

RECORD OF ORDINANCES

Ordinance No. 2019-O-15

Passed July 27, 2020
YEAR

VILLAGE COUNCIL OF NORTH FAIRFIELD, OHIO ORDINANCE NO: 2019-O-15

AN ORDINANCE AMENDING AND REPLACING SECTION 1215.04 OF THE VILLAGE OF NORTH FAIRFIELD, OHIO ZONING ORDINANCE REGARDING PRIVATE SWIMMING POOLS

WHEREAS, the Village of North Fairfield, Ohio enacted a Zoning Ordinance effective November 11, 1996 by Ordinance 96-6; and

WHEREAS, Chapter 1215 of the Village of North Fairfield Village Zoning Ordinance provides for Supplemental Zoning Regulations which includes Section 1215.04 Private Swimming Pools (Amended Ord. No 98-9 Passed 10-12-1998, Amended Ord. No. 2002-O-7 Passed 7-8-02; and

WHEREAS, Chapter 1231 of the Village of North Fairfield Village Zoning Ordinance permits amendments after receipt of recommendations from the Planning Commission; and

WHEREAS, the Village of North Fairfield Planning Commission meet in open meeting on **August 1, 2019** and pursuant to Section 1231.03 of the Zoning Ordinance recommends the amendment be granted, passed and adopted; and

WHEREAS, as required by Section 1231.04 of the Village of North Fairfield Village Zoning Ordinance, upon receipt of the recommendations from the Planning Commission, Village Council scheduled and conducted a PUBLIC HEARING on **September 30, 2019**; and

WHEREAS, pursuant to Section 1231.05 of the Village of North Fairfield Village Zoning Ordinance, notice of the public hearing shall be given by Village Council by at least one (1) publication in one or more newspapers of general circulation. However, North Fairfield being a municipal corporation in which no newspaper is generally circulated, publication was accomplished by posting copies pursuant to Section 731.25 of the Ohio Revised Code.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NORTH FAIRFIELD, STATE OF OHIO: (RC 731.18)

SECTION 1. That Section 1215.04 of Village of North Fairfield Village Zoning Ordinance is hereby amended and replaced as follows:

1215.04 PRIVATE SWIMMING POOLS

*No private swimming pool, defined as **an** in-ground or on-ground pool, hot tub or spa, except for a portable swimming pool with a diameter less than twelve (12) feet, a water*

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surface of less than 150 square feet, and a depth of one and one half feet, shall be allowed in a district, except as an accessory use and unless it complies with all of the following conditions and requirements:

(a) The pool is to be solely for the enjoyment of the occupants and their guests of the principle use of the property on which it is located.

(b) The pool, hot tub or spa may not be located in the front yard area no closer than ~~five (5)~~ **ten (10)** feet to a rear or side lot line. Distance measured from the edge of the water. The swimming pool and equipment shall be equipped to be emptied completely of water and the discharge water shall be disposed of in an approved manner that will not create a nuisance to the adjoining property.

(c) **If the pool is under 48" tall from ground level to the top of the pool wall,** ~~The~~ pool or entire yard in which the pool is located shall be walled or fenced to prevent uncontrolled access by children from the street or adjoining properties. An outdoor private swimming pool including an in-ground or on-ground, hot tub or spa shall be provided with a fence which shall comply with the following:

(1) Openings in the fence shall not allow passage of a 4-inch (102mm) diameter sphere.

(2) Solid fence shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

(3) Where the fence is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 69 inches (1752 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 3/4 inches (44 mm) in width. Decorative cutouts shall not exceed 1 3/4 inches (44 mm) in width.

(4) Where the fence is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 69 inches (1752 mm) or more, spacing between the vertical members shall not exceed 4 inches (102 mm). Decorative cutouts shall not exceed 1 3/4 inches (44 mm) in width.

(5) Maximum mesh size for chain link fences shall be a one inch (32 mm) square unless the fence is provided with slates fastened at the top or the bottom which reduce the openings to not more than 1 3/4 inches (44 mm).

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(6) *Where the fence is composed of diagonal members, such as a lattice fence, the maximum openings formed by the diagonal members shall not be more than 1 3/4 inches (44 mm).*

(7) *Access gates shall comply with the requirements of items 1 through 7 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located between 40 inches (106 mm) and 48 inches (1219 mm) from the bottom of the gate, (a) the release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and (b) the gate and fence shall not have an opening greater than 1/2 inch (13 mm) within 19 inches (457 mm) on all side of the release mechanism.*

(8) *Fences shall be located as to prohibit permanent structures, equipment or similar objects from being used to climb the fences.*

(d) *Required fences must be placed within thirty (30) days after the swimming pool is constructed and before the pool is filled.*

(e) *Prior to the construction or erection of a private swimming pool, a zoning certificate shall be obtained.*

(f) Pools shall not be placed over any underground sewer, water or utility lines. This ensures access to these utilities if service work is required.

(g) All pool electrical outlets shall be GFCI protected and they may be as close as 6 feet away.

(h) All pools without a filtration system regardless of the size, must be emptied weekly to prevent stagnant water and contamination.

(i) Inspections of the pool installation and wiring installation are required; there may be several inspections needed at different points of the installation. An authorized representative of the village (will) visit your site to make sure the installation and wiring hookups comply with the village zoning code requirements.

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(Amended Ord. No. 98-9 Passed 10-12-98, Amended Ord. No. 2002-0-7 Passed 7-8-02, Amended Ord. No 2019-0-12 Passed 10-14-2019, **Amended Ord 2019-0-15**)

SECTION 2. That the above version replaces any and all previous versions of Section 1215.04 of the Village of North Fairfield Village Zoning Ordinance. Any and all previous versions are hereby rescinded, repealed and replaced.

SECTION 3. That the Clerk is hereby instructed to include a copy of this Ordinance in the Village of North Fairfield Village Zoning Ordinance and reference these changes therein.

SECTION 4. PUBLIC MEETING. It is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

WHEREFORE, this Ordinance/Resolution shall take effect at the earliest period allowed by law.

PASSED AND ADOPTED on this 27 day of July, 2020.

AUTHENTICATION and ATTESTATION (RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.


MAYOR


FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 6 NAYS: 0 ABSTAIN: 0

First Reading: December 10, 2019
Second Reading: July 14, 2020 [may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)]
Third Reading: July 27, 2020 [may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)]

APPROVED AS TO FORM:


Steve Palmer, Village Solicitor

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CERTIFICATE OF POSTING (RC 731.25)

I hereby certify that pursuant to R.C. 731.25, a succinct summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority (See Ord 2019-O-12) for a period of not less than fifteen days prior to the effective date at the following locations:

- 1) Fiscal Officer Office, 3 East Main St., North Fairfield, Ohio; and
- 2) North Fairfield Village Hall, 3 East Main St., North Fairfield, Ohio; and
- 3) North Fairfield Public Library, 5 East Main St., North Fairfield, Ohio; and
- 4) North Fairfield Post Office, 1 North Main St., North Fairfield, Ohio; and
- 5) Electronically online at official Village website.


FISCAL OFFICER