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TOWN OF TRAIL CREEK
811 Rainbow Trail
Trail Creek, IN 46360



2013R-05630

LAPORTE COUNTY RECORDER
BARBARA A. DEAN
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RECORDING FEE \$13.00
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ORDINANCE NO. 2-2013
PROTECTIVE ENCLOSURES SAFETY REQUIREMENTS FOR
SWIMMING POOLS AND PONDS

WHEREAS, the Town Council of Trail Creek desire to provide for the health, safety and welfare of its residence, and

WHEREAS, the State of Indiana at I.C. 22-13-2-2 et. Seq. allows Towns to regulate the safety of buildings, structures, and other property within the Town, and

WHEREAS, THEREFORE, the Town Council of the Town of Trail Creek, adopts the following amendments to the Town of Trail Creek Town Code:

The Zoning Ordinance of the Town of Trail Creek shall be amended to add the following Section.

Section: _____ Protective Enclosures Safety Requirements for Swimming Pools and Ponds:

(a) Any person owning land in which there is situated a swimming pool, wading pool, fish pond or other body of water which constitutes an obvious hazard and contains 18" or more in depth at any one point shall erect and maintain therein an adequate enclosure surrounding either the property or pool or pond area sufficient to make the body of water inaccessible to small children. The fence enclosure, including gates, shall not be less than 4 feet in height above the underlying ground and shall be a type not readily climbed by children.

All gates shall be self-enclosing self-latching type with the latch located in the inside of the gate and placed 4 feet above the underlying ground or otherwise made inaccessible from the outside to small children. However, if the entire premises of the pool site is enclosed, then the provision of a locking gate may be waived upon inspection.

A natural barrier hedge, pool cover or other protective devise may be used so long as the degree of protection afforded by the substitute devise or structure is not less than the protection afforded by the fence enclosure, gate and latch described in this section.

- (b) Swimming Pools, wading pools or other bodies of water described in subsection (a) of this section, already constructed or in existence, shall comply with subsection (a) of this section within 60 days after passage by The Town Council of the Town of Trail Creek.
- (c) The provisions of subsection (a) of this section shall not be construed to apply to natural water sources, beaches, or other accumulation of water of like in nature.
- (d) Chapter 26 section 26-50 Zoning shall be amended to add paragraph 6 as follows:

Permit fee for pool fence/enclosures inspection shall be \$25.00 per inspection.

That it is further found that an emergency exists within the Town regarding pool/water enclosures and this ordinance shall go into effect as soon as posted pursuant to state statute.