

**ORDINANCE NO. 2020-11**

**CITY OF BELLA VISTA, ARKANSAS**

**AMENDING SECTION 109-250 *POOLS AND SPAS* OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO REQUIRE A FENCE ENCLOSURE AROUND ALL OUTDOOR POOLS (INCLUDING ABOVE-GROUND), SPAS AND HOT TUBS GREATER THAN TWO (2) FEET IN DEPTH TO RESTRICT ACCESS BY CHILDREN**

**WHEREAS**, Section 109-250 of the Code of Ordinances of the City of Bella Vista requires outdoor pools, spas and hot tubs to be protected by an enclosure designed to restrict access by children, but does not require a fence to meet the requirement; and

**WHEREAS**, neighboring communities require a fence to serve as protection for children in order to restrict access to outdoor pools (including above-ground), spas and hot tubs, and such a requirement in Bella Vista is deemed to more adequately provide for the health, safety and welfare of children in the city; and

**WHEREAS**, the city desires to clarify that a fence is required whether an outdoor pool is of above-ground or below-ground construction;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:**

**SECTION 1:** Section 109-250 *Pools and spas* of the Code of Ordinances of the City of Bella Vista is hereby amended so that, after amendment, the Section shall read as follows:

“Sec. 109-250-Pools and spas.

Outdoor pools (including above-ground), uncovered spas and uncovered hot tubs greater than two feet (2’) in depth shall be protected by a fence designed to restrict access by children. Such fence shall meet the requirements of the Arkansas Fire Prevention Code and this Article.”

Motion to approve by John Flynn, second by Jim Wozniak. Ayes: Lloyd, Flynn, Fowler, Wozniak, Wilms. Nays: Bourke.

ADOPTED THIS 26<sup>TH</sup> DAY OF OCTOBER, 2020.

APPROVED:

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PETER CHRISTIE  
MAYOR

ATTEST:

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WAYNE JERTSON  
CITY CLERK

Requested by: Mayor; Prepared by: Jason Kelley, Staff Attorney

Underlined language added by amendment on 2<sup>nd</sup> reading.