

VILLAGE OF MARISSA, ILLINOIS

ORDINANCE NO. 25-08

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MARISSA,
ILLINOIS, AMENDING CHAPTER 150 OF THE VILLAGE CODE REGARDING
SWIMMING POOLS, SPAS, AND HOT TUBS**

ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF MARISSA, ILLINOIS
THIS 18th DAY OF AUGUST 2025

Published in pamphlet form by
authority of the Village Board
of Trustees of the Village of
Marissa, St. Clair County, Illinois,
this 18TH day of August 2025.

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ILLINOIS, AMENDING CHAPTER 150 OF THE VILLAGE CODE REGARDING
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WHEREAS, the Village of Marissa, St. Clair County, Illinois (“Village”), is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, a public meeting was held in the Village of Marissa, Illinois at the Marissa Village Hall, 111 N. Main Street, Marissa, Illinois, on August 18, 2025, at 7:00 p.m., before the Village Board of Marissa and notice of said meeting was duly given; and

WHEREAS, the Marissa Village Code currently provides regulations for swimming pools, spas, hot tubs, and enclosures regarding the same; and

WHEREAS, the Village desires to amend Title XV, Chapter 150, § 150.075 (Swimming Pools) and § 150.076 (Enclosures) of its Village Code as follows (deletion in strikethrough and addition in italics):

§150.075 SWIMMING POOLS.

(A) The term **SWIMMING POOL** is hereby defined as *any structure or receptacle and appurtenant equipment intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep at any point. This includes in-ground, above ground and on-ground pools, hot tubs, spas and fix-in-place wading pools.* ~~a receptacle for water, or an artificial pool of water having a depth at any point of more than three feet intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment.~~

(B) All outdoor swimming pools shall be completely enclosed by a fence, *excepting therefrom the following:*

(i) *any above ground pool, on-ground pool, hot tub or spa that has a barrier or sidewall that is at least 48 inches (1219 mm) above grade measured on the side of the barrier or sidewall that faces away from the swimming pool and where the means of access is a ladder or steps that such ladder and/or steps shall be capable of being secured, locked or removed to prevent access; or*

(ii) *any swimming pool with a power safety cover or a hot tub or spa with a safety cover complying with ASTM F1346.*

(C) When a fence or barrier is required pursuant to section (B) above, said fence or barrier shall be at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool, and if the fence or barrier contains openings or gaps between the slats/pickets, said openings or gaps shall not be more than 2 inches (51 mm) wide from the bottom to grade and not more than 4 inches (102 mm) wide within the fence or barrier. All fence openings or points of entry into pool area enclosure shall be equipped with gates. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. The fence and gates shall be at least six feet in height above ground level and shall be constructed of a minimum No. 9 gauge woven wire mesh corrosion-resistant material, aluminum, wood, vinyl, or similar material. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fence posts shall be decay or corrosion-resistant and shall be set in concrete bases. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

(D) No swimming pool, whether public or private, shall be located in any front yard of a parcel/lot.

~~§150.076 ENCLOSURES.~~

~~Private swimming pools, hot tubs, and spas containing water more than 24 inches (610 millimeters) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 millimeters) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 millimeters) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 millimeters) from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.~~

WHEREAS, the President and Board of Trustees of the Village have determined that it is in the best interest of the Village to make the aforementioned amendment to the Village Code.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MARISSA, ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: That the foregoing recitals are hereby incorporated herein as findings of the President and Board of Trustees.

Section 2: That § 150.075 (Swimming Pools) of the Village Code shall be amended to read as follows:

§150.075 SWIMMING POOLS.

(A) The term *SWIMMING POOL* is hereby defined as any structure or receptacle and appurtenant equipment intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep at any point. This includes in-ground, above ground and on-ground pools, hot tubs, spas and fix-in-place wading pools.

(B) All outdoor swimming pools shall be completely enclosed by a fence, excepting therefrom the following:

(i) any above ground pool, on-ground pool, hot tub or spa that has a barrier or sidewall that is at least 48 inches (1219 mm) above grade measured on the side of the barrier or sidewall that faces away from the swimming pool and where the means of access is a ladder or steps that such ladder and/or steps shall be capable of being secured, locked or removed to prevent access; or

(ii) any swimming pool with a power safety cover or a hot tub or spa with a safety cover complying with ASTM F1346.

(C) When a fence or barrier is required pursuant to section (B) above, said fence or barrier shall be at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool, and if the fence or barrier contains openings or gaps between the slats/pickets, said openings or gaps shall not be more than 2 inches (51 mm) wide from the bottom to grade and not more than 4 inches (102 mm) wide within the fence or barrier. All fence openings or points of entry into pool area enclosure shall be equipped with gates. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. The fence and gates shall be constructed of a minimum No. 9 gauge woven wire mesh corrosion-resistant material, aluminum, wood, vinyl, or similar material. Fence posts shall be decay or corrosion-resistant and shall be set in concrete bases. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

(D) No swimming pool, whether public or private, shall be located in any front yard of a parcel/lot.

Section 3: That § 150.076 (Enclosures) shall be deleted from Chapter 150 of the Village Code in its entirety.

Section 4: All other sections of Chapter 150 of Title XV of the Village Code, to the extent not in conflict herewith, shall remain in full force and effect.

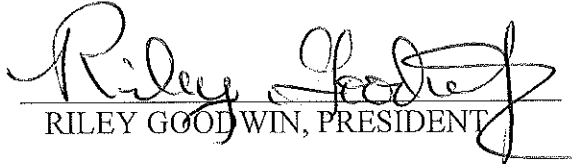
Section 5: All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 6: This Ordinance shall be in full force and effect from and after its passage and approval, and as further stated herein, and after publication in pamphlet form, as provided by law.


PASSED AND ADOPTED by the President and the Board of Trustees of the Village of Marissa, St. Clair County, Illinois, this 18th day of August 2025, as follows:

<u>Trustees</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
J. Baker	✓	—	—	—
T. Kinzel	✓	—	—	—
C. Klingeman	✓	—	—	—
R. Dickey	✓	—	—	—
K. Chandler	✓	—	—	—
L. McMahon	✓	—	—	—

APPROVED by the President of the Village of Marissa, Illinois this 18th day of August 2025.


RILEY GOODWIN, PRESIDENT

ATTEST:


JENNIFER NUERNBERGER, VILLAGE CLERK

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF ST. CLAIR)

CERTIFICATE OF PUBLICATION

I, Jennifer Nuernberger, certify that I am the duly elected and acting Village Clerk of the Village of Marissa, Illinois.

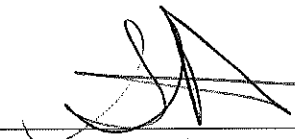
I further certify that on the 18th day of August 2025, the Corporate Authorities of the Village of Marissa, Illinois, passed and approved Ordinance No. 25-08 entitled:

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MARISSA, ILLINOIS, AMENDING CHAPTER 150 OF THE VILLAGE CODE REGARDING SWIMMING POOLS, SPAS, AND HOT TUBS

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 25-08 including the ordinance and a cover sheet thereof, was prepared, and a copy of such ordinance was posted in the Marissa Village Hall, commencing on August 18, 2025, and continuing for at least ten (10) days thereafter. Copies of such ordinance were also made available for public inspection upon request in the office of the Village Clerk.

DATED at Marissa, Illinois this 18th day of August 2025.



Jennifer Nuernberger, Village Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF ST. CLAIR)

CERTIFICATE OF TRUE COPY

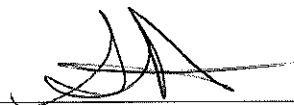
I, Jennifer Nuernberger, certify that I am the duly elected and acting Village Clerk of the Village of Marissa, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said Village.

I do further certify that Ordinance No. 25-___, entitled:

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MARISSA,
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to which this certificate is attached, is a true, perfect, complete, and correct copy of said ordinance as adopted at a regular meeting of the Marissa, Illinois Village Council held on the 18th day of August 2025.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 18th day of August 2025.



Jennifer Nuernberger, Village Clerk

(SEAL)