

ORDINANCE NO.: 29-2007
INTRODUCED BY: Mayor and Council

AN ORDINANCE AMENDING CHAPTER 1341, "SWIMMING POOLS AND SPAS", OF THE BUILDING CODE TO BE IN CONFORMITY WITH THE PROPERTY MAINTENANCE CODE; AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 1341 needs to be updated in order to be consistent with the Property Maintenance Code and changes that have occurred in the swimming pool industry.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, Ohio, that:

Section 1: Existing Chapter 1341 of Title Three, "Local Provisions," of Part Thirteen, "Building Code," of the Codified Ordinances of the City of Richmond Heights be and the same is hereby amended to read as follows:

"Chapter 1341

SWIMMING POOLS AND SPAS

1341.01 DEFINITIONS.

The following definitions shall apply to this chapter.

- (a) "Family swimming pool" means an artificial body of water either above ground or in ground with a controlled water supply, over twenty four (24) inches in depth on a lot used for the purpose of a one family dwelling located in a R-1 or R-2 Single Family District, R-3 Planned Development District or used within legal non-conformity as a single family dwelling located upon a single lot in any other district, for use by the owner, occupants, family members and friends without payment of a fee for use. This shall include hot tubs and spas and other like bodies of water.
- (b) "Public and private swimming pool" means an artificial body of water either above ground or in ground with a controlled water supply, over twenty four (24) inches in depth used by persons as part of a membership, through a club or association, including homeowners and like associations or within RMF-1 Multiple Family District, Low Rise and RMF-2 Multiple Family District, High Rise. This shall include hot tubs and spas and other like bodies of water.
- (c) "Building Commissioner" shall mean the Commissioner of Building, Housing and Zoning of the City of Richmond Heights or his authorized representatives.

1341.02 APPROVAL.

(a) Before work is commenced on the construction of a family, private or public swimming pool, or on any alteration, addition, remodeling or other improvement thereto, an application for a permit to construct and the plans and specifications and any pertinent explanatory data hereinafter required shall be submitted to the Building Commissioner for review and approval.

(b) Public and private swimming pools are subject to site plan review by the Planning Commission and City Council. Permitted use requirements as set forth in the Zoning Code for the zoning district shall apply.

1341.03 PERMIT FEES.

The fee for a permit to construct a swimming pool shall be as provided in Section 1325.02.

1341.04 PLANS FOR FAMILY SWIMMING POOLS.

Plans and specifications required to be submitted in connection with an application for a permit to construct a 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 data as may be requested by the Building Commissioner.

- (a) Family swimming pools.
 - (1) A site plan identifying the size and location of the swimming pool on the lot and setbacks to property lines and structures on the same lot.
 - (2) A written narrative identifying materials and method of construction including electrical installations.
 - (3) The type, design and location of the enclosing fence or barrier.
 - (4) The Building Commissioner may require an engineered site plan in cases that modify the topography.
- (b) Public and private swimming pools.
 - (1) A site plan prepared in conformity with Section 1123.07(q).
 - (2) Construction documents prepared and certified by an Ohio registered architect or engineer.

1341.05 DESIGN AND CONSTRUCTION REQUIREMENTS.

(a) Family swimming pools shall be constructed and maintained in conformity with the following requirements:

- (1) Location: A family swimming pool and its appurtenances such as a deck or landing, pump, filter, etc., shall be constructed in the rear yard and located no closer than ten (10) feet to any side or rear property line, and no closer than ten (10) feet to the dwelling area on the same lot and no closer than twenty (20) feet to a dwelling area on an adjacent lot.
- (2) Enclosures: Family swimming pools, hot tubs and spas, containing water more than twenty-four (24) inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least forty-eight (48) inches (1219 mm) in height above the finished ground level measured on the side of the

barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than fifty-four (54) inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six (6) inches (152 mm) from the gatepost. A cover for a hot tub or spa that can be locked in the closed position shall be considered an adequate safety barrier. Family swimming pools entered by a portable ladder or a fixed ladder shall have such ladders removed or locked in an inaccessible position while not in use.

(b) Public and private swimming pools shall be constructed and maintained in conformity with the following requirements:

- (1) Location:
 - a. A private swimming pool and its appurtenances such as a deck or landing, pump, filter, etc., shall be constructed in the rear yard and located no closer than fifty (50) feet to any side or rear property line when adjacent to a single family residential district; and no closer than twenty-five (25) feet to any side or rear property line when adjacent to other zoning districts.
 - b. A public swimming pool and its appurtenances such as a deck or landing, pump, filter, etc., shall be constructed behind the building setback line as established for the district and located no closer than fifty (50) feet to any side or rear property line when adjacent to a single family residential district; and no closer than twenty-five (25) feet to any side or rear property line when adjacent to other zoning districts.
- (2) Enclosures: Public and private swimming pools, hot tubs and spas, containing water more than twenty-four (24) inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least forty-eight (48) inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching is less than fifty-four (54) inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six (6) inches (152 mm) from the gatepost.
- (3) Screening. Public and private swimming pools shall be provided with screening in the form of a solid unpierced masonry wall or a landscaped buffer, to provide users privacy and to protect adjacent properties from any adverse effects resulting from the use of a public or private swimming pool. Such screening shall be reviewed by the Planning Commission. In the event that the screening is comprised of landscaping, a plan prepared and certified by an Ohio Registered Landscape Architect shall be

submitted for review by the City's Landscape Architect and the Planning Commission.

1341.99 PENALTY; OFFENSES.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree, and every day of violation shall be considered as a separate offense."

Section 2: Existing Chapter 1341 of Title Three, "Local Provisions," of Part Thirteen, "Building Code," of the Codified Ordinances of the City of Richmond Heights be and the same is hereby repealed.

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Richmond Heights, and for the further reason that it is immediately necessary in order to update the City's swimming pool regulations to be consistent with other applicable regulations and industry changes. Therefore, provided this Ordinance receives the affirmative vote of five members of Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council