

ORDINANCE NO. 06-10

**Youngtown, Arizona
12/21/06**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, BY AMENDING TITLE 17 ZONING, SECTIONS 17.20.100 SWIMMING POOLS, TO CLARIFY POOL BARRIER REQUIREMENTS IN THE R RURAL ZONING DISTRICT; BY AMENDING THE TITLE OF SECTION 17.22 TO INCLUDE "R-43" RURAL RESIDENTIAL DWELLING DISTRICT; BY AMENDING SECTION 17.22.030 TO CORRECT A TYPOGRAPHICAL ERROR; BY AMENDING SECTION 17.22.110 SWIMMING POOLS TO CLARIFY POOL BARRIER REQUIREMENTS IN THE R-43 ZONING DISTRICT; BY AMENDING CHAPTER 17.24 R-3 SINGLE-FAMILY DWELLING DISTRICT, SECTION 17.24.110 SWIMMING POOLS REGARDING POOL FENCES; BY AMENDING CHAPTER 17.36 C-1 COMMERCIAL DISTRICT, SECTION 17.36.020 USE REGULATIONS PERTAINING TO POOL FENCES; BY AMENDING CHAPTER 17.50 OPEN SPACE DISTRICTS, SECTION 17.50.060 SWIMMING POOLS REGARDING POOL FENCES; AND BY AMENDING CHAPTER 17.52 HEIGHT AND AREA REGULATIONS, SECTIONS 17.52.080 PROJECTIONS INTO REQUIRED YARDS AND 17.52.120 POOL SAFETY REGARDING POOL FENCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Youngtown, Arizona, as follows:

Section I. In General.

The Code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.20 R Rural District, is hereby amended by amending Section 17.20.100 Swimming pools to read as follows (deletions shown in ~~strikeout~~; additions shown in ALL CAPS):

17.20.100 Swimming Pools.

Private swimming pools shall be located not closer than ~~seven~~THREE feet to any property line, shall not occupy any front yard, and shall be screened from adjacent properties by a solid wall or fence ~~six feet in height~~. The fence and gate shall be constructed and maintained in

accordance with the requirements of the ~~Uniform~~INTERNATIONAL Building Code AND SECTIONS 15.04.020(A)(2) AND (3) OF THIS CODE. THE PROVISIONS OF SECTION 15.04.010(B) OF THIS CODE SHALL NOT APPLY. Outdoor wading pools, spas and jacuzzis shall be located only in the rear yard.

The Code of Youngtown, Arizona, Title 17 Zoning, by amending Chapter 17.22 Rural Residential Dwelling District to change the title of the Chapter to read as follows (deletions shown in ~~strikeout~~; additions shown in ALL CAPS):

Chapter 17.22 R-43 Rural Residential Dwelling District

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The Code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.22 R-43 Rural Residential Dwelling District, is amended by amending Section 17.22.030 to read as follows (deletions shown in ~~strikeout~~; additions shown in ALL CAPS):

17.22.030 Intensity of Lot Use.

A. In the R-43 rural residential dwelling district, every lot used for a residential purpose shall have an area of not less than one acre and a width of not less than one hundred forty-five (145) feet. If a lot of record has less area or width than herein required and has been duly recorded prior to the date of passage of the ordinance codified in this section, such lot may be used for any purpose permitted in this chapter.

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The Code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.22 R-43 Rural Residential Dwelling District, is amended by amending Section 17.22.110 to read as follows (deletions shown in ~~strikeout~~; additions shown in ALL CAPS):

17.22.110 Swimming Pools.

A. Swimming pools shall be located in the backyard and not closer than ~~seven~~THREE feet to any property line shall not occupy any front yard, and shall be screened from adjacent property by a solid wall or fence ~~six feet in height~~. THE FENCE AND GATE SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE AND SECTIONS 15.04.020(A)(2) AND (3) OF THIS CODE. THE PROVISIONS OF SECTION 15.04.010(B) OF THIS CODE SHALL

NOT APPLY. ~~It is the responsibility of the~~ The property owner ~~to~~ SHALL ensure that any pool enclosure fence and its appurtenances (gates, latching devices, locks, etc.) are maintained in safe and good working order. No person shall alter or remove any portion of a swimming pool enclosure except to repair, reconstruct or replace the enclosure in compliance with the provisions of swimming pool barriers as provided in the ~~uniform~~ INTERNATIONAL Building Code. Outdoor wading pools, spas and Jacuzzis shall be located only in the rear yard.

The Code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.24 R-3 Single-Family Dwelling District, is amended by amending Section 17.24.110 Swimming Pools to read as follows (deletions shown in ~~strikeout~~; additions shown in ALL CAPS):

17.24.110 Swimming Pools.

Private swimming pools shall be located in the backyard and not closer than three feet to any property line, shall not occupy any front yard, and shall be screened from adjacent properties by a solid wall or fence. ~~six feet in height~~. The fence and gate shall be constructed and maintained in accordance with the requirements of the INTERNATIONAL ~~uniform~~ Building Code AND SECTIONS 15.04.020(A)(2) AND (3) OF THIS CODE. THE PROVISIONS OF SECTION 15.04.010(B) OF THIS CODE SHALL NOT APPLY. Outdoor wading pools, spas and jacuzzis shall be located only in the rear yard.

