

# RECORD OF ORDINANCES

Ordinance No. 2003-08 Passed February 3, 2004  
YEAR

## AN ORDINANCE AMENDING SECTION 1157.05(a) OF THE CODIFIED ORDINANCES OF THE CITY OF BROOKVILLE REGULATING SWIMMING POOLS AS AN ACCESSORY USE.

WHEREAS, the Planning Commission of the City of Brookville has recently reviewed the current municipal ordinance regulating swimming pools as an accessory use in residential districts and office residential districts; and

WHEREAS, Planning Commission has recommended to the Council of the City of Brookville that this Ordinance be adopted to provide a more complete and thorough regulation of swimming pools as an accessory use in residential districts and office residential districts.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION 1: The Council of the City of Brookville hereby adopts and approves the following regulations to amend Section 1157.05(a):

No swimming pools or any other type of pool which has a depth of eighteen (18) inches or more at any point, including but not limited to hot tubs and spas, shall be allowed in any residential district except as an accessory use and unless it complies with the following conditions and requirements:

- (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the residential property on which the pool is located and guests of the occupants.
- (2) The pool may not be located closer than six (6) feet to any property line, and such location shall be in accordance with all pertinent provisions of Section 1157.03 et seq. Accessory buildings shall maintain the minimum side yard required. Any walks or paved areas adjacent to the pool shall be considered as patios for the purpose of this ordinance and shall conform to the provisions in Section 1157.04. Depth of the pool is determined by measuring the maximum height of any side of the pool.
- (3) The pool, or the entire rear yard of the property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The following fences or walls shall be required.
  - (a) In-ground pools and permanent above ground pools shall have a fence that is six feet high and maintained in good condition with a gate and lock.
  - (b) Portable storables pools shall have a fence that is at least 42 inches high and maintained in good condition with a gate and lock. Portable storables pools are defined as pools with inflatable walls. Portable storables pools shall be permitted as an accessory use between April 15 and October 15 of each year, and shall be removed from the yard and stored during the winter from October 15 to April 15.
  - (c) Hot Tubs and Spas shall be required to have a secured cover and lock to prevent entry when not in use.

SECTION 2: This Ordinance shall amend or repeal all Ordinances and Resolutions, and parts of Ordinances and Resolutions in conflict herewith, and specifically, amends Section 1157.05(a).

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2003-08

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SECTION 3: This Ordinance shall be in full force and effect thirty (30) days after passage by the Council of the City of Brookville.

PASSED this 3rd day of February, 2004.

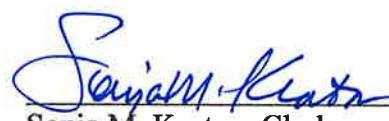
ATTEST:

  
Sonja M. Keaton, Clerk

  
David E. Seagraves, Mayor

## CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2003-08, passed by the Council of the City of Brookville, Ohio, on the 3rd day of February, 2004.

  
Sonja M. Keaton, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2003-08 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 4th day of February, 2004 to the 4th day of March, 2004, both days inclusive.

  
Sonja M. Keaton, Clerk