

Effective 9-28-2023

1st reading 7-10-2023  
2nd reading 7-24-2023  
3rd reading 8-14-2023  
Tabled 8-14-2023  
Passed 8-28-2023

## ORDINANCE NO. 81-23

AN ORDINANCE TO AMEND SECTION 1133.03 OF THE CITY OF CONNEAUT CODIFIED ORDINANCES GOVERNING SWIMMING POOLS, AND NOT DECLARING AN EMERGENCY.

WHEREAS, the Conneaut Planning Commission met on June 27, 2023 and voted to amend Section 1133.03 of the Codified Ordinances of the City of Conneaut, as further described in Section 1 below.

BE IT ORDAINED, by the City of Conneaut, County of Ashtabula and State of Ohio:

SECTION 1. That Section 1133.03 of the City of Conneaut Codified Ordinances is hereby amended as follows:

### 1133.03 SWIMMING POOLS.

- (a) Private Swimming Pools. A private swimming pool, but not including farm ponds, shall be any pool, lake or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet. No such swimming pool shall be allowed in an "R" district as an accessory use unless it complies with the following conditions and requirements.
- (1) The pool is intended and is to be used solely for enjoyment of the occupants and their guests of the principal use of the property on which it is located.
  - (2) It may 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 located nor within thirty (30) feet of any adjacent property owner's dwelling.
  - (3) The swimming pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than four (4) feet in height and maintained in good condition with a gate and lock. This section shall not apply to an above-ground swimming pool if any of the following requirements are met:
    - (i) Its access ladder can be removed when not in use; or
    - (ii) Its access ladder can be locked in an upright position when not in use; or
    - (iii) When a pool is enclosed by a deck and the ladder and/or stairs can block any access to the deck/pool area when not in use.
- (b) Community or Club Swimming Pools. A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or club and their families and guests. Community and club swimming pools shall comply with the following conditions and requirements. Community or club swimming pools all not be permitted in the R-1 through R-5 residential districts.
- (1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
  - (2) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line of the property on which located.

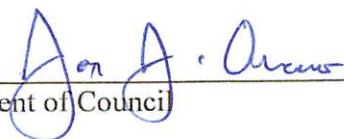
- (3) The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees.
- (c) Portable/Blow-Up/Wading/Kiddie Pools. A zoning certificate is not required for portable/blow-up/wading/kiddie pools that meet all of the following criteria;
- (1) The pool is only capable for holding eighteen inches or one and one-half feet of water or less, at the deepest point, and is nine feet or less in water surface diameter at the widest point, or less than sixty-five square feet in surface area;
  - (2) It is not erected, whether containing water or not, on one's property, when not wholly enclosed inside of a building, except for between and including the dates of May 1st through September 30th of the same calendar year;
  - (3) It shall not create any safety or health hazards. It is solely the responsibility of the property owner that these types of pools are not a safety hazard or do not become a health hazard;
  - (4) Are not permitted in front yards;
  - (5) Are not equipped with a water recirculating system or involve structural materials;
  - (6) It may be required to be removed or required to adhere to the swimming pool regulations if all criteria are not met as determined by the Zoning Inspector or his designee.
  - (7) A portable plastic, metal or vinyl outdoor swimming pool two feet or under in height shall have a protective cover of plastic and shall be properly secured, or if not covered, shall be drained, when not in use.
  - (8) Swimming pools capable of holding more than eighteen inches of water, regardless of material, shall require a permit in accordance with subsection (a) above.

SECTION 2. That all other prior ordinances found to be inconsistent with this ordinance are hereby repealed.

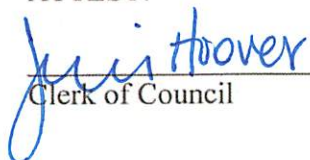
SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is not declared to be an emergency measure in the interests of public peace, health and safety and, shall take effect thirty (30) days after passage.

Passed this 28<sup>TH</sup> day of AUGUST, 2023.

  
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President of Council

ATTEST:

  
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Clerk of Council