

ORDINANCE NO. 2013 - 6

ESTABLISHING POOL BARRIER REGULATIONS FOR ONE-, TWO- AND THREE-FAMILY DWELLINGS IN THE CITY OF MASON.

WHEREAS, the State of Ohio Board of Building Standards has adopted a new and mandatory Residential Code of Ohio for One-, Two- and Three-Family Dwellings (RCO), effective January 1, 2013; and

WHEREAS, the newly adopted RCO does not contain provisions for pool barriers for swimming pools accessory to residential buildings, and

WHEREAS, the City of Mason wishes to make regulations requiring adequate pool barriers for the safety of children in the City, and

WHEREAS, Exhibit A provides regulations derived from a national model code and the Ohio Building Code,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, six members elected thereto occurring:

Section 1. That Exhibit A shall become an amendment to Chapter 1301 of the Codified Ordinances of Mason, enforceable to the same provisions and penalties as the remainder of the residential code referenced in Chapter 1301.

Section 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 28th day January, 2013.

Attest:



Clerk of Council



Vice Mayor

Exhibit A

Delete Section 1301.01(b) of the City of Mason Ordinances and replace with:

§1301.01(b) Pool Barriers For Swimming Pools Accessory to One-, Two- and Three-Family Dwellings

(a) GENERAL

The provisions of these rules shall control the design of outdoor pool barriers for pools on the lot of a detached one-, two- or three-family dwelling. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools.

(b) DEFINITIONS

For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2 of the Residential Code of Ohio.

BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water more than 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools.

(c) BARRIER REQUIREMENTS

An outdoor swimming pool, including an in-ground, above-ground or on-ground pool shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool. When the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.

2. Openings in the barrier shall not allow the passage of a 4-inch diameter sphere.

3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1-3/4 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1-3/4 inches in width.

5. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1-3/4 inches in width.

6. Maximum mesh size for chain link fences shall be a 2-1/4 inch square, unless the fence has slats fastened at the top or bottom which reduce the openings to not more than 1-3/4 inches.

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1-3/4 inches.

8. Access gates shall comply with the requirements of Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool, and be self-closing and have a self-latching device. Gates, other than pedestrian access gates, shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism and openings shall comply with the following:

8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate; and

8.2 The gate and barrier shall have not opening larger than 1/2 inch within 18 inches of the release mechanism.

9. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:

9.1 The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

9.2 The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 8. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter sphere.

10. Barriers shall be located to prohibit permanent structures, equipment or similar objects from used to climb them.