

**ORDINANCE NO. XXXX
SERIES 2021**

**AN ORDINANCE AMENDING TITLE 17.16.170 OF THE LOUISVILLE MUNICIPAL
CODE CONCERNING SWIMMING POOLS AND SPAS**

WHEREAS, the City of Louisville is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

WHEREAS, in 1973, the City adopted fence and gate standards for swimming pools in Sec. 17.16.170 of the Louisville Municipal Code, Swimming Pools, that are in addition to swimming pool safety standards adopted under Title 15, of the Louisville Municipal Code, Buildings and Construction; and

WHEREAS, the City currently applies accessory use setbacks to spas and desires to clarify with the code amendment the applicable setbacks; and

WHEREAS, the City Council desires to ensure that safety regulations for swimming pools are regulated through Title 15 and are not duplicative or in conflict with Title 17; and

WHEREAS, after a duly noticed public hearing held _____, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated _____, the Louisville Planning Commission has recommended the City Council adopt the amendments to the LMC set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO, THAT:

Section 1. Chapter 17.16.170 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 17.16.170. – Swimming pools and spas.

A swimming pool or spa may be permitted in any district as an accessory use subject to applicable building codes adopted by the City and ~~requirements of the state department of health and environment and to the following~~ requirements:

- A. Swimming pools and spas are subject to accessory yard and bulk standards, except that no public or private swimming pool or hot tub may be located in any required front yard or side yard abutting a street.

- ~~B. Every swimming pool must be completely surrounded by a fence or wall not less than five feet in height with no openings large enough to permit children to pass through, other than gates or doors that can be fastened to protect against entry. A dwelling house or accessory building may be used as part of such required enclosure.~~
- ~~C. All gates and doors opening through such enclosure must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.~~

Section 3. If any portion of this ordinance is held to be invalid for any reason such decisions shall not affect the validity of the remaining portions of this ordinance The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 4. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED this _____ day of _____, 2021.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly, P.C.
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this ____ day of
_____, 2020.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk