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CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11065-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
AMENDING CHAPTER 1333  
OF THE BROOK PARK CODIFIED ORDINANCES  
ENTITLED 'SWIMMING POOLS,'  
AND DECLARING AN EMERGENCY

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Chapter 1333 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

**1333.01 DEFINITIONS.**

For the purposes of this chapter the term "swimming pool" or "pool" as used herein shall include all of the following:

(a) "~~Recessed outdoor swimming pool~~" means any artificial water pool, ~~permanent in nature~~, of steel, masonry, concrete, aluminum or plastic construction, located out-of-doors, which has a water surface area of 300 square feet or more or a depth at any point of more than two feet, or both.

(b) "~~Above-ground semi-permanent outdoor swimming pool~~" means any artificial water pool, ~~semi-permanent in nature~~, of ~~redwood or other wood construction~~, located out-of-doors, of steel, masonry, concrete, aluminum, vinyl or plastic construction, which has a water surface area of 300 square feet or more or a depth at any point of more than two feet, or both.

(c) "~~Portable plastic or vinyl outdoor swimming pool~~" means any artificial water pool, portable in nature, of plastic or vinyl construction, ~~located out-of-doors~~, which has a water surface area of 300 square feet or more or a depth at any point of ~~more than two feet~~, or less both.

(d) "Commercial or Public Pool" means any pool not located on residential property.

**1333.02 COMPLIANCE REQUIRED.**

No ~~permanent~~ swimming pool, which is not enclosed in a permanent building or like structure, shall be constructed or maintained in the City until the requirements and conditions of this chapter are complied with.

Exception: Spas and Hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this code.

### **1333.03 POOL DISTANCE FROM PROPERTY LINES AND MAIN BUILDING.**

Every pool hereafter built shall be located upon the lot or parcel to allow a safe distance between the pool and the property lines, so that children of tender age may be readily observed when approaching or in the vicinity of the pool. A distance of ten **five** feet from each property side line and rear line, and ten feet to the rear of the main building to which such pool is accessory shall be presumed a minimum safe distance for this purpose. A minimum distance of 15 feet must be maintained between a pool and any other Residential Dwelling.

### **1333.04 FENCING REQUIREMENTS.**

Every pool heretofore or hereafter constructed, with the exception of ~~semi-permanent~~ above-ground pools which have a built-in fence that is acceptable to the Building Commissioner, shall have erected around it a closed or open fence which shall be of rigid construction, not more than six feet nor less than forty-two inches in height, shall extend to within four inches of the ground and contain, except for gates, no openings larger than six inches square. Gates shall be securely locked, and such locks shall be of the self-locking type, when such pool is not in use by the owner thereof or anyone using the same with his permission. When the rear yard of a residence is enclosed by a closed or open fence not more than six feet nor less than forty-two inches high, and contains self-locking gates, no additional fence will be required hereunder. A portable plastic or vinyl outdoor swimming pool two feet or under in height shall have a protective cover of plastic, and shall be properly secured when not in use.

### **1333.05 CONFORMANCE TO NATURAL GRADE; EXCEPTIONS.**

Every swimming pool hereafter constructed shall substantially conform to the natural grade of the surrounding land, and no part thereof, other than a diving board or similar equipment, and the fence referred to in Section 1333.04, shall be higher than one foot above such grade.

### **1333.06 DRAINAGE AND FILTRATION UNIT.**

Every pool, with the exception of a portable plastic or vinyl outdoor swimming pool, shall be so constructed that it can be drained into a City storm sewer and shall have a sump located in its deepest part, for the purpose of pumping out all of the water into a storm sewer opening, sump well or other adequate drain opening. Every pool shall be equipped with a filtration unit of sufficient size and capacity to insure the healthful operation and maintenance of such pool.

~~Portable plastic or vinyl outdoor swimming pools that are thirty inches high by twelve feet in diameter or over shall be equipped with a filtration unit of sufficient size and capacity to insure the healthful operation and maintenance of such pool, and shall drain into a storm sewer.~~ Portable plastic or vinyl outdoor swimming pools that can not be emptied and sanitized on a daily basis will be required to have a proper filtration system installed.

#### 1333.07 USE OF ARTIFICIAL ILLUMINATION.

If flood or other artificial light is used to illuminate the pool at night, none of the lights shall be used after 10:30 p. m. local time, if the pool is located within 200 feet of any building used for dwelling purposes. The lights shall also be shielded to direct light only on the pool. All such lighting must conform to the ~~Electrical Code of the City of Brook Park.~~ National Electric Code.

#### 1333.08 PERMIT REQUIRED; FEE.

No pool regulated by this charter shall hereafter be constructed or established unless a permit to do so is first obtained from the Building Commissioner. The fee schedule for such permit shall be as follows:

- (a) Recessed outdoor swimming pools      ~~\$20.00~~ \$75.00
- (b) Aboveground semi-permanent outdoor swimming pools      ~~\$10.00~~ \$50.00
- (c) Portable plastic or vinyl outdoor swimming pools      No fee ~~A thirty dollar (\$30.00) fee shall be charged for commercial or public swimming pools.~~
- (d) Commercial or Public swimming pools.      \$200.00

#### 1333.09 APPEAL OF PERMIT REFUSAL.

A refusal by the ~~Director of Public Service Building~~ Commissioner to issue a permit as provided in Section 1333.08 may be appealed in writing within ten days after such refusal to the Board of Zoning and Building Appeals, as provided for in other cases of appeals thereto. The Board shall, in accordance with its rules of procedure, investigate such application and refusal, and render final judgment based on whether, in its opinion, the provisions of this chapter have been and will be complied with.

#### 1333.10 LIFEGUARDS.

No owner, operator, manager or agent, being in charge of a commercial establishment or multi-family establishment, shall permit any pool used in connection with such commercial establishment or multi-family establishment to be used by any person unless there is on duty at all times within the immediate area of the pool a lifeguard at least sixteen years of age who shall have successfully completed the American Red Cross Senior Life Saving Course. No person shall use a pool that is maintained in connection with a commercial establishment or a multi-family establishment unless there is on duty a lifeguard as herein provided.

Presentation of American Red Cross credentials shall be made at the time of application for employment by the City at any City owned pool.

All privately operated pools at motels, hotels or multi-family establishments within the confines of the City must upon request provide the proper City officials with proof of qualified lifeguards in their employ.

**1333.99 PENALTY.**

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree, punishable under Charter 501 of the Codified Ordinances.

**SECTION 2.** Existing Chapter 1333 of the City's Codified Ordinances and all other Ordinances inconsistent herewith are 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 meeting 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 said City, and for the further reason to amend Chapter 1333 of our codified ordinances; therefore, provided this Ordinance receives the affirmative vote of at least five (5) members elected to 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: March 5, 2019

[Signature]  
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak  
Clerk of Council

APPROVED: [Signature]  
MAYOR

3/5/19  
DATE

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

[Signature]  
DIRECTOR OF LAW  
CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11065-2019 passed on the 5th day of March 2019 by said council.

Michelle Blazak  
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing March 6, 2019  
Michelle Blazak  
MICHELLE BLAZAK  
Clerk of Council

	Yea	Nay
Stamm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orcutt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Polindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>