

AN ORDINANCE REPEALING SECTION 14-166 OF CHAPTER 14 OF THE CHESAPEAKE CITY CODE, ENTITLED “SWIMMING POOLS AND SPAS,” TO REMOVE SWIMMING POOL REGULATIONS THAT ARE SIMILAR TO, OR IN EXCESS OF, THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE.

BE IT ORDAINED by the Council of the City of Chesapeake, Virginia that Chapter 14, Article V of the Chesapeake City Code, entitled “Swimming Pools and Spas,” Section 14-166 thereof, entitled “Fences,” is hereby repealed as follows:

Section 14-166. – ~~Fences~~ Reserved.

(a) ~~It shall be unlawful for any person to construct, maintain, use, possess or control any swimming pool not elevated over four feet above the surrounding ground level on any property in the city unless the property on which the pool is located is fenced with a suitable structure which complies with the provisions of the Virginia Uniform Statewide Building Code and the zoning ordinance of this city. In lieu of the property's being fenced, the pool itself shall be completely surrounded by a fence.~~

(b) ~~Pools that are elevated above the ground shall be enclosed as required by the Virginia Uniform Statewide Building Code.~~

(c) ~~Safety covers may be used in lieu of fencing for private swimming pools only as provided in the Virginia Uniform Statewide Building Code.~~

(d) ~~This section shall not apply to swimming pools that are constructed as an integral part of a residence and housed in a separate structure with walls and roof. No fencing shall be required along the water's edge where a swimming pool has been constructed on the water side of waterfront residences or clubs.~~

~~(e) All fences required under this section shall be constructed so as to come within two inches of the ground at the bottom, and shall be at least five feet from the edge of the pool at any point.~~

~~(f) All fences shall have no opening that allows the passage of a sphere of four inches (ten cm) in diameter.~~

~~(g) Fences shall be equipped with a self-closing and positive self-latching closure mechanism at a height of at least 45 inches (114 cm) above the ground provided with hardware for locking. Facilities that can provide alternate means of protection may be allowed in the discretion of the code compliance manager. Where the release mechanism of the self-latching device is located less than 54 inches (137 cm) from the bottom of the gate, the release mechanism and opening shall comply with the following:~~

- ~~(1) The release mechanism shall be located on the poolside of the gate at least three inches (8 cm) below the top of the gate; and~~
- ~~(2) The gate and barrier shall have no openings greater than one half inch (1.3 cm) within 18 inches (46 cm) of the release mechanism.~~

ADOPTED by the Council of the City of Chesapeake, Virginia, this _____ day of _____, 2018.

APPROVED:

Mayor

ATTEST:

Clerk of the Council