



**MARSHALLTOWN
MORE THAN EVER**

**CITY OF MARSHALLTOWN
BUILDING BOARD OF APPEALS
NOTICE OF PUBLIC MEETING
CITY HALL COUNCIL CHAMBERS
10 WEST STATE STREET
APRIL 16, 2025, 5:00 PM**

AGENDA

CALL TO ORDER

ROLL CALL

BUSINESS

1. ELECT OFFICERS TO SERVE FOR 2025
2. APPEAL APPLICATION FOR 2007 GETHMANN DRIVE

ADJOURNMENT

MARSHALLTOWN

I O W A

HOUSING & COMMUNITY DEVELOPMENT

Deb Millizer, Director
Clayton Ender, Assistant Director
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5756
Fax - (641) 754-5717

TO: Building Board of Appeals
FROM: Clayton Ender, Assistant Housing & Community Development Director
DATE: April 16th, 2025
RE: Appeal Application for 2007 Gethmann Drive

City Staff Contact:	Clayton Ender, AICP Assistant Director of Housing and Community Development Phone: 641-754-5756 Email: cender@marshalltown-ia.gov
Property Owner & Applicant:	Sara and Tony Reed 2007 Gethmann Drive Marshalltown IA 50158
Building Board of Appeals Authority:	The board shall not have the authority to waive requirements of the building code or interpret the administration of the code. The board shall only modify or reverse the decision of the code official by a concurring vote of three or more members.
Notice of Violation:	City staff received a complaint regarding a pool at 2007 Gethmann Drive which did not include a fence. Upon review of the property staff confirmed that a fence is not present as required by Chapter 155 of the City of Marshalltown Code of Ordinances. Notice of violation of city code was sent to the property owner who has since filed an appeal. Attached is the notice of violation as well as the full text of Chapter 155.
Appeal Request:	The property owner has submitted an appeal of the notice of violation. The basis for the appeal is seeking to have the Building Board of Appeals to accept an automatic pool cover as an equally good or better form of construction. The property owner has provided details of the automatic pool cover presently installed on their pool. Attached is the complete appeal application.

CITY COUNCIL

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Mark Mitchell, Greg Nichols, Jeff Schneider, Gary Thompson



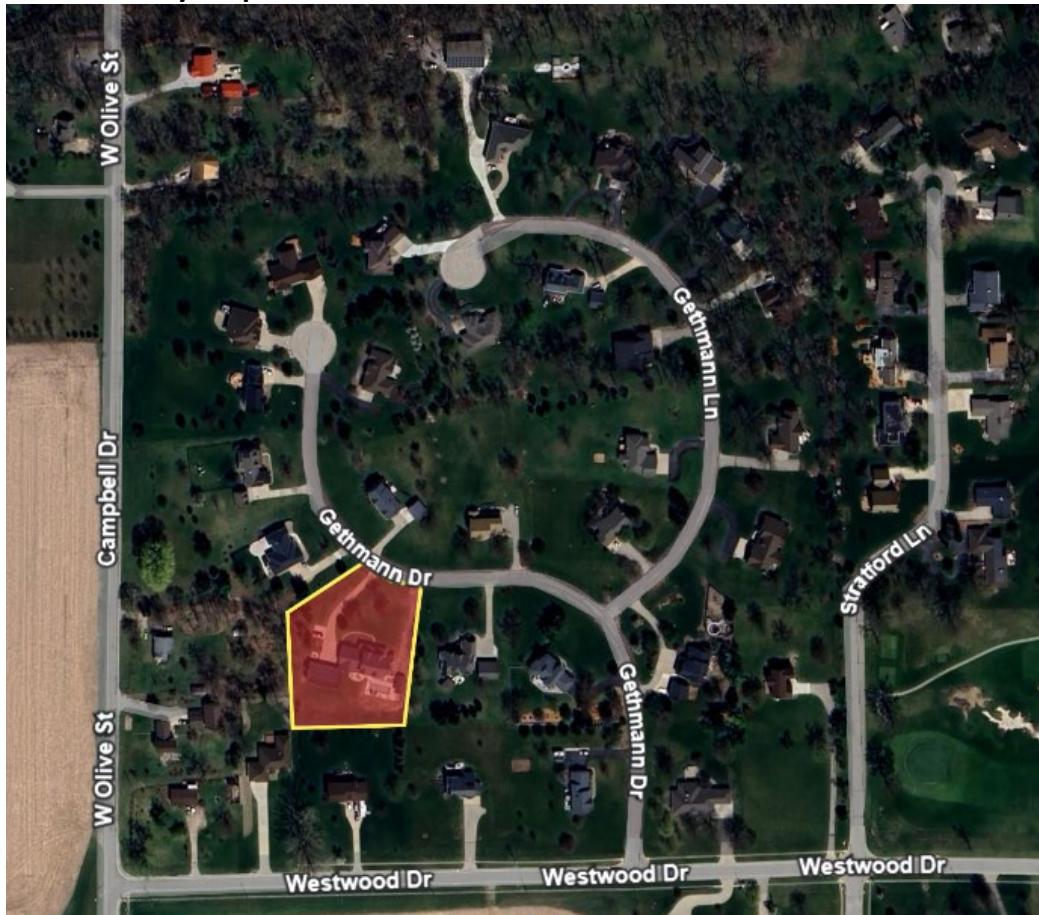
Recommendation: Staff recommends that the Building Board of Appeals would be within their authority to accept the auto pool cover in-lieu of fencing based on the fact that an ASTM F1346 Rated Pool Cover provides an equally good or better form of construction for a swimming pool.

