

ORDINANCE NO. 750

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING SECTION 13-21-100 "SWIMMING POOL SAFETY" IN ARTICLE 13-21 "GENERAL DISTRICT PROVISIONS" IN CHAPTER 13 "ZONING" (ZOA10-003) OF THE TOWN CODE TO UPDATE SWIMMING POOL SAFETY REQUIREMENTS IN ACCORDANCE WITH A.R.S. §36-1681; PROVIDING THAT ALL OTHER ARTICLES, SECTIONS, AND SUBSECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, by Ordinance No. 178 (dated May 26, 1988) the Town Council enacted a new Town Code which included Section 13-21-100 "Swimming Pool Safety" regulating the enclosure and placement of swimming pools in Prescott Valley; and

WHEREAS, in June 1990, the Arizona Legislature enacted A.R.S. §36-1681 which prescribes that swimming pools and other contained bodies of water be protected by certain enclosures; and

WHEREAS, A.R.S. §36-1681(D)(6) states that ordinances adopted by political subdivisions after its effective date (June 2, 1991) must be equal to or more stringent than the provisions of A.R.S. §36-1681; and

WHEREAS, on March 24, 2005 the Town Council approved Ordinance No. 619 adopting swimming pool safety regulations that were equal to or more stringent than those set forth in A.R.S. §36-1681; and

WHEREAS, Subsection 13-21-100(B)(1) of the Town Code requires swimming pools to be entirely enclosed by a wall, fence or barrier not less than six (6) feet in height; and

WHEREAS, A.R.S. §36-1681(B)(1) requires a pool enclosure to be at least five (5) feet in height; and

WHEREAS, Town staff has recommended adopting a pool enclosure height requirement that is equal to the pool enclosure height requirement of A.R.S. §36-1861; and

WHEREAS, at its regular meeting held on June 14, 2010, the Prescott Valley Planning and Zoning Commission considered proposed amendments to Section 13-21-100 "Swimming Pool Safety" of the Town Code and voted to recommend adoption of said amendments by the Town Council; and

WHEREAS, the Council now finds that amending Section 13-21-100 “Swimming Pool Safety” of the Town Code to adopt a pool enclosure height requirement that is equal to the pool enclosure height requirement of A.R.S. §36-1681 is in the best interests of the community and meets the health, safety and welfare needs of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION TWO. That Section 13-21-100 “Swimming Pool Safety” in Article 13-21 “GENERAL DISTRICT PROVISIONS” in Chapter 13 “ZONING” of the Town Code be hereby amended to read as follows:

...

B. Enclosure Standards. Swimming pool enclosures shall meet the following requirements:

1. The swimming pool shall be entirely enclosed by a wall, fence or barrier not less than ~~six~~ **five** feet (~~6~~) **(5)** in height as measured from the finished grade on the exterior side of the wall, fence or barrier.

...

SECTION THREE. That all other Chapters, Articles, and Sections of the Town Code of the Town of Prescott Valley, Arizona, not herein repealed, replaced or amended, shall remain in full force and effect.

SECTION FOUR. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FIVE. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this _____ day of _____, 2010.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney