

VILLAGE OF PLEASANT HILL, OHIO

ORDINANCE NO. 1083

**AN ORDINANCE REGULATING PRIVATE SWIMMING POOLS IN THE
VILLAGE OF PLEASANT HILL AND DECLARING AN EMERGENCY**

WHEREAS, currently Section 2200.10 of the Pleasant Hill Zoning Ordinance as established by Ordinance No. 1021, adopted January 8, 2007 regulates private swimming pools in the Village of Pleasant Hill;

Section 2200.10 A. Private Swimming Pool: No swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than 100 square feet, shall be allowed in any district, except as an accessory use and unless it complies with the following conditions and requirements.

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
2. It shall not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property on which it is located.
3. The swimming pool shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall be constructed not less than five feet in height and maintained in good condition, with a gate and lock.

WHEREAS, it has been determined to be in the best interest of the residents of the Village of Pleasant Hill to provide a more specific and comprehensive regulation of private swimming pools than that set forth above.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE VILLAGE OF PLEASANT HILL, MIAMI COUNTY, OHIO AT LEAST THREE FOURTHS OF ITS MEMBERS ELECTED OR APPOINTED THEREFORE CONCURRING:

SECTION ONE: That Section 2200.10 of the Pleasant Hill Zoning Ordinance as established by Ordinance No. 1021, adopted January 8, 2007 regulating private swimming pools in the Village of Pleasant Hill is hereby repealed;

SECTION TWO: Private Swimming Pools - As used in this Section, "private swimming pool," includes in-ground pools, on-ground pools, above ground pools, portable pools, lap pools, hot tubs and spas. No private swimming pools shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

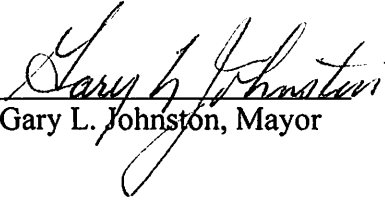
- A. No person shall locate, construct, or install any swimming pool or make any changes therein or on the appurtenances thereof without first obtaining a zoning permit.
- B. The swimming pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests;
- C. The swimming pool may be located anywhere on the premises except in front yards or drive ways, provided that it shall be located no closer than ten (10) feet to any property line or easement;
- D. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fences shall be less than five (5) feet in height (as measured at level of ground where located), and it shall be maintained in good condition with a gate and operating lock;
- E. Each gate in such barrier or fence shall be self-closing and self-latching and shall be provided with a secure lock located below the top of the gate and shall be kept locked at all times, unless said swimming pool is in use or is under immediate observation of a responsible adult;
- F. Swimming pools above ground do not require a five (5) foot fence if the pool sides are a minimum of forty-four (44) inches in height. However, retractable steps or ladders for above-ground pools with sides greater than 44 inches in height shall be capable of being secured, locked or removed to prevent access, and shall be so secured at all times, unless said swimming pool is in use or is under the immediate observation of a responsible adult;
- G. Decks built adjoining to above-ground swimming pools, hot tubs or spas shall be provided with conforming barriers and gates.
- H. In lieu of the aforesaid fencing requirement, hot tubs and spas having a span of nine (9) feet or less at the widest point shall be equipped with a cover or top that shall be provided with a lock capable of securing and locking same to prevent access to the hot tub and spa, and such cover or top shall be so secured at all times, and shall be kept locked at all times, unless the hot tub or spa is in use or is under the immediate observation of a responsible adult. Hot tubs and spas having a span greater than 9 feet at any point shall be considered a swimming pool and must adhere to the swimming pool guidelines.
- I. Required fencing and/or permitted barrier must be in place within twenty-four (24) hours after the swimming pool has been constructed.
- J. At the end of the swimming season, the pool water shall be treated, altered, or maintained so as to prevent the development of unsanitary conditions.
- K. Swimming pools may be drained into the nearest storm sewer line providing no chemicals (chlorine, soda ash, acid or any Ph stabilizing agents) have been added for a seven day period prior to draining. Swimming pool drain water shall not be allowed to enter abutting properties.

SECTION THREE: The aforesaid provisions set forth in Section Two, paragraphs A through I shall not apply to portable swimming pools having a diameter of less than twelve (12) feet and containing water less than eighteen (18) inches deep.

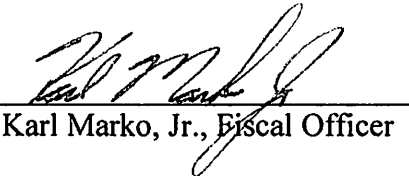
SECTION FOUR: Penalty Clause – Whoever violates any of the provisions of this Ordinance is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION FIVE: That this Ordinance be and is hereby declared to be an emergency measure for the immediate preservation of the health, welfare, and safety of the citizens of the Village of Pleasant Hill, Miami County, Ohio and in that this Ordinance must be effective prior to the beginning of the swimming season beginning May 31, 2013. Therefore, this Ordinance shall take effect immediately upon its passage and the Mayor and Fiscal Officer signing the Ordinance.

PASSED this 13th day of May 2013



Gary L. Johnston, Mayor



Karl Marko, Jr., Fiscal Officer