

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

ORDINANCE NO. O-2024-XXX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA AMENDING SECTION 24-69 ENTITLED "PATIOS, POOLS AND EXCAVATIONS" SUBSECTON (B)(3) ENTITLED "POOL FENCING" OF THE CITY'S LAND DEVELOPMENT CODE TO REQUIRE CERTAIN FINAL INSPECTION, HEIGHT, LOCATION, AND MAINTENANCE REQUIREMENTS FOR SWIMMING POOL SAFETY BARRIERS, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission deems it to be in the best interests of the City to amend the City's Land Development Code to provide for certain final inspections, height, location, and maintenance requirements for swimming pool safety barriers.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, THAT:

SECTION 1: The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2: Section 24-69(B)(3) of the City's Land Development Code is hereby amended as follows:

Sec. 24-69. - Patios, pools and excavations.

(B) *Swimming pools.*

~~(3) Pool fencing: All pools shall be enclosed by a permanent fence at least four (4) feet in height with all access gates being self-closing and self-latching or be completely enclosed by a screen enclosure, the exterior door of which to be self-closing and self-latching. Hot tubs or spas may be equipped with a locking cover in lieu of being fenced. a. Application to existing residential swimming pools. All existing residential swimming pools, including above ground pools with side walls four feet or higher shall be brought into compliance with this subsection no later than six (6) months after adoption of Ord. No. O-2008-024 [adopted on June 18, 2008]~~

(3) Swimming pool safety barriers:

(a) Required for final inspection of pool. The city shall not grant final inspection or approval for any swimming pool unless an approved safety barrier has been erected. No pool shall be filled with water unless a final inspection has been made and approved.

(b) Types permitted. The safety barrier shall consist of a screened-in patio, a wooden, metal or vinyl fence, a masonry or concrete wall, so as to enable the owner to blend the safety barrier with the style of architecture planned for or existing on the property. A fence, to meet the criteria as a barrier, shall not be climbable by a child 6 years old and younger, and all rails must be placed facing the inside of the property. Walls shall be erected to make them non-climbable by a child 6 years old and younger.

(c) Height. The minimum height of the safety barrier for all swimming pools shall be not

- 1 less than four (4) feet.
- 2 (d) Location of barrier. The safety barrier shall be erected either around the swimming
- 3 pool or around the premises, or a portion thereof, on the subject property that the
- 4 swimming pool is erected. In either event, it shall enclose the area entirely, prohibiting
- 5 unrestrained admittance to the enclosed area. Pools located in enclosed structures or on
- 6 the roofs of buildings shall not require the installation of barriers.
- 7 (e) Gates/screen doors. Gates and screen doors shall be of the spring-lock type, installed at
- 8 a minimum of 54 inches aboveground, and shall automatically be in a closed and fastened
- 9 position at all times. Gates shall also be equipped with a safety lock and shall be locked
- 10 when the swimming pool is not in use.
- 11 (f) Refusal of permit. The city shall have discretion to refuse approval of a safety barrier
- 12 which does not furnish the safety requirements pursuant to this section and the Florida
- 13 Building Code.
- 14 (g) Continued maintenance. It shall be the responsibility of the owner and occupant of the
- 15 premises upon which the swimming pool safety barrier is erected to maintain and keep it
- 16 in functioning and safe condition.
- 17 (h) Existing above ground hot tubs and spas are required to be equipped with a locking
- 18 safety cover in lieu of a safety barrier, if one has not been installed.

19

20 **SECTION 3:** If any section, subsection, sentence, clause or provision of this Ordinance

21 is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

22

23 **SECTION 4:** That all ordinances or parts of ordinances and all resolutions or parts of

24 resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

25

26 **SECTION 5:** This Ordinance shall be effective immediately upon its passage and

27 adoption by the City Commission of the City of Oakland Park.

28

29 PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, ON

30 FIRST READING, THIS ____ DAY OF _____, 2024.

31

32 PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, ON

33 SECOND READING, THIS ____