

## ORDINANCE 2

## SERIES 2000

November 30, 1999: Introduced as Council Bill No. 17, Series of 1999, by Ned Giles, seconded by Dixon Shay, as considered by title only on first reading. Passed with a vote of 3 Yes, 2 No.

January 18, 2000: Considered in full text on second reading. Passes with a vote of 5 Yes, 1 No.

AN ORDINANCE AMENDING TITLE 6, SECTION 15-6, TO INCLUDE SWIMMING POOL COVERS AS AN ALTERNATIVE TO FENCING AROUND A SWIMMING POOL AND AMENDING TITLE 6, SECTION 1-1 TO ADD NEW DEFINITIONS RELATING TO SWIMMING POOLS.

WHEREAS, The City of Cherry Hills Village Municipal Code regulates the enclosure of swimming pools at Title 6, Section 15-6; and

WHEREAS, Title 6, Section 15-6 requires that all swimming pools be enclosed at all times by a fence or other structure that affords similar protections; and

WHEREAS, The City Council has determined that an approved safety pool cover that meets standards currently set by the American Society for Testing and Materials (ASTM) is a structure that affords similar protections;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

**Section 1** Section 6-1-1 is hereby amended to add the following new definitions:

APPROVED SAFETY POOL COVER A manually, or power operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM) either in effect as of the effective date of this ordinance or as those standards may be revised in the future.

ENCLOSURE A fence, wall or other barrier that regulates access to a swimming pool.

**Section 2** The definition of Swimming Pools at Section 6-1-1 is hereby repealed and reenacted to read as follows:

**SWIMMING POOLS OR POOLS** A body of water having a depth at any point in excess of two feet (2') in an artificial or semi-artificial receptacle or other container located outdoors and used, or intended to be used for public, semi-public or private swimming by adults or children. "Swimming Pool" includes in-ground and aboveground structures and includes, but is not limited to, hot tubs, spas, portable spas and non-portable wading pools.

**Section 3** Section 6-15-6 is hereby repealed and reenacted to read as follows:

**ENCLOSURE OF SWIMMING POOLS:** Every swimming pool shall at all times be equipped with at least one of the following safety features:

- 1) A fence or wall having the following characteristics:
  - a) A minimum vertical height of not less than forty-eight inches (48");
  - b) A maximum vertical clearance from the ground to the bottom of the fence or wall of two inches (2");
  - c) Gaps or voids, if any, shall not allow passage of a sphere equal to or greater than four inches (4") in diameter;
  - d) An outside surface free of protrusions, cavities or other physical characteristics that would serve as handholds or footholds that could enable a child to climb over;
  - e) Any access gates through the enclosure must open away from the swimming pool and must be equipped with a self-closing, self-latching device placed no lower than forty-eight inches (48") above the ground.
- 2) An approved safety pool cover that meets current ASTM standards and is capable of being closed and secured manually in the event of power loss. 3 copies of the current ASTM performance standards shall be available at the City Clerk's office.

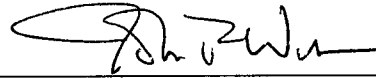
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3) The Board of Adjustment shall not grant a variance to any requirement contained in this section.

**Section 4**

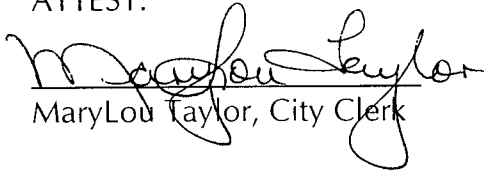
Should any section, clause, sentence or part of this ordinance be adjudged by any court to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof, other than the part so declared to be invalid, provided that the ordinance resulting from such invalidation is consistent with the City Council's original legislative intent.

Adopted as Ordinance No. 2, Series 2000, by the City Council of the City of Cherry Hills Village, Colorado, this 18<sup>th</sup> day of January, 2000.




John F. Welborn, Mayor

ATTEST:

  
MaryLou Taylor, City Clerk

APPROVED AS TO FORM:

  
Erin M. Smith, City Attorney