

ORDINANCE NO. 11-13

AN ORDINANCE REGULATING PORTABLE AND NONPORTABLE SWIMMING POOLS IN THE VILLAGE OF THORNVILLE, OHIO.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF THORNVILLE, OHIO, A MAJORITY OF ITS ELECTED MEMBERS CONCURRING, THAT:

Section I.

a) For the purpose of this section, the following terms are defined as follows:

"Portable swimming pool" means a container which is designed or used for wading purposes; which will not permit filling with water to a depth greater than two and one-half feet; and which may be dismantled, stored, or moved from one place to another without the use of tools other than those normally found in a household workshop.

"Nonportable swimming pool" means any artificial body of water designed or used for swimming purposes, whether in-ground or above-ground which conforms to the following criteria.

- 1) It is supplied with water from a controlled water source;
- 2) It is not enclosed within a building; and,
- 3) The depth of water is capable of exceeding two feet, six inches at any point.

b) Portable swimming pools shall be allowed in any Residential Districts, without a zoning permit or fee, provided that they comply with all of the following conditions and requirements.

- 1) The pool may not be located in the front yard of any property.
- 2) Water shall not be allowed to remain in any unused or abandoned portable pool. The definition of an unused or abandoned portable pool is one where the water within the pool has not been changed or filtered/treated in more than one week's time.

c) Nonportable swimming pools may be allowed as an accessory use only in Residential Districts, upon approval of a zoning permit and payment of any applicable fee, provided that they comply with all of the following conditions and requirements.

- 1) The pool is intended and used solely for the enjoyment of the property owner, lessee, or tenant of the property on which it is located thereof and his/her family and friends invited to use it without payment of any fees.
- 2) The pool may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten feet to any property line of the property on which it is located.
- 3) The swimming pool or the property as hereinafter defined on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children or other persons from the street or other adjacent properties except that the pool, wall, or fence may not penetrate the front yard setback as defined by Village ordinance. The wall or fence may be separated from or part of the pool itself. All fences must comply with the most current version of the Village of Thornville Planning and Zoning Code, section 27.04 Residential Fences and/or Hedges.
- 4) All walls and fences surrounding such pools shall be equipped with a gate and a lock.

- 5) All pool owners shall have secured a permit from the Village of Thornville zoning inspector before installation of such pool. An application for this permit shall be made on such forms as may be furnished by the Village, and shall be accompanied by complete plans and specifications for the pool, including the type and location thereof with respect to the boundary lines of the land of the applicant. The applicant shall pay the fees established by resolution for such permit.
- 6) Water shall not be allowed to remain in any unused or abandoned nonportable pool. The definition of an unused or abandoned nonportable pool is one that is not undergoing active filtration, is not filled to capacity, is in disrepair, or is in a damaged state.

d) Nothing in this Ordinance is intended to have any effect on the Village of Thornville's operation of a public Village swimming pool or other privately operated commercial pools that are accessible to the public.

e) **Section II.**

This Ordinance shall take effect at the earliest time provided by the laws of the State of Ohio.

Passed this _____ day of _____, 2011.

ATTEST:

Sandy Davis, Clerk of Council

Beth A. Patrick, Mayor

APPROVED AS TO FORM:

D. Michael Crites, Village Solicitor