

**ORDINANCE O-2016-24**

**AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING  
ORDINANCE WITH RESPECT TO THE HEIGHT OF FENCES  
REQUIRED TO SECURE SWIMMING POOLS.**

**Whereas**, the Village Planning Commission has recommended to Council that it is appropriate to amend the Village of Windham Zoning Code with respect to the height and design of fences require to secure swimming pools; and

**Whereas**, the Council has determined that the recommended amendment is appropriate and the Village of Windham Zoning Code should be amended; and

**Whereas**, in accordance with Windham Codified Ordinance Section 1147.01 the Council on November 22, 2016, by resolution fixed the time, date and place of the public hearing on the proposed amendment and directed the Village Fiscal Officer to publish the notice described in Windham Codified Ordinance Section 1147.01; and

**Whereas**, the Council caused notice of the proposed amendment and the time and place of the public hearing to be published in the Record Courier, a paper of general circulation in the Village, once a week for three successive weeks; and

**Whereas**, on January 17, 2017 at least thirty days after the date of the first publication of the notice in the Record Courier, the Council held a public hearing on the proposed amendment; and

**Whereas**, the Council has decided to amend the Zoning Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Windham, Portage County, Ohio, the majority or more of its members thereto concurring:

SECTION 1: That the ~~strikeout~~ and additions set forth in Section 1165.07(b) as follows is hereby enacted:

(b) Every pool defined as a structure shall be completely surrounded by a fence or wall not less than ~~six~~four feet in height; such fence shall be constructed so as to have no openings, holes or gaps larger than ~~three~~four inches in any dimension, except for doors or gates which shall be equipped with suitable locking devices to prevent unauthorized intrusion. An accessory building may be used in or as part of such enclosure. Pools above-ground having vertical surfaces of at least four feet in height shall be required to have fences and gates only where access may be had to the pool.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such

formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 3: That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

First Reading: November 22, 2016  
Second Reading: December 21, 2016  
Third Reading: January 24, 2017

Vote of Council:      Ayes: 5  
                                     Nays: 0

ATTEST:

APPROVED:

\_\_\_\_\_  
Cheree Taylor, Fiscal Officer

\_\_\_\_\_  
Deborah Blewitt, Mayor

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.

\_\_\_\_\_  
Cheree Taylor, Fiscal Officer

APPROVED AS TO FORM:

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Thomas Reitz, Solicitor