

**CITY OF PROSPECT
ORDINANCE NO. 649, SERIES 2025**

**AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 154:
SWIMMING POOLS OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT**

WHEREAS, Chapter 154 establishes a code of swimming pool regulations for the City of Prospect;
and

WHEREAS, it is the responsibility of the City Council to review ordinances on a periodic basis and
amend them as appropriate, and

WHEREAS, it has been determined that modifications, corrections, additions, and clarifications
are necessary to reflect the intent of the City Council,

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. Chapter 154 is hereby amended and modified as hereinafter set forth with old
language struck through, changes, and new language being underlined and reading as follows:

CHAPTER 154: SWIMMING POOLS

Section

154.01 Permit required

154.02 Application for permit

154.03 Permit fee

154.04 Refusal to issue permit

154.05 Fence or similar enclosure to enclose pool area

154.06 Screen for pool equipment

~~154.06~~ 154.07 Adequate drainage required

~~154.07~~ 154.08 Disposal of debris, waste, or rubbish

~~154.08~~ 154.09 Maintaining streets in clean condition

~~154.09~~ 154.10 Stop work order

~~154.10~~ 154.11 Above ground swimming pools prohibited within city

154.99 Penalty

§ 154.01 PERMIT REQUIRED.

No person, firm, or corporation shall construct a swimming pool within the corporate limits of the city without first making application and obtaining a permit therefore.

§ 154.02 APPLICATION FOR PERMIT.

An application for a permit, signed by the owner or his authorized agent, shall be filed with the City Clerk. It shall provide any information as may be reasonably required by the City Clerk for an intelligent understanding of the proposed work and its affect on the surrounding properties. The information set forth in the written application shall contain at least the following information:

- (A) The kind of pool to be constructed;
- (B) The overall dimensions of the length, width, and depth of the pool;
- (C) A plat showing the pool and pool equipment location on the property in relation to existing structures, easements, boundary lines, and existing or proposed fences;
- (D) Any effect on adjacent properties which can be reasonably expected to result from the construction of the pool;
- (E) What provisions are to be made for supplying the pool with potable water and for the drainage thereof;
- (F) The substance which will be used as fill and the anticipated disposition of any earth removed;
- (G) The time when construction is expected to begin and the length of time that it will take before it is completed.

§ 154.03 PERMIT FEE.

The City Clerk or other official so designated by the City Council, as a condition precedent to the issuance of the permit, shall require the payment of a \$50 permit fee.

§ 154.04 REFUSAL TO ISSUE PERMIT.

If in the opinion of the City Clerk or other official so designated by the City Council the construction of any pool may cause serious injury to persons or property, the permit shall not be issued and the construction thereof shall not be begun until the applicant for the permit has demonstrated to the satisfaction of the City Clerk, or other official so designated by the City Council, that adequate provisions have been made to avoid serious injury to persons and property within the city.

§ 154.05 FENCE OR SIMILAR ENCLOSURE TO ENCLOSE POOL AREA.

All pools or pool areas shall be enclosed by a permanent fence or similar structure surrounding the pool area. Such fences must be completely constructed as full enclosures and must be erected within thirty (30) days of completion of the pool basin, excluding plumbing. The fence or

enclosure shall extend not less than four feet above the ground, and shall not be constructed in such a manner that the facing of said fence barrier is constructed solely of horizontal members. All gates shall be self-closing and self-latching. In all other respects, fences shall comply with the requirements of Chapter 152. In addition to the foregoing, a temporary safety fence constructed of vinyl mesh or other material suited to secure the pool area shall be installed at the beginning of and during construction of the pool basin unless the pool construction area is currently secured by permanent fully enclosed fencing. With respect to both temporary safety fencing and permanent fencing surrounding the pool area, all fencing shall be fully placed and contained within the property boundaries of the land of the pool owner.

§ 154.06 SCREEN FOR POOL EQUIPMENT.

All pool equipment, such as pumps, filters, heaters, chlorinators, UV or ozone systems, automation systems, and pool vacuum systems, shall be placed at least 10 feet from the nearest property line and screened by materials of similar design, character, and construction of the residential dwelling, or a living screen composed of hedges, shrubs or other plants, sufficient to block the view of said equipment from adjacent properties.

§ ~~154.06~~ 154.07 ADEQUATE DRAINAGE REQUIRED.

The applicant shall be responsible for seeing that adequate provisions are made for drainage, both during the period of construction and after construction is completed. The applicant shall ensure that water will not be diverted from its natural flow to the detriment of the land surrounding the construction.

§ ~~154.07~~ 154.08 DISPOSAL OF DEBRIS, WASTE, OR RUBBISH.

The applicant is charged with the responsibility of seeing that no debris, waste, or rubbish from the project for which this permit is issued is discarded or abandoned within the boundaries of the city, either during, upon, or after the completion of the project.

§ ~~154.08~~ 154.09 MAINTAINING STREETS IN CLEAN CONDITION.

At all times, it shall be the duty of the applicant to maintain the streets in the vicinity of the permit location in a clean condition. The street shall not be allowed to become cluttered or covered with dirt or debris as a result of the construction and like activities.

§ ~~154.09~~ 154.10 STOP WORK ORDER.

If at any time during an applicant's project, he shall be found to be in violation of any section of this chapter or any work is found to be contrary to the provisions of this chapter or any other ordinance of the city, or is being conducted, in a dangerous or unsafe manner, that work shall immediately be stopped. The notice that work is to cease shall be in writing, and shall be given to the owner of the property, his agent, or any person at the work site who is in a position of authority and the notice shall state the conditions under which work may be resumed.

§ ~~154.10~~ 154.11 ABOVE GROUND SWIMMING POOLS PROHIBITED WITHIN CITY.

(A) In the interest of the public health, safety, welfare and aesthetics, it shall be unlawful for any person to construct, install, enlarge or alter any above ground swimming pool in the city. Above ground swimming pools shall not be construed to include wading pools, which are defined as pools which have a diameter or maximum cross dimension of not more than eight feet and a maximum depth of not more than one foot.

(B) Any above ground swimming pool within the city already existing as of the effective date of this section shall be operated, maintained and screened from public view, so as not to create a nuisance, hazard, eyesore or otherwise to result in a substantial adverse effect on neighboring properties or to be in any other way detrimental to public health, safety, welfare or aesthetics.

§ 154.99 PENALTY.

(A) Any person violating the provisions of this chapter shall be guilty of a misdemeanor and fined no less than \$50 nor more than \$500 for each violation as stated. Each day that the violation continues shall be considered a separate offense. This chapter is subject to enforcement by the Code Enforcement Board. A violation of this chapter shall be considered a civil offense in accordance with KRS 65.8808.

(B) Any person, firm or corporation violating any provision of § 154.10 shall be subject to a fine of \$100 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition, any person, firm or corporation violating § 154.10 shall immediately take whatever corrective actions are necessary to come into compliance with that section. Section 154.10 is subject to enforcement by the Code Enforcement Board. A violation of that section shall be considered a civil offense in accordance with KRS 65.8808.

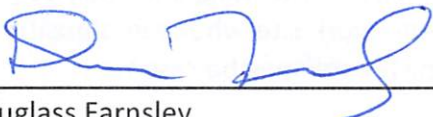
Section 2. This Ordinance shall take effect from and after its passage, signing, and publication as required by law.

First Reading this 17th day of March 2025.

Passed on Second Reading this 21st day of April 2025.

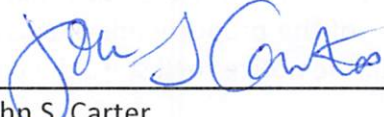
By a vote of 6 aye to 0 nays of the City Council.

APPROVED:



Douglass Farnsley
Mayor, City of Prospect

ATTEST:



John S. Carter
City Clerk