The type of pool cover presently in use is an accepted pool protection method within the building and swimming pool codes. But for city ordinance only allowing for use of a fence this would otherwise be an accepted form of construction.

The official action recommended by staff is to reverse the notice of violation requiring installation of a fence subject to the condition that the pool is maintained with an ASTM F1346 Rated Pool Cover, which is determined to be an equally good or better form of construction.

Attachments: Notice of Violation
Chapter 155 Code of Ordinances
Appeal Application

Aerial Vicinity Map:



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Deb Millizer, Director
Clayton Ender, Assistant Director
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5756
Fax - (641) 754-5717

NOTICE SERVICE DATE: MARCH 21, 2025
APPEAL DEADLINE: April 10, 2025
COMPLIANCE DEADLINE: APRIL 20, 2025

SENT VIA REGULAR MAIL AND VIA CERTIFIED MAIL

TONY & SARA REED
2007 GETHMANN DR
MARSHALLTOWN, IA, 50158

**RE: NOTICE OF VIOLATION AND ORDER TO ABATE
2007 GETHMANN DRIVE, MARSHALLTOWN, IA, 50158**

This letter is to notify you that property you own at 2007 Gethmann Drive (Herein after referred to as "SUBJECT PROPERTY") is, as of the date of this notice, in violation of various provisions of the Code of Ordinances of the City of Marshalltown, Iowa (Hereinafter referred to as "CITY CODE").

The following table identifies the sections of City Code in which the subject property is in violation.

CITY CODE REFERENCE	CONDITION / REQUIRED ACTION:
§ 155.003 (A) Every person in possession of land upon which is situated a swimming pool shall at all times maintain on the lot or premises upon which such pool is located and completely surrounding such pool, lot or premises a fence or other structure not less than five feet in height with no openings therein, other than doors or gates, larger than six inches in any dimension; provided, however, that, if a picket or similar fence is erected or maintained, the vertical or horizontal dimension of the openings, other than the gates or doors, shall not exceed six inches.	<u>CONDITION:</u> An in-ground swimming pool has been installed without a fence as required by city code. <u>REQUIRED ACTION:</u> Install a fence as required by city code which is at least five feet in height, but not greater than six feet in height.

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§ 155.003

Continued from Page #1

(B) The design and structural stability shall be in accordance with the Building Code.

YOU ARE HEREBY GIVEN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE AND ORDER TO ABATE THE VIOLATIONS SPECIFIED HEREIN IN THE MANNER SPECIFIED.

Failure to comply with this Notice and Order to Abate could result in the City of Marshalltown taking legal action including without limitation filing a municipal infraction citation against you in State of Iowa District Court, including but not limited to seeking injunctive relief and/or civil penalties of not more than \$750 for the first offense and not more than \$1,000 for each repeat offense, with each day the violation occurs or is permitted to exist constituting a repeat offense.

You do have the right to appeal this Notice and Order to Abate. Should you desire to file an appeal you must do so by submitting an appeal application to Clayton Ender, Assistant Director of Housing and Community Development at 24 N Center Street, Marshalltown, IA, 50158. Please contact the staff member cited in this Notice and Order to receive an appeal application if you wish to file an appeal. The appeal shall be filed within twenty (20) days from the date of service of this Notice and Order.

Questions regarding this notice should be directed to Clayton Ender at cender@marshalltown-ia.gov or 641-754-5756.

Sincerely,

Clayton Ender, AICP
Assistant Director of Housing and Community Development & Zoning Administrator

CC: File
Deb Millizer, Director of housing and Community Development
Steve Leidinger, City Attorney

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2020 Aerial Imagery



2023 Aerial Imagery



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CHAPTER 155: SWIMMING POOLS

Section

- 155.001 Definition
- 155.002 Fence required
- 155.003 Openings in fence
- 155.004 Depth of water when fence required

- 155.999 Penalty

§ 155.001 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SWIMMING POOL. Any artificially created body of water, permanent or temporary, enclosed in non-porous material designed to prevent the unintentional escape, that is 18 inches or more in depth at any point and is designed or used for swimming, wading or bathing purposes, other than municipally owned pools.

(2013 Code, § 26.5-1) (Ord. 13031, passed 12-13-1976)

§ 155.002 FENCE REQUIRED.

(A) Every person in possession of land upon which is situated a swimming pool shall at all times maintain on the lot or premises upon which such pool is located and completely surrounding such pool, lot or premises a fence or other structure not less than five feet in height with no openings therein, other than doors or gates, larger than six inches in any dimension; provided, however, that, if a picket or similar fence is erected or maintained, the vertical or horizontal dimension of the openings, other than the gates or doors, shall not exceed six inches.

(B) The design and structural stability shall be in accordance with the Building Code.

(2013 Code, § 26.5-2) (Ord. 13031, passed 12-13-1976; Ord. 14135, passed 7-12-1982)

§ 155.003 OPENINGS IN FENCE.

All gates or doors opening through the enclosure required in §155.002 of this chapter shall be equipped with self-closing and self-latching devices designed to keep and capable of keeping such gate or door securely closed and latched at all times when not in actual use. Such self-latching device shall be located not less than four feet above the underlying ground surface or otherwise made inaccessible from the outside to small children. Any dwelling or other building on the premises may be incorporated in and considered as constituting a portion of the required barrier. Doors or other openings from any occupied dwelling, as distinguished from a garage, into the required enclosure need not be equipped with self-closing or self-latching devices. The provisions of this section shall not apply to service gates that are permanently locked, except when in actual use.

(2013 Code, § 26.5-3) (Ord. 13031, passed 12-13-1976)

§ 155.004 DEPTH OF WATER WHEN FENCE REQUIRED.

All fencing must be in place with gates when the pool is filled with water to a depth of 18 inches or more at any point.

(2013 Code, § 26.5-4) (Ord. 13031, passed 12-13-1976)

§ 155.999 PENALTY.

Any person violating the provisions of this chapter shall, upon conviction, be punished by a penalty as provided in § 10.999(A) of this code of ordinances.

(2013 Code, § 26.5-5) (Ord. 13031, passed 12-13-1976; Ord. 14970, passed 11-27-2017)

CITY OF MARSHALLTOWN APPEAL REQUEST FORM

This form may be completed when appealing various City Codes that provide for an appeal opportunity. Please complete all lines and add additional information if applicable. Submit to the designated City representative identified in the notice you received.

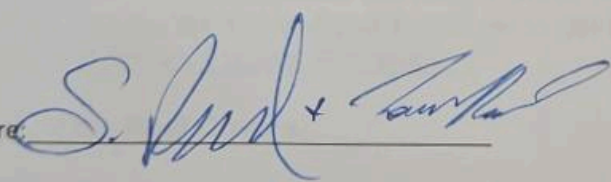
Name: Sara & Tony Reed

Address: 2007 Gethmann Dr. Marshalltown IA

Phone Number: 641-751-1867

E-Mail Address (if available): tonyreed2008@gmail.com

Description requesting appeal: Requesting an appeal to allow an ASTM 1346
Rated Pool Cover to fulfill the safety enclosure requirement for our pool.
This is allowed by the International Building Code, International
Swimming Pool and Spa Code and Underwriters Laboratory UL (File E164833).
This is an Auto Safety Cover that provides the utmost safety for all.
Reference: City Code 155.003

Signature: 

Date: 04-09-25

APPEAL TO ALLOW ASTM 1346 RATED AUTO POOL COVER

Sara & Tony Reed

Board of Appeals Meeting

ASTM-rated pool covers, specifically those compliant with ASTM F1346-91, are designed to enhance pool safety by restricting access to the water, particularly for children under five years of age. This standard includes rigorous performance tests to ensure effectiveness, such as: [Cover-Pools+8Watchdog Pool Safety+8Katchakid+8ASTM International | ASTM+4Katchakid+4Watchdog Pool Safety+4](#)

- **Static Load Test:** The cover must support at least 485 pounds (approximately the combined weight of two adults and one child) to facilitate rescue operations. [Coverplay, Inc+2Watchdog Pool Safety+2Katchakid+2](#)
- **Perimeter Deflection Test:** Ensures that openings between the cover and pool edge are small enough to prevent a test object from passing through, reducing the risk of entrapment. [Watchdog Pool Safety+1Katchakid+1](#)
- **Surface Drainage Test:** Verifies that the cover prevents dangerous water accumulation on its surface. [Coverplay, Inc+3Katchakid+3Watchdog Pool Safety+3](#)

When properly installed and maintained, these covers significantly reduce the risk of accidental drownings by preventing unauthorized or unsupervised access to the pool. [Pool-SafetyCover](#)

Many cities have already adopted ASTM 1346 Rated Auto Pool covers as an alternative to fencing. Below are many of the reasons this is a safer method to protect children/pets.

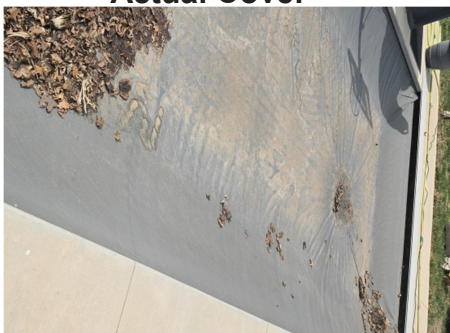
Limitations of Fences:

- Despite their effectiveness, fences are not foolproof. Approximately 10% of child pool drownings occur after a child figures out how to get through the pool fence. [NBC4 Washington+1Bright Futures Pediatrics+1](#)

Benefits of Automatic Pool Covers:

- Automatic pool covers, provide a physical barrier over the water, preventing access even if a child bypasses the fence. The CPSC acknowledges that power safety covers—a type of automatic cover—can serve as effective barriers when the pool is not in use. [U.S. Consumer Product Safety Commission+1U.S. Consumer Product Safety Commission+1](#)

Actual Cover



Locking Cover Switch



10 Reasons why Auto Pool Covers are Safer than Fences



1. Alternative: ASTM-Rated Automatic Pool Covers

Automatic covers provide **continuous protection** whenever the pool is not in use and **don't rely on human behavior** to be effective — which is a major limitation of fences.




2. Human Error (Unlatched or Open Gates)

- The most common failure in pool fence safety is **someone leaving the gate open**— especially kids or distracted adults.

Even with self-closing or self-latching gates, mechanical issues or poor installation can cause **unintentional access**.




3. Gates Are Frequently Left Open

- Studies show that **human error**, like leaving a gate unlocked or propped open, is one of the **most common causes** of child drownings in fenced pool areas.
 -  *Source: CDC, "Unintentional Drowning" – many incidents occur when children access pools through gates left open unintentionally.*
[CDC - Drowning Prevention](#)
-




4. Children Can Climb Over or Around Fences

- Standard fences can be **climbed using patio furniture, planters, or nearby objects**, defeating their purpose.
 -  *Source: Consumer Product Safety Commission (CPSC) Pool Barrier Guidelines – recommends 4+ foot fences but acknowledges climbable objects reduce effectiveness.*
CPSC Barrier Guidelines
-




5. Fences Give a False Sense of Security

- Parents may assume that a fence alone is enough, leading to **reduced vigilance** or less supervision.
 -  *Source: National Drowning Prevention Alliance (NDPA) emphasizes layers of protection, noting fences alone are not sufficient.*
NDPA – Layers of Protection.
-



6. No Protection When the Pool Is in Use or Unattended Briefly

- A child can slip in while the pool is uncovered but the adult is distracted for just a moment. A fence won't stop them **once they're inside**.
 -  *Source: American Academy of Pediatrics (AAP) – calls for **multiple barriers**, including **covers or alarms**, not fences alone.*
AAP Drowning Prevention
-



7. Limited in Preventing Access from Inside the Home

- A fence may not stop a child from accessing the pool if **the door from the house opens directly to the pool area**—a common layout.
 - In these cases, **an ASTM-compliant cover offers better protection** by securing the actual water surface, not just the perimeter
-



8. Passive Protection vs. Active Security

- Fences are **passive barriers**—they're only effective if properly closed and maintained.
 - **Automatic covers are active**—they create a secure, sealed surface that makes it **physically impossible to access the water** when closed.
-



9. Automated and Convenient = Always in Use

- Because it's automatic, it's easy to **close the cover every time the pool is not in use**, which makes consistent safety more likely.
 - No hassle with locks or gates—just turn a key
-



10. Complies with ASTM F1346-91 Standard

- To be labeled as a safety cover, it must pass rigorous testing: weight support (usually 485 lbs), perimeter deflection limits, and removal/operating requirements.
- These standards are **stricter and more functional** in preventing accidental submersion than many local fence codes.

Coverstar Automatic Covers and UL / ASTM standard F 1346-91

All Coverstar cover systems including the Eclipse (CS 1800 SS), CS1800 (CS 1800), Leading Edge (CS1800 LE), CS1800 SwimWise (CS1800 SW), Omega (CS 1800), CS3000 (CS 1800) are UL listed (UL certification listing is shown in parenthesis). All meet the ASTM standard for safety covers as specified in ASTM standard F 1346-91 when they are installed and maintained properly according to the installation and homeowner instructions which have been provided by Coverstar. On several different occasions, the Coverstar covers, both automatic and manual have been tested by independent testing laboratories and have always been found to be in compliance with all the ASTM requirements for safety covers. Our covers are also listed by UL (File E164833) and classified by UL as a power safety cover in accordance with ASTM F 1346-91

If you wish to verify either of the UL certifications, take the following steps:

Go to www.ul.com

Once there click on Search UL.com

Click on [Online Certifications Directory](#).

Under General Search click on UL File Number

Type in E164833 and hit enter

You should now see Coverstar's listings. If you have problems, you can also search by company or by Automatic Pool Covers

If more information is required about ASTM and its standards, you can go to their website at www.astm.org.

Shown below is the UL authorized label that is attached to the automatic cover system that we ship which shows both UL certification and compliance with ASTM F 1346-91. A label is also placed on the front of every cover stating that we meet the ASTM safety standards.



GENERAL COMPLIANCE

intended function, it can be installed below the flood elevation if it is anchored and protected.

304.5 GFCI protection. Electrical equipment installed below the design flood elevation shall be supplied by branch circuits that have ground-fault circuit interrupter protection for personnel.

- ❖ Electrical equipment that is installed below the design flood level, such as lighting, receptacle outlets and motorized pool covers, must be supplied by circuits that have ground-fault circuit interrupter (GFCI) protection.

SECTION 305 BARRIER REQUIREMENTS

305.1 General. The provisions of this section shall apply to the design of barriers for pools and spas. These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such pools or spas. These requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.

Exceptions:

1. Spas and hot tubs with a lockable *safety cover* that complies with ASTM F1346.
2. Swimming pools with a powered *safety cover* that complies with ASTM F1346.

- ❖ Barriers around pools and spas significantly restrict unauthorized access to such pools and spas. The perimeter barrier design requirements in this section are especially focused on preventing children from having access to an area where the potential for drowning or near drowning is very high. Once children are inside the barrier perimeter, only constant adult supervision of those children can prevent drowning or near drowning. Thus, when adults choose to leave the pool and spa area, common sense dictates that all children should also leave the area and be taken outside of the perimeter barrier. Therefore, a thorough inspection of perimeter barriers is necessary, as they are the only required line of defense against drowning or near drowning of children when adults are not present.

The exceptions allow for spas and hot tubs with lockable covers complying with ASTM F1346 and pools with power safety covers complying with ASTM F1346 to not require barriers. A cover installed on a pool or installed on a spa or hot tub offers the same level of protection as a barrier, so barriers are not required. Commentary Figures 305.1(1) and 305.1(2) show powered safety covers on residential and public swimming pools, respectively. When covers are retracted or removed, only constant adult supervision of a pool and spa can prevent children from drowning or near drowning. Thus, when adults choose to leave the pool or spa area, common sense dictates that children are removed from the pool or spa and the cover installed immediately. Therefore, a thorough

inspection of covers, cover latching systems and cover deployment systems (and their operation) is necessary, as these covers are the only required line of defense against drowning or near drowning of children when adults are not present. Although the code is silent about the controls for electric-powered safety covers for pools, it is a reasonable assumption that care would be taken to keep the operating controls secured so only those persons responsible enough to not trap users in the pool would be operating the cover [see Commentary Figure 305.1(3)].

Note that a nonpowered pool cover (i.e., one that is manually installed) does not provide relief of the barrier requirement [see Commentary Figure 305.1(4)]. Even though a manual pool cover might comply with the requirements of ASTM F1346, installation of manually installed covers are time consuming and could be somewhat complicated such that they would not be used every time the pool was not in use.

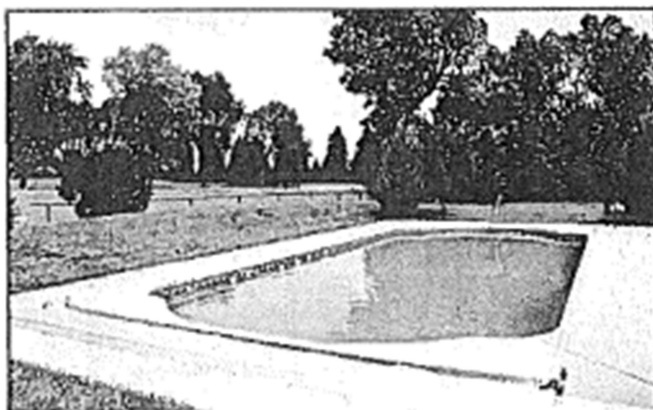


FIGURE 305.1(1)
ON-DECK-TYPE POWERED SAFETY COVER FOR
RESIDENTIAL POOL

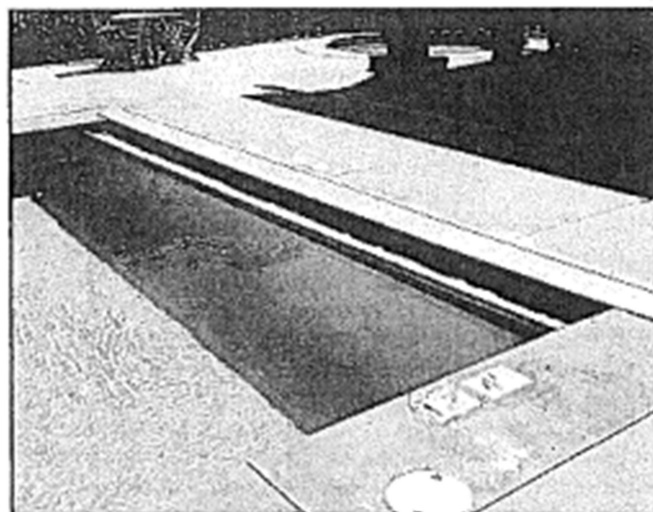


FIGURE 305.1(2)
INTEGRAL-TYPE POWERED SAFETY COVER FOR
PUBLIC POOL