

## Chapter 97

### ENCLOSURE OF WATER AREAS

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**[HISTORY: Adopted by the Board of Trustees of the Village of Caledonia 6-19-1990 as L.L. No. 1-1990 (Ch. 54 of the 1981 Code). Amendments noted where applicable.]**

#### GENERAL REFERENCES

Fences — See Ch. 102.

Zoning — See Ch. 215.

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#### § 97-1. Purpose and intent.

The purpose of this chapter shall be to improve and promote the health, safety and general welfare of the community and particularly the young people of the community by establishing requirements that the owners of property enclose areas on their property which have pools or ponds.

#### § 97-2. Enclosure required.

No dam, quarry, sinkhole or other similar excavation containing water or capable of containing water where the water's edge is located within or less than one hundred (100) feet, measured by a straight line, from the nearest structural part of any dwelling house, church, school, road, street, highway or park, not including the dwelling house or houses owned by the owners of the dam, quarry, sinkhole or other similar excavation, and no swimming pool or wading pool, in any of which is maintained water in excess of three (3) feet in depth at the deepest point and in which said water is permitted to accumulate and remain for a period of forty-eight (48) hours, shall be hereafter erected or constructed or maintained or permitted to exist within the limits of the village unless and until an enclosure four (4) feet in height is erected surrounding the water area of the dam, swimming pool, wading pool, quarry, sinkhole or other similar excavation.

#### § 97-3. Time limit for compliance.

Within sixty (60) days after the effective date of this chapter and upon receipt of the notice required by § 97-4 hereof, any person, corporation or association maintaining a water area, as defined in § 97-2 hereof, which has existed before the effective date of this chapter shall comply with all provisions of § 97-2 of this chapter and shall erect an enclosure four (4) feet in height surrounding the water area.

**§ 97-4. Notice to owner.**

It shall be the duty of the Village of Caledonia, acting through its Zoning Enforcement Officer, to determine whatever existing water areas shall be enclosed, as required by § 97-2 hereof, and to give written notice to the owner, tenant or occupier to comply with such notice in accordance with the terms of this chapter.

**§ 97-5. Alternative to enclosure.**

Any person, corporation or association receiving the notice set forth in § 97-4 may, instead of erecting the enclosure as required, remove the hazardous conditions forthwith.

**§ 97-6. Penalties for offenses.**

Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.