

PASSED:  
BY:

ORDINANCE NO. 2020-7

**WHEREAS**, Amberley Village is a suburban oasis characterized by open views, spacious natural vistas, greenery, and a picturesque setting; residential structures are typically exemplified by quality construction that provides permanent and long lasting buildings that also have a desirable appearance and aesthetic that are compatible with surrounding properties;

**WHEREAS**, it is important to preserve property values and the quality of the residential environment;

**WHEREAS**, in order to promote the health, safety, and welfare of residents and the community as a whole, the General Regulations of the Municipal Code of Ordinances strives to protect and enhance the attractive appearance of all residential structures in the Village;

**WHEREAS**, Council finds and determines that changes to the General Regulations of the Municipal Code of Ordinances are necessary to protect and promote the public health, safety, and welfare;

**WHEREAS**, Village staff worked extensively to draft new regulations, in response to input from the Planning Commission, the Law Committee, and Village Council, and comments received at duly noticed public hearings before the Planning Commission and Village Council, respectively;

**WHEREAS**, the Planning Commission and Law Committee recommend the adoption of changes to the General Regulations of the Municipal Code of Ordinances as set forth herein;

**WHEREAS**, Council finds and determines that the proposed changes serve the public interest and protect the public health safety and welfare, and constitute measured and reasonable restrictions on the use of one's property in order to balance and protect the rights of neighboring property owners and the community as a whole;

**NOW, THEREFORE, BE IT ORDAINED BY THE** Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring:

**SECTION 1:** Section 98.02 of the General Regulations of the Municipal Code of Ordinances is amended to read as follows:

**§ 98.02 FENCING OF POOLS REQUIRED.**

## First Reading

(A) (1) No person who is the owner, occupant or tenant of any parcel of real property within the village limits shall permit a pool to be constructed or maintained thereon, unless surrounded by a fence at least four and one half (4 ½) feet in height.

(2) Exception: Hot tubs and Jacuzzis need not be surrounded by a fence so long as a secured cover is in place over them when they are not in active use.

(B) Each day a pool is permitted to remain unfenced, or uncovered if a hot tub or jacuzzi, shall be considered a separate offense.

**SECTION 2:** Section 98.01 of the General Regulations of the Municipal Code of Ordinances shall be amended to read as follows:

### **§ 98.01 DEFINITIONS.**

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**FENCE.** A barrier with necessary gate(s) which encircles a pool.

**POOLS.** Includes swimming pools, wading pools, hot tubs, Jacuzzis, and any other out-of-doors permanent, semi-permanent, or temporary structure intended to contain water for human wading, swimming, bathing or lounging. Above-ground pools are not permitted. Above-ground pools that have been constructed prior to the adoption of this code modification may be grandfathered, but may not be replaced once removed.

**SECTION 3:** Chapter 92 Fireworks, Explosions, Fire Prevention of the General Regulations of the Municipal Code of Ordinances shall be repealed and replaced as follows:

### **§ 92.01 ADOPTION OF THE OHIO FIRE CODE.**

There is adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the State of Ohio Fire Code as promulgated and set forth in Chapter 1301:7-7 of the Ohio Administrative Code along with the sections contained in the Ohio Revised Code and other codes related to and referenced therein is hereby adopted as the Amberley Fire Code. From the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the village.

**SECTION 4:** This Ordinance shall take effect and be enforced from and after the earliest period allowed by law.

First Reading

Passed this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor Thomas C. Muething

Attest:

\_\_\_\_\_  
Tammy Reasoner, Clerk of Council

Ordinance Vote:

Moved: \_\_\_\_ Seconded: \_\_\_\_

Muething	_____
Wolf	_____
Bardach	_____
Conway	_____
Hattenbach	_____
Kamine	_____
Warren	_____

I, Clerk of Council of Amberley Village, Ohio, certify that on the \_\_\_\_ day of \_\_\_\_\_, 2020, the foregoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

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Tammy Reasoner, Clerk of Council