of Development instituted proceedings to amend the Benton County Ordinance 185; and,

WHEREAS, on August 20, 2002, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspaper of the county; and,

WHEREAS, on September 5, 2002, the Benton County Planning Commission held a public hearing thereon and recommended same to the Benton County Board of Commissioners for approval and passage; and,

WHEREAS, on September 17, 2002, the Benton County Board of Commissioners held a public hearing and approved the proposed ordinance amendment; and,

NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS: that Sections of the Benton County Ordinance 185 be amended as follows:

Add Section 8.10 to read as follows:

Add : "Private Swimming Pools" to Sections 7.3.1A, 7.4.1A and 7.5.1A as a permitted accessory uses in the "R-1", "R-2" and "R-3" Residential Districts.

Add: Section 8.10 Private Swimming Pools

- 8.10.1 Fencing is required for all outdoor swimming pools that exceed thirty-six inches (36") in depth for below grade pools or exceed thirty-six inches (36") in elevation for above grade pools.
- 8.10.2 Pools with a capacity of 5,000 gallons or greater shall require a land use permit.
- 8.10.3 The pool shall meet all structure setback requirements of the specified zoning district.
- 8.10.4 The pool itself or the yard around the pool shall be enclosed by a wall, fence, or combination thereof, which is at least six (6) feet in height, with a self-closing gate capable of being secured with a lock so as to prevent uncontrolled access. All points of access shall be made lockable. For in-ground pools, required fencing shall be of durable material and shall be so designed as to discourage climbing. Building walls may be used to meet this requirement. For above-ground pools, pool sides that are vertical or slanted outward may contribute to the required fencing, providing all points of access are controlled, including the removal of ladders or stairs when the pool is not in use.

This ordinance shall be effective upon publication.

Approved and adopted by the Benton County Board of Commissioners this 17th day of September in the year of 2002.

Duane Cekalla

Duane Cekalla, Chair
Benton County Board of Commissioners

ATTEST:

Vicki Feuling

Vicki Feuling
County Clerk/Administrative Assistant

MARILYN J. NOVAK
COUNTY RECORDER

BY ljk DEPUTY

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OFFICE OF
BENTON COUNTY RECORDER
BENTON COUNTY, MN
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AND/OR RECORDED ON

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