

ORDINANCE: 14-01

AN ORDINANCE ESTABLISHING AND ADOPTING SECTION 27.06 (REGULATING FAMILY SWIMMING POOLS) TO THE 2008 VILLAGE OF THORNVILLE PLANNING AND ZONING CODE AND REPEALING ORDINANCE 12-04

WHEREAS, on October 27, 2008, Council for the Village of Thornville adopted Ordinance 08-12 and established the Village of Thornville Planning and Zoning Code; and

WHEREAS, with Ordinance 12-04, Council for the Village of Thornville adopted legislation regulating portable and non-portable swimming pools in the Village. This legislation was adopted, but not formally incorporated into the Zoning Code; and

WHEREAS, Council for the Village of Thornville now believes it is necessary to formally add regulations regarding swimming pools to the Village's Planning and Zoning Code in order to better protect the general health, safety, and welfare of all Village residents. In order to accomplish this goal, Council for the Village of Thornville wishes to repeal Ordinance 12-04 and now create Section 27.06 of the Zoning Code.

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Thornville, County of Perry, State of Ohio:

SECTION 1: Section 27.06, regulating family swimming pools, is hereby established, adopted, and made part of the 2008 Village of Thornville Planning and Zoning Code, as set forth in Ordinance 08-12. Section 27.06 shall read as follows:

Section 27.06 Portable and Permanent Family Swimming Pools

Definitions:

The following definitions, terms, phrases, words and their derivations shall apply to this Section:

- (a) "Zoning Inspector" means the Village of Thornville authorized representative.
- (b) "Portable Family Swimming Pool" means a swimming pool used for non-commercial purposes, resting entirely above ground and designed to be easily dismantled, stored and moved from one place to another and uses a re-circulating and or filter pump.
- (c) "Permanent Family Swimming Pools" means a swimming pool, used for non-commercial purposes, which is built either upon or below the level of the ground and which is not designed or intended to be readily dismantled, stored or moved from one place to another and uses a re-circulating and or filter pump.
- (d) "Kiddie/Blow-Up/Wading Pools" means a swimming pool used for non-commercial purposes, resting entirely above the ground, designed to be easily stored and moved from one place to another, designed and/or used by and for young children, and not equipped with a recirculation and/or filter pump.

Access Equipment:

All access ladders, steps, and other equipment not permanently affixed shall be removed from the Portable or Permanent Family Swimming Pool at the close of the swimming season.

Location of Pools:

No Portable or Permanent Family Swimming Pool shall be placed, located, constructed, or installed in the front yard and/or side yard, as described in the Village of Thornville Zoning Code, applicable to the lot or parcel upon which such pool is to be placed or located.

There are no restrictions on where Kiddie/Blow-Up/Wading Pools may be placed or located when being used. However, no Kiddie/Blow-Up/Wading Pool may be placed, located, or stored in the front yard and/or side yard when not being used.

No swimming pool shall be located, constructed, installed, used, operated or maintained except in compliance with the provisions and regulations of this Section and the provisions and regulations of the zoning district in which the swimming pool is located, constructed, installed, used, operated, or maintained.

Construction Permit:

Before work is commenced on the construction of a Portable or Permanent Family Swimming Pool or any alteration, addition, remodeling or other improvement thereto, an application for a Construction Permit, together with the required plans, specifications and other relevant explanatory data, shall be submitted to, and approved by, the Zoning Inspector. No work shall be commenced until the Zoning Inspector has evidenced his/her approval by a suitable endorsement upon such plans and specifications, and has granted a Construction Permit therefore and, if required, the State of Ohio Board of Health has permitted and authorized the Portable or Permanent Family Swimming Pool. No permit is required for a Kiddie/Blow-Up/Wading Pool.

Safety Precautions:

All reasonable precautions shall be taken to protect the users of all Portable and Permanent Family Swimming Pool from injury or accident.

Kiddie/Blow-Up/Wading Pools must be completely emptied of water on a daily basis.

Pollution:

Water shall not be allowed to remain in any unused, inoperable, or abandoned Portable or Permanent Family Swimming Pool. The definition of an unused, inoperable or abandon swimming pool swimming pool is one that is not undergoing active filtration, is not filled to capacity, and/or is in disrepair or otherwise damaged.

Fence:

- (a) Every Portable and Permanent Family Swimming Pool shall be completely surrounding by an appropriate fence not less than four (4) feet in height and shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension. A building or existing wall may be used as a part of such enclosure.
- (b) All gates or door opening through such enclosure shall be of self- closing and self-latching construction and shall be designed to permit locking and shall be kept locked when pool is not in actual use, or is left unattended.
- (c) These requirements shall apply to both new and existing Portable and Permanent Family Swimming Pool, except the owners of existing outdoor Portable and Permanent Family Swimming Pool shall be giving a reasonable period, not to exceed thirty (30) days from effective date of this Section, in which to comply. No person in possession of land within the Village either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a Portable or Permanent Family Swimming Pool shall fail to provide and maintain such fence or wall as herein provided.
- (d) No fence is required around a Kiddie/Blow-Up/Wading Pool.

Plan and Specification:

Plans, specifications and relevant explanatory data required to be submitted in connection with an application for a Construction Permit to construct a Portable or Permanent Family Swimming Pool or any alteration, addition, remodeling or other improvements thereto shall comply with the following requirements, and shall include the following information, as well as such other information as may be requested by the Zoning Inspector:

- (a) Plans shall be drawn to a scale of not less than one-eighth per foot, indicating all materials and method of construction and indicating all dimensions, including the length,

width and depth of the pool and the width of the pool deck and location of re-circulating and or filtration pump:

- (b) Plot plan showing the position of the pool in relation to the building and lot.
- (c) The water capacity of the pool.
- (d) The location of the enclosing fence.

Penalty:

Whoever violates any of the provisions of this Section shall be fined fifty dollars (\$50.00). Each day that any violation exists, or continues to exist, shall be deemed a separate offense.

SECTION 2: Ordinance 12-04, Regulating Portable and Non-Portable Swimming Pools, is hereby repealed.


SECTION 3: All other original and amended sections and sub-sections of the Village of Thornville 2008 Planning and Zoning Code, as set forth in Ordinance 08-12 shall remain unchanged, in effect, and enforceable.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the Village of Thornville which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.


SECTION 5: All prior legislations, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

SECTION 6: This Ordinance shall take effect at the earliest time allowed by law.

Passed in Council this 10th day of February, 2014


Gavin Renner, Mayor

ATTEST


Sharon Brussee, Clerk of Council

APPROVED

Approved as to form is day of 5th day of December 2013



Brian M. Zets, Esq.
Village Solicitor