

ORDINANCE NO. 13-07

NEVER  
PASSED

**AN ORDINANCE SETTING FORTH REGULATIONS  
FOR SWIMMING POOLS WITHIN THE VILLAGE  
OF SPENCER AND TO DECLARE AN EMERGENCY**

WHEREAS, it has come to the attention of the Council of the Village of Spencer that a potential safety hazard exists with respect to the construction or installation of certain swimming pools within the Village of Spencer;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Spencer, Ohio, three-fourths (3/4) of its members concurring herein as follows:

A. Public or private in-ground or above ground swimming, wading, or other pools shall be considered as structures for the purpose of permits, shall not be located in front yards, and shall be no closer than ten feet (10') to the side or rear of a property line.

B. Any swimming pool having a sidewall height of thirty-six inches (36") or more shall require a permit. The permit fee shall be Twenty-five Dollars (\$25.00) for above ground pools and Fifty Dollars (\$50.00) for in-ground pools.

C. (1) Permits and Applicability. Public or private in-ground or above ground swimming, wading, or other pools capable of containing three feet (3') or more of water depth shall be considered structures for the purpose of permits and fencing requirements.

(2) Fences Required. The owner and/or operator of any swimming pool located within the Village of Spencer shall

construct and maintain fences of such type and description that will effectively deny ingress to animals and persons not specifically admitted to said swimming pool by the owner or operator thereof.

(3) Fence Specifications. Fences referred in to subsection (2) hereof shall be constructed so that not more than three inches (3") of open space exists between the bottom of the fencing material and the ground measured vertically and shall have not more than three inches (3") of clear opening in any dimension of any opening except for doors or gates. Said fencing shall not be less than four feet (4') in height and not more than six feet (6') in height. Exception: Above ground pools having sidewalls of four feet (4') or more in height from finished grade, shall be required to have fencing and gates only where access to the pool may be had.

(4) Locks Required. Fences shall be equipped with locks so as to comply with the intent of subsection (2) hereof.

D. National Electric Code. The provisions of the current National Electric Code Art. 680 in its entirety shall apply to the construction and installation of electrical wiring for and equipment in or adjacent to all swimming, wading, therapeutic, and decorative pools, fountains, hot tubs, spas, and hydromassage bathtubs, whether permanently installed or storable, and to metallic auxiliary equipment such as pumps, filters, and similar equipment. The term "body of water" as used throughout

National Electric Code Art. 680, Part I, applies to all bodies of water covered in this scope unless otherwise amended herein.

E. Whoever violates any section of this Ordinance is guilty of a minor misdemeanor and shall be punished by a fine not to exceed One Hundred Dollars (\$100.00). Each day of a violation of any section of this Ordinance shall be deemed a separate offense.

This Ordinance is hereby declared to be an emergency measure necessary for the protection of the public health, peace, safety, and welfare of the Village of Spencer and for the particular reason that there are certain swimming pools constructed without proper fencing, installation, or electrical wiring that constitute or create a safety hazard for young people in the Village of Spencer, and that this Ordinance shall be in full force and effect from and after its passage.

All other ordinances previously adopted by the Spencer Village Council that are in conflict with this ordinance are hereby repealed.

PASSED: July 18, 2007

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TOMMY RAMEY

ATTEST:

  
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SHERI RAMEY, Village Fiscal Officer