

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTION 17.50.320 (A) OF THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, Rapid City has adopted a comprehensive plan and zoning regulations pursuant to the authority granted to it in Chapter 11-4 of the South Dakota Codified Laws; and

WHEREAS, Chapter 17.50.320 of the Rapid City Municipal Code regulates swimming pools; and

WHEREAS, any pool or open tank capable of contain water to a depth at any point greater than 1.5 feet must be enclosed by a wall or fence not less than 5 feet in height.; and

WHEREAS, the Common Council of the City of Rapid City has determined that it is in the City's best interests to allow lockable covers on pools or open tanks in lieu of a fence or wall by amending Section 17.50.320 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that, Section 17.20.030 of the Rapid City Municipal Code be and hereby is amended to read as follows:

**17.50.320 (A) Swimming Pools - Amended**

- A. A private swimming pool shall be any pool or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than 1½ feet. Private swimming pools are permitted in any residential district provided:
1. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located and their guests;
  2. No swimming pool or part thereof, excluding aprons, walks and equipment rooms, shall protrude into any required front or side yard;
  3. The swimming pool area shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties or the pool or open tank shall be equipped with an ASTM International (American Society for Testing and Materials) tested lockable cover. The A fence or wall preventing access to the pool or open tank shall be not less than 5 feet in height and maintained in good condition.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: