

ORDINANCE NO. 2019-16 (AMENDED)
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING SECTION 957.02 OF THE
CODIFIED ORDINANCES REGARDING SWIMMING
POOL ADMISSION FEES FOR 2019, AND DECLARING
AN EMERGENCY**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That Section 957.02 of the Codified Ordinances of the City of Lyndhurst is hereby amended to read as follows (new material appears like THIS, deleted materials appear like ~~this~~):

957.02 ADMISSION FEES; SEASON PASSES; AND SPECIAL PROGRAMS (a) Single full access season swim passes to both Lyndhurst Pool and Brainard Sprayground for residents of the City of Lyndhurst for each season commencing with the swimming season ~~2018~~ 2019 shall be Sixty-Five Dollars (\$65.00) each with a maximum cost of One Hundred Eighty Dollars (\$180.00) per "Family" living in the same household. No additional charge will be made for passes purchased after pool opening. Passes shall be issued in the name of a specific person and be non-transferable.

Season passes shall not be sold to any child under the age of four (4) unless such child will be four (4) by the end of the third learn to swim session. All children under the age of four (4) will be admitted free but must be accompanied by an adult who has a season pass or pays admission or by a related or non-related young adult fourteen (14) years to seventeen (17) years of age, with a note or request signed by the parent or guardian. In the interest of safety, children under the age of ~~eight (8)~~ ELEVEN (11) must be accompanied by an adult or young adult at all times. Each child must use either the baby pool or the large pool but must be accompanied as provided herein.

"Family", as used in this section, means the members of a household living as a single housekeeping unit in a dwelling unit who are related to the nominal head of the household or to the spouse of the nominal head of the household, and includes:

- (1) Husband or wife of the nominal head of the household.
- (2) Unmarried children (23 years or under) of the nominal head of the household or of the spouse of the nominal head of the household provided, however, that such unmarried children have no children residing with them.

Upon presenting proper identification, non-residents may purchase an individual pass for \$100.00 with a family cost of \$365.00 per family living in the same household. This provision regarding non-resident admissions may be modified or eliminated permanently or temporarily by the Mayor, upon the advice of the Pool Director.

(b) Single admission pool fee for Lyndhurst residents shall be Five Dollars (\$5.00) per person: Guests shall sign their names into a registration book provided for guests. Single admission fees for non-residents shall be Seven Dollars (\$7.00) per person, AND EACH NON-RESIDENT PAYING A SINGLE ADMISSION MUST BE ACCOMPANIED BY A LYNDHURST RESIDENT.

Single admission Brainard Sprayground fee for Lyndhurst residents shall be three dollars (\$3.00) per person. Guests shall sign their name into a registration book provided for guests. Single admission fees for non-residents shall be six dollars (\$6.00) per person.

Any provision regarding non-resident admissions may be modified or eliminated permanently or temporarily by the Mayor, upon the advice of the Pool Director.

The regular season shall begin in June, as determined by the City, and continue through Labor Day.

(c) Regular season pass holders who are residents of the City of Lyndhurst may participate in the Learn-To-Swim program by purchasing a Learn-To-Swim pass for Twenty Dollars (\$20.00) per individual Learn-To-Swim course based on two and one-half (2-1/2) week sessions. The fee for the Learn-to-Swim Pass will be waived for any season pass holder who is considered as disabled pursuant to the guidelines of the Federal Americans with Disabilities Act of 1990. Swim team fee shall be ~~Forty-five Dollars (\$45.00)~~ SIXTY DOLLARS (\$60.00) per child per season paid to the City.

Pool employees required to pay for lifeguard training shall be reimbursed up to Two Hundred Dollars (\$200.00) (which includes the Red Cross Fees) per person.

Adult Baby Water Adjustment training for children, ages six months thru three years, is authorized at the rate of Twenty Dollars (\$20.00) for each two and one half week session. A season pass is required of the parent who must accompany the child. No pass or admission fee is required of the child.

(d) Private parties hosted by a Lyndhurst resident at the Lyndhurst Pool or Brainard Sprayground will be authorized during the hours of 8:30 p.m. to 10:30 p.m. on Friday or Saturday and 6:30 p.m. to 8:30 p.m. on Sundays unless otherwise authorized by the Pool Director. A charge of One Hundred Fifty Dollars (\$150.00) for Brainard Sprayground and Two Hundred Sixty Dollars (\$260.00) for Lyndhurst pool for up to one hundred fifty (150) people is hereby established. Parties for over one hundred fifty (150) people may be allowed upon approval of the Pool Director and Mayor; additional fees may apply. If the Lyndhurst Pool or Brainard Sprayground is closed due to rain or cold weather on the scheduled pool party date, another date may be selected or a refund given at the discretion of the Mayor. Additional swimming times for pool personnel and private parties shall be permitted during such times after regular hours as permitted by the Mayor and Pool Director.

A deposit of Fifty Dollars (\$50.00) shall be required for each private party to reserve availability of the pool. If the private party is cancelled without selecting another date, the deposit will be forfeited. If another date is selected, and said date is acceptable to the City, the deposit will be transferred to cover the second date. After the private party, the deposit will also be applied against the cost of repairing any damage caused by persons attending said party. In the event of damage, the Fifty Dollar (\$50.00) deposit will be applied to the payment of the cost of repairs, and any unused portion will be refunded. In addition, said deposit may be forfeited in increments of Twenty-Five Dollars (\$25.00) for each 15 minutes, or part thereof, that a party exceeds the established ending time for use of the facilities. No more than three hundred (300) people shall be permitted at a private party.

All regulations currently in effect and as required by Ordinance for the use of the pools are applicable to private parties except that food and non-alcoholic beverages may be brought upon the premises for such parties in compliance with rules and regulations to be promulgated by the Lyndhurst Pool Director. Such rules and regulations shall not be effective until approved by motion of Council. A person twenty-one (21) years of age or older shall be present at the private party and responsible for the conduct of persons present and any damages to property.

(e) A free swimming pass shall be issued to Lyndhurst residents sixty (60) years of age or older. Appropriate identification shall be required of the residency of such applicant, and the pass issued to such person shall not be transferable.

City employees, upon presentation of City employee identification, shall be issued a pool pass free of charge.

(f) There shall be a charge of Five Dollars (\$5.00) for replacement of a lost pass.

(g) Refunds for any reason of any fees or charges imposed by this Ordinance may be made at the discretion of the Mayor.

(h) A free single swimming pass and a free caregiver pass shall be issued to an individual with a disability. "Disabled" shall be defined in accordance with the Federal Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.).

(I) Section 955.01(b) of the Codified Ordinances regarding intoxicating beverages shall be strictly enforced at the pool and spraypark.

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Lyndhurst for the reason that the admission fees must be published to the citizens of Lyndhurst as soon as possible. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

PASSED: March 4, 2019

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on March 14, 2019 and March 21, 2019 .

Clerk of Council

First Reading: February 18, 2019

Second Reading: March 4, 2019

Third Reading: Suspended

Passed 3-4-2019