

VILLAGE OF TOWER LAKES

ORDINANCE NO. 2020-___

ORDINANCE AMENDING THE
VILLAGE OF TOWER LAKES VILLAGE CODE
AND SPECIFICALLY:

RE: Chapter 2, "Swimming Pools", of Title 4, "Building Regulations"

ADOPTED BY THE
CORPORATE AUTHORITIES
OF THE
VILLAGE OF TOWER LAKES

THIS ___ DAY OF _____, 2020

Published in pamphlet form by the Corporate Authorities of the Village of Tower Lakes, Lake County, Illinois this ___ day of _____, 2020.

ORDINANCE AMENDING THE
VILLAGE OF TOWER LAKES VILLAGE CODE, AND SPECIFICALLY:

RE: Chapter 2, “Swimming Pools”, of Title 4, “Building Regulations”

WHEREAS, in light of the COVID-19 pandemic and the need for social distancing in order to protect the public health, safety, and welfare, the Corporate Authorities of the Village of Tower Lakes (“the Village”) have determined that it is in the best interests of the Village and its residents to take action to temporarily amend the Village of Tower Lakes Village Code relative to Chapter 2, “Swimming Pools”, of Title 4, Building Regulations, as set forth herein:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Tower Lakes, Lake County, Illinois, as follows:

SECTION 1: The President and Board of Trustees hereby find that the recitals hereinabove set forth are true and correct and are incorporated into the text of this Ordinance as its findings of fact to the same extent as if such recitals had been set forth herein in their entirety.

SECTION 2: Section 4-2-1, “Definitions”, of Chapter 2, “Swimming Pools”, of Title 4, “Building Regulations”, of the Tower Lakes Village Code is hereby amended to read as follows:

“4-2-1: DEFINITIONS:

ABOVE-GROUND

POOL: A swimming pool which extends more than two feet six inches (2’6”) above the surface of the ground at any point on its perimeter.

POOL AREA: An outdoor swimming pool (excluding appurtenant equipment) and the area surrounding it constructed and designed as a lounging area for use in conjunction with the pool.

The swimming pool shall comprise not less than thirty percent (30%) of the pool area; provided, however, that no portion of the pool area shall be more than twenty five feet (25’) from the edge of the swimming pool.

SWIMMING POOL: A receptacle for water or an artificial pool of water intended for the purpose of immersion or partial immersion therein of human beings having a depth at any point of more than two feet (2'), placed in if within an excavation. No swimming pool shall extend two feet six inches (2'6") or more aboveground. A "swimming pool" includes all appurtenant equipment, such as, but not limited to, pumps, filters and disinfectant equipment."

SECTION 3: Section 4-2-2, "Compliance Required", of Chapter 2, "Swimming Pools", of Title 4, "Building Regulations", of the Tower Lakes Village Code is hereby temporarily amended as set forth below as an interim emergency regulation until _____, 20____, unless otherwise mandated by the Corporate Authorities of the Village:

~~"4-2-2: COMPLIANCE REQUIRED; ABOVE-GROUND POOLS PROHIBITED:~~

- ~~A. It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the Village except in compliance with all the provisions of this Chapter.~~
- ~~B. Above-ground pools are now and shall remain prohibited.~~
- ~~C. Notwithstanding the provisions of Paragraphs A and B above, a Village resident may install, on a temporary basis, pursuant to a building permit obtained from the Village for such installation, one (1) above-ground pool on the surface of the ground of property which is improved with a single-family residence, and said above-ground pool shall be permitted to temporarily remain in the Village on said residential property until _____ 20 __, but only if such swimming pool complies with the requirements of this Chapter, including but not limited to the following:
 - ~~(i) Such above-ground pool does not exceed forty-eight inches (48") in height; and~~
 - ~~(ii) Prior to any use of such above-ground pool, the applicant for the required permit therefor shall schedule and permit an inspection by the Village's Building Official of such installation to ensure compliance with all applicable provisions of this Village Code, other than Section 4-2-2(B); and~~
 - ~~(iii) Any such above-ground pool installed shall meet all other applicable requirements of this Chapter, other than Section 4-2-2(B), including but not limited to the requirement for installation of a fence which complies with all of the requirements of Section 4-2-6(F) of this Chapter; and~~
 - ~~(iv) Any above-ground pool and all related equipment shall be completely removed from the Village and from the residential property on which it is located on or before _____, 20 ____; and~~~~

(v) When applying for the required building permit for installation of an above-ground pool, applicant(s) who is or are the owner(s) of the subject property shall be required to submit to the Village written proof of his, her, or their ownership of the subject property; provided, however, if the applicant(s) for such permit is or are not the owner of the property upon which said above-ground pool is proposed to be installed, the applicant(s) shall be required to obtain the prior written consent of the owner(s) of the subject property and submit the original, executed consent to said installation to the Village together with the permit application and a copy of proof of ownership of the subject property.

This Section 4-2-2(C) shall expire on _____, 20____, and shall be of no further force or effect, and on or before such date, all above-ground swimming pools, together with any related equipment, shall be removed from the Village and from any site on which they are located within the Village.”

SECTION 4: This Ordinance shall be published in pamphlet form by the Village Clerk, but such publication shall not in any way affect or delay the effective date of this Ordinance, which Ordinance shall take effect immediately upon its passage, the Corporate Authorities hereby finding that such Ordinance shall take effect immediately due to the urgency which exists relative to the Coronavirus COVID-19 pandemic, which is presently ongoing.

SECTION 5: All parts of the Village of Tower Lakes Village Code in conflict with the terms or provisions of this Ordinance be and the same are hereby amended or repealed to the extent of such conflict, and said Village Code and all other existing ordinances shall otherwise remain in full force and effect.

SECTION 6: The Corporate Authorities of the Village intend that this Ordinance will be made part of the Tower Lakes Village Code and that sections of this Ordinance can be renumbered or relettered and the word “Ordinance” can be changed to “Section”, “Article”, “Chapter”, or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors can be corrected with the authorization of the Village Attorney, or his or her designee.

SECTION 7: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Corporate Authorities hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 8: This Ordinance shall not affect any punishment, discipline, infraction, or penalty or any action based on any other Ordinance of this Village incurred before the effective date of this Ordinance, nor any suit, prosecution or proceeding pending at the time of the effective date of this Ordinance, for any offense or violation committed or cause of action arising before this Ordinance, and said other ordinances as heretofore existing shall continue in full force and effect for said limited purpose.

SECTION 9: This Ordinance shall be effective after its passage, approval and publication in pamphlet form.

SECTION 10: The Village Clerk is directed to immediately publish this Ordinance in pamphlet form.

Presented, read and passed by the President and Board of Trustees of the Village of Tower Lakes, Lake County, Illinois, on a roll call vote at duly called a regular or special meeting of the Board of Trustees on the ____ day of _____, 2020, and deposited and filed in the Office of the Clerk of said Village on said date.

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

APPROVED by the President of the Village of Tower Lakes,
Illinois, this ____ day of _____, 2020

David Parro, Village President,
Village of Tower Lakes

ATTEST:

Christine Burgoon, Village Clerk,
Village of Tower Lakes

Recorded in the Record of Ordinances
of the Village as Ordinance No. 2020-_____

Christine Burgoon, Village Clerk,
Village of Tower Lakes

PUBLISHED IN PAMPHLET FORM THE ____ DAY OF _____, 2020