



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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September 4, 2015

To: Saint Paul City Council

From: Ricardo Cervantes-Director, Department of Safety and Inspections

Subject: Nuisance Swimming Pools

Issue:

There is a gap in current state statutes and ordinances regarding nuisance swimming pools in Saint Paul, resulting in a serious life/safety concern for the residents of the City. The State of Minnesota does not inspect or enforce safety standards on unlicensed commercial pools or privately owned pools. Current Saint Paul ordinances only address new construction of swimming pools, stagnant water that may accumulate within existing pools, or pools without a fence. These ordinances do not address nuisance pools.

As a result of increased public concern and an increase in the number of complaints in 2015, the Department of Safety and Inspection (DSI) has identified approximately 18 unused/nuisance swimming pools within the City. There is a need for an updated definition of swimming pools and ordinance amendments to provide clear expectations/requirements for how those pools are maintained within the City.

Background:

The current Saint Paul Legislative Code, under the Zoning Code, states that swimming pools of greater than '5,000 gallons' must have a fence. Nuisance ordinances identify 'Stagnant water' and any hazard, 'including but not limited to, open holes' as nuisances and may be abated by the City. These ordinances do not provide clear direction for the long term monitoring or enforcement of nuisance swimming pools by City staff.

The Department of Safety and Inspections reviewed ordinances and best management practices from numerous municipalities/counties within Minnesota and nationwide. We discovered that current Saint Paul ordinances are somewhat less restrictive than other similar communities in our region. We also discovered that very few municipalities, regionally or nationwide, specifically addressed nuisance swimming pools. The proposed ordinance below is innovative and will make Saint Paul a leader in outdoor pool safety.

Proposal:

The Department of Safety and Inspections proposes that the Legislative Code be amended to make the following changes:



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- Clearly define Outdoor Swimming Pools with a more contemporary/restrictive definition
 - Capacity of 24 or more inches and surface area of 150 or more square feet
 - Expand definition outside of Zoning Code
- Explicitly require maintained fencing around all Outdoor Swimming Pools
- Establish maintenance criteria for ‘Out of Service Outdoor Swimming Pools’
 - Pools not in use for more than one year must be free of stagnant water, debris and have an appropriate fence
- Establish maintenance criteria for ‘Nuisance Pools’
 - Pools with stagnant water, lacking maintenance, out of service for two years or more or Outdoor Swimming Pools without a fence may be abated.

Amendments:

Amend Chapter 34 of the Legislative Code to define Outdoor Swimming Pools, out of service Outdoor Swimming Pools, Nuisance Outdoor Swimming Pools and establish clear fence requirements which will allow Fire Safety and Code Enforcement staff to write corrective orders on proposed violations.

Amend Chapter 45 of the Legislative Code to define Outdoor Swimming Pools, out of service Outdoor Swimming Pools, Nuisance Outdoor Swimming Pools and establish clear fence requirements which will allow Code Enforcement staff to abate the proposed violations as necessary.

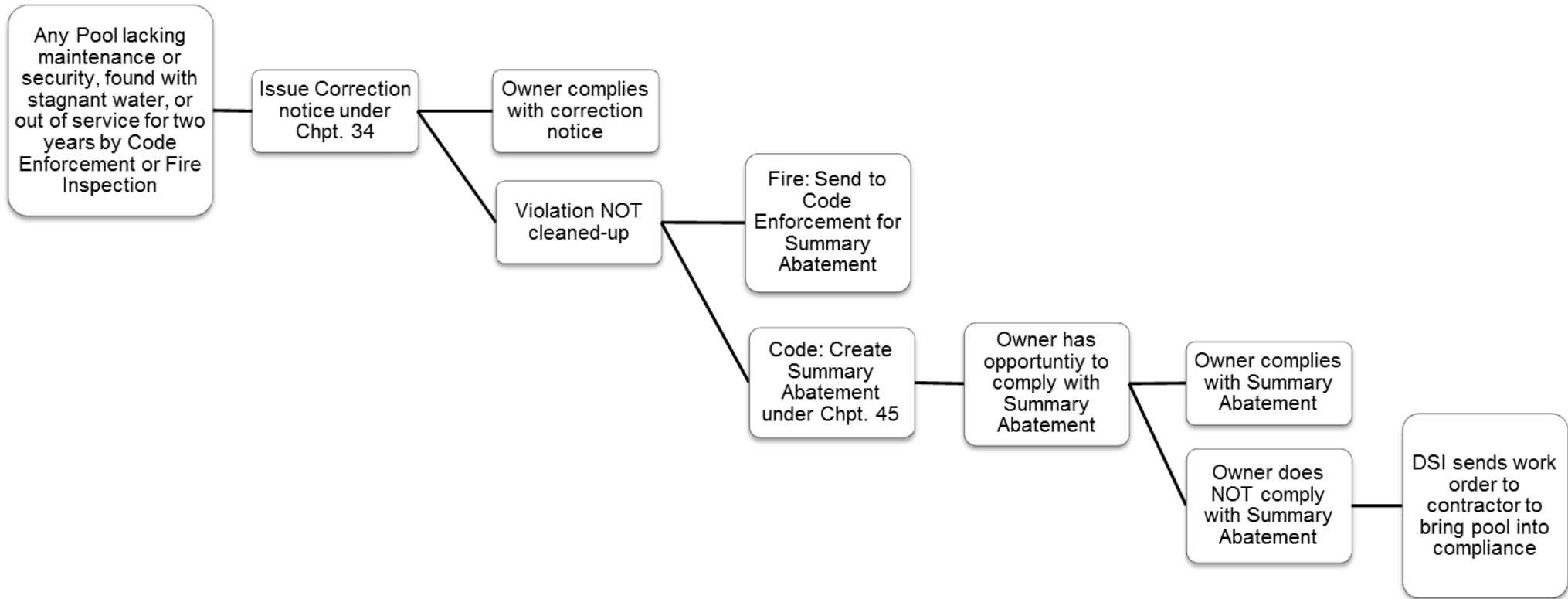
The Zoning Code will be amended to reflect these changes following approval by the Planning Commission at a later date.

Enforcement Strategy:

See attached.

Nuisance Outdoor Swimming Pool Enforcement Strategy

(September 3, 2015)



DSI may immediately issue a summary abatement or emergency abatement should conditions warrant an expedited response.