

**ORDINANCE NO. 2019-42
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING SECTION 1363.11 OF
THE CODIFIED ORDINANCES OF THE CITY
TITLED ENCLOSURES BY REVISING THE
FENCING REQUIREMENTS AROUND SWIMMING
POOLS, AND DECLARING AN EMERGENCY**

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

SECTION 1. Section 1363.11 of the Codified Ordinances titled ENCLOSURES is hereby amended to read as follows: (new material appears like THIS: deleted material appears like ~~this~~):

1363.11 ENCLOSURES.

(A) Every outdoor swimming pool shall be completely surrounded by a fence not less than six feet in height for public swimming pools, and not less than four feet in height for private swimming pools. A fence shall be constructed so that access is effectively restricted. A building or existing wall may be used as part of such enclosure. All gates or doors opening through such enclosure shall be designed to permit locking and shall be kept locked when the pool is not in actual use or is left unattended.

(B) EVERY OUTDOOR, ABOVE-GROUND SWIMMING POOL WITH A HEIGHT OF 24 INCHES OR GREATER, MEASURED FROM THE GROUND UPWARD, AND WHICH IS NOT CONTAINED IN A FENCED-IN YARD, MUST BE:

(1) EQUIPPED WITH RETRACTABLE STEPS WHICH MAY BE LOCKED OR OTHERWISE SECURED IN THE UPRIGHT POSITION TO PREVENT INGRESS;
OR

(2) EQUIPPED WITH A SELF-CLOSING AND SELF-LOCKING GATE OR FENCE, 48 INCHES IN HEIGHT, WHICH ENCLOSES THE STEPS; OR

(3) EQUIPPED WITH A FENCE WITH A MINIMUM HEIGHT OF TWO FEET AROUND THE TOP PERIMETER OF THE POOL, WITH RETRACTABLE STEPS WHICH MAY BE LOCKED OR OTHERWISE SECURED IN THE UPRIGHT POSITION OR WHICH IS EQUIPPED WITH A SELF-CLOSING AND SELF-LOCKING GATE, 48 INCHES IN HEIGHT, WHICH ENCLOSES THE STEPS.

~~Any person in possession of land, either as owner, purchaser, lessee, tenant or licensee, upon which is situated a swimming pool having a maximum depth of over twenty four inches or in excess of 100 square feet, shall provide and maintain such fence or wall as herein provided.~~

(C) The Building Commissioner may make modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of the fence, gates or latches, or the necessity therefor, provided the protection as sought hereunder is not reduced thereby. The Building Commissioner may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described herein.

SECTION 2. Any and all provisions of Section 1363.11 of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of Section 1363.11 of the Codified Ordinances shall remain in full force and effect.

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 4. 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 the City of Lyndhurst for the reason that it is necessary to institute the aforesaid change to the Codified Ordinances immediately and without delay to protect the health, welfare and safety of the residents of the City. Therefore this Ordinance shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: May 20, 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 May 30, 2019 and June 6, 2019.

Clerk of Council

First Reading: May 20, 2019

Second Reading: Suspended

Third Reading: Suspended

Passed 5-20-2019