

CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO
ORDINANCE NO. 14-12

**AN ORDINANCE AMENDING SECTIONS 1231.02(179), 1231.02(180)
AND 1276.03 OF THE VANDALIA ZONING CODE ALL RELATING TO
SWIMMING POOLS AND SWIMMING POOL REGULATIONS**

WHEREAS, staff has recommended amendments be made to certain sections of Section 1231.02, Definitions and 1276.03 Swimming Pool Regulations; and

WHEREAS, Planning Commission has reviewed the proposed changes and has recommended approval of the amendments; and

WHEREAS, it is determined by the Council of the City of Vandalia that the amendments would be in the best interest of the citizens of Vandalia.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. Section 1231.02 (179) and Section 1231.02 (180) are hereby amended to read as follows:

Chapter 1231.02 TERMS DEFINED.

(179) "Swimming pool" means any structure, intended for swimming, recreational bathing or wading, which is capable of containing water over 24 inches deep, whether in-ground, on-ground or above-ground **including spas and hot tubs.**

(180) "Swimming pool, storable" means any swimming pool that is constructed on or above the ground and **which will not permit filling with water to a depth greater than 42 inches.**

Section 2. Section 1276.03 is hereby amended to read as follows:

1276.03 SWIMMING POOLS.

(a) Purpose. This section is enacted to provide regulations for bodies of water used for swimming or recreational bathing, including spas and hot tubs, with the exception of storm drainage retention or detention facilities authorized by the City Engineer.

(b) General Requirements.

(1) No person shall locate, construct or install a swimming pool or make any alteration thereto without first submitting an application and plans to and obtaining the required permits from The City of Vandalia Development and Engineering Services department.

(2) No person shall use, operate, repair or maintain a swimming pool in violation of any of the provisions of this Code.

(3) Swimming pools shall not be used until pool construction and zoning has been approved by Development and Engineering Services.

(4) Swimming pools on residential and agricultural property shall be considered an accessory use.

(5) All swimming pools must be equipped with a functioning filtration system.

(6) Where an existing land use is vacated, the Zoning Official may require that the existing swimming pool be drained or covered.

(c) Swimming Pool Locations.

(1) Private Swimming Pools.

A. The area of the swimming pool, exclusive of decks, walks and other appurtenances shall not exceed ten percent of the area of a lot in any residential district.

B. The swimming pool, including walks or paved areas shall not be located in any front yard **or within any recorded utility easement** and shall not be closer than five feet to any side or rear property line.

C. Pumps and/or filter systems shall be located ten feet or further from any property line and five feet or further from the building foundation line.

D. Lights, diving boards, slides or other accessories shall not project more than ten feet above the average grade of the pool site.

(2) Public, Club and Commercial Swimming Pools. The swimming pool and accessory structures shall not be closer than fifty feet to any property line of the property on which the pool is located, **or within any recorded utility easement.**

(d) Swimming Pool Barrier Requirements. **The provisions of this section shall apply to the design of barriers for swimming pools, excluding storable pools. The design controls are intended to provide protection against the potential drowning and near drowning by restricting access to swimming pools. The requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.**

(1) Barrier Required. Every person owning land on which there is situated a swimming pool shall erect and maintain an adequate enclosure which surrounds either the property or the pool area.

(2) Outdoor swimming pools. All swimming pools shall be surrounded by a barrier that complies with Sections 1276.03(d)(3-10) unless the swimming pool is provided with a working safety cover complying with ASTM specification F1346-91 (American Society for Testing and Materials).

(3) Barrier height and clearances. Barrier heights and clearances shall be in accordance with all of the following:

A. **The top of the barrier shall be not less than 48 inches above grade where measured on the side of the barrier that faces away from the swimming pool. Such height shall exist around the entire perimeter of swimming pool and for a distance of 36 inches where measured horizontally from the required barrier.**

B. **The vertical clearance between grade and the bottom of the barrier shall not exceed 2 inches for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the swimming pool.**

- C. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not allow the passage of 4 inch diameter sphere where measured on the side of the required barrier that faces away from the swimming pool.
- D. Where the top of the swimming pool structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the swimming pool structure. Where the barrier is mounted on top of the swimming pool structure, the vertical clearance between the top of the swimming pool and the bottom of the barrier shall not allow the passage of a 4 inch diameter sphere.
- (4) **Openings.** Openings in the barrier shall not allow passage of a 4 inch diameter sphere.
- (5) **Solid barrier surfaces.** Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds or footholds, except for normal construction tolerances and tooled masonry joints.
- (6) **Barrier Openings.** Openings in the barrier shall not allow passage of a 1 ³/₄ inch or greater diameter sphere, except when the distance between the tops of the horizontal members is 45 inches or more, the spacing between vertical and horizontal members may be increased to a maximum 4 inches.
- (7) **Clear Zone.** There shall be a clear zone of not less than 36 inches on the exterior side of the barrier and on the pool side of the barrier and around any permanent structures or equipment such as pumps, heaters and filters that can be used to climb over the barrier.
- (8) **Gates.** Access gates shall be equipped with a locking device. Pedestrian access gates shall open outward away from the swimming pool.
- (9) **Dwelling wall as a barrier.** Where a wall of a dwelling or accessory structure serves as part of the barrier, doors and operable windows with a sill height of less than 48 inches that provide direct access to the swimming pool through the wall shall be equipped with one or more of the following:
- A. An alarm that produces an audible warning when the door or its screen or window, is opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with Underwriters Laboratory (UL) 2017. In dwellings or structures the deactivation switch shall be located 54 inches or more above the threshold of the door.
 - B. A safety cover that is listed and labeled in accordance with ASTM F 1346.
- (10) **Swimming pool structure as a barrier.** Where an on-ground residential swimming pool structure is used as a barrier or where the barrier is mounted on top of the swimming pool structure, the following shall apply:
- A. An on-ground swimming pool wall, itself, shall be permitted to be the barrier where the swimming pool structure is on grade and the wall is at least 48 inches above grade for the entire perimeter of the pool and complies with the requirements of Section 1276.03(d)(3).
 - B. Where the means of access is a ladder or steps, the ladder or steps shall be capable of being secured, locked or removed to prevent

access or the ladder or steps shall be surrounded by a barrier that meets the requirements of this section.

- C. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4 inch diameter sphere.**
- D. The barrier shall be installed in accordance with the manufacturer's instructions.**

(e) Lights. All lights used to illuminate the swimming pool or the surrounding areas shall be designed, located and installed to confine the direct beams to the lot or parcel on which the pool is located. The lighting shall not constitute a nuisance or undue annoyance to occupants of abutting property.

(f) Drainage. All swimming pools shall be drained into a public storm sewer or street with storm drainage when practical, provided however, no swimming pool shall be drained **in a manner that results in the water flowing onto adjacent properties.**

(g) Storable Swimming Pools. The following additional regulations shall pertain to storable swimming pools only.

(1) Overhead Conductor Clearances. A minimum horizontal clearance of 10 feet shall be maintained to any overhead conductor. (2) Underground Conductors. No underground wiring shall be located within 5 feet of the outside walls of a storable pool.

(3) Ground Fault Circuit Interrupter (GFCI) Required. Cord and plug connected circulation or filtering systems shall be connected to a GFCI protected power source. All pumps or filtering equipment shall be connected to a circuit containing a properly sized equipment grounding conductor. All 125 volt, 15 and 20 ampere receptacles located within 20 feet of the storable pool shall be GFCI protected.

(4) Receptacle Locations. Receptacles shall not be located within 6 feet of the inside walls of a storable pool

(5) Extension Cords. Extension cords are not permitted for the connection of storable pool equipment.

Section 3. The Codified Ordinances of the City of Vandalia are hereby amended to reflect the aforementioned amendments.

Section 4. This Ordinance shall take full force and effect from and after the earliest period allowed by law.

Passed this day 17th day of March, 2014.

APPROVED:

Arlene J. Setzer, Mayor

ATTEST:

Douglas L. Knight
Interim Clerk of Council