The Code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.36 C-1 Commercial District, is amending by amending Section 17.36.020 Use Regulations to read as follows (deletions shown in ~~strikeout~~; additions shown in ALL CAPS):

17.36.020 Use Regulations.

A building or premises in a C-1 commercial district shall be used only for the following purposes:

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55. Private and semi-public swimming pool; provided, that such pool shall be located not closer than seven feet to any property line, shall not occupy any front yard and is screened from adjacent properties by a solid wall or fence. ~~not to exceed six feet nor less than four and one half feet in height~~. THE FENCE AND GATE SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE AND SECTIONS 15.04.020(A)(2) AND (3) OF THIS CODE. THE PROVISIONS OF SECTION 15.04.010(B) OF THIS CODE SHALL NOT APPLY. Such protective enclosure shall be maintained by locked

gates or entrances when the pool is not tended by a qualified and responsible person;

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The Code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.50 Open Space Districts, is amended by amending Section 17.50.060 Swimming Pools to read as follows (deletions shown in ~~strikeout~~; additions shown in ALL CAPS):

17.50.060 Swimming Pools.

Swimming pools shall be screened from adjacent properties by a solid wall or fence. ~~six feet in height~~. The fence and gate shall be constructed and maintained in accordance with the requirements of the ~~uniform~~ INTERNATIONAL Building Code AND SECTIONS 15.04.020(A)(2) AND (3) OF THIS CODE. THE PROVISIONS OF SECTION 15.04.010(B) OF THIS CODE SHALL NOT APPLY.

The Code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.52 Height and Area Regulations, is amended by amending Section 17.52.080 Projections into Required Yards to read as follows (deletions shown in ~~strikeout~~; additions shown in ALL CAPS):

17.52.080 Projections into Required Yards.

A. Porches shall comply with the following:

1. An open, unenclosed porch of not more than one story in height or a paved terrace may project into the required front yard. No porch may extend more than ~~eight~~TEN feet beyond the front wall of the building. Sun screens, lattice work and other decorative railings are permitted.

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The Code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.52 Height and Area Regulations, is amended by amending Section 17.52.120 Pool Safety to read as follows (deletions shown in ~~strikeout~~; additions shown in ALL CAPS):

17.52.120 Pool Safety.

A. A swimming pool or other contained body of water required to be enclosed, whether a below ground or above ground pool shall meet the following requirements:

1. Be entirely enclosed by ~~at least a five-foot wall,~~ fence or other barrier MEETING THE PROVISIONS OF SECTIONS 15.04.020(A)(2) AND (3) OF THIS CODE. THE PROVISIONS OF SECTION 15.04.010(B) OF THIS CODE SHALL NOT APPLY ~~as measured on the exterior side of the wall, fence or barrier;~~

2. Have no openings in the wall, fence or barrier through which a spherical object four inches in diameter can pass. The horizontal components of any wall, fence or barrier shall be spaced not less than forty-five (45) inches apart, measured vertically, or shall be placed on the pool side of a wall, fence or barrier which shall not have a Y opening greater than one and three-quarter inches measured horizontally. Wire mesh or chain link fences shall have a maximum mesh size of one and three-quarter inches measured horizontally;

3. Gates for the enclosure shall: (a) be self-closing and self-latching with the latch located at least fifty-four (54) inches above the underlying ground or on the pool side of the gate with a release mechanism at least five inches below the top of the gate and no opening greater than one-half inch within twenty-four (24) inches of the release mechanism or be secured by a padlock or similar device which requires a key, electric opener or integral combination which can have the latch at any height; and (b) open outward from the pool.

4. The wall, fence or barrier shall not contain openings, handholds or footholds accessible from the exterior side of the enclosure that can be used to climb the wall, fence or barrier.

5. The wall, fence or barrier shall be at least twenty (20) inches from the water's edge.

B. If a residence or living area constitutes part of the enclosure for a swimming pool or other contained body of water, there shall be one of the following:

1. Between the swimming pool or other contained body of water and the residence or living area, a minimum ~~of~~ four foot wall, fence or barrier to the pool area which meets all of the requirements of subsections (A)(2)-(5) of this section.

2. The pool shall be protected by a motorized safety pool cover which requires the operation of a key switch which

meets the American Society of Testing and Materials Emergency Standards 13-89 and which does not require manual operation other than the use of the key switch.

3. All ground level doors or other doors with direct access to the swimming pool or other contained body of water shall be equipped with a self-latching device which meets the requirements of subsection (A)(3)(a) of this section.

C. Exception:

A control device may be an approved alarm that sounds when any unsecured opening is opened.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 21st day of December, 2006, by the following vote:

AYES: 7

NAYES: 0 ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this 21st day of December, 2006.

Michael LeVault, Mayor

ATTEST:

Letty Goldberg, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan,
Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, LETTY GOLDBERG, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO.06-10 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 21st DAY OF DECEMBER 2006, WAS POSTED IN THREE PLACES ON THE 26th DAY OF DECEMBER, 2006.

Letty Goldberg, Town Clerk