

TEMPORARY ORDINANCE NO. 14-21

PERMANENT ORDINANCE NO. 15-21

AN ORDINANCE OF THE CITY OF LANCASTER TO REPEAL AND REPLACE EXISTING LANCASTER CODIFIED ORDINANCE 1125.05 — “PRIVATE SWIMMING POOLS” OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER AND TO DECLARE AN EMERGENCY

WHEREAS, the Lancaster Building Department has previously enforced the current version of the International Residential Code, Appendix G (Swimming Pools, Spas and Hot Tubs); and

WHEREAS, the International Residential Code has been updated and Appendix G no longer regulates Swimming Pools, Spas, and Hot Tubs; and

WHEREAS, the Lancaster Building Department would like to continue to enforce the regulations they currently use in Appendix G of the 2009 version of the International Residential Code; and

WHEREAS, this change is needed to allow the Lancaster Building Department to enforce those provisions for the immediate public health, safety, and welfare by allowing for critical safety inspections and enforcement; and

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, FAIRFIELD COUNTY, STATE OF OHIO:

SECTION 1. Lancaster Codified Ordinance 1125.05 – Private Swimming Pools, is hereby repealed and replaced pursuant to Exhibit “A” attached hereto and incorporated by reference herein.

SECTION 2. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Lancaster City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3. That nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 1 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 4. That the Clerk of Council is hereby ordered and directed to cause this ordinance to be published.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare by allowing

for critical safety inspections and enforcement by the City Building Department. Therefore, this ordinance shall go into effect immediately upon signature of the Mayor.

Passed: 4/26/21 after 2nd reading. Vote: Yeas 9 Nays 0

Approved: 4/26/21

Clerk: Teresa Lee Sandy

David A. Cree
President of Council

Offered by: R. Hall

David Schepfler
Mayor

Second by: Don H. McDaniel

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

CODIFIED ORDINANCES OF LANCASTER

PART ELEVEN – BUILDING AND ZONING CODES

Chapter 1125 - Yards and Accessory Uses

1125.05. Private Swimming Pools.

A "private swimming pool" as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to a depth, at any point greater than one and one-half (1 1/2) feet. A private spa or hot tub with a lockable cover shall not be considered as a "swimming pool" subject to the provisions of this Section. No such swimming pool, exclusive of storable swimming pools, shall be allowed in any residential district unless the following conditions and requirements are complied with:

- (a) The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.
- (b) No pool of any kind (including storable swimming pools), including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, nor closer than five (5) feet to any property line or structure.
- (c) The area of the swimming pool, exclusive of decks, walks and other appurtenances, shall not exceed ten percent (10%) of the area of the lot or parcel.
- (d) Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall meet the requirements established in the 2009 version of the International Residential Code (IRC), Appendix G (Swimming Pools, Spas and Hot Tubs) and be maintained in good condition.
- (e) All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.
- (f) Shall meet the requirements established in the 2009 version of the International Residential Code (IRC), Appendix G (Swimming Pools, Spas and Hot Tubs).

A zoning clearance permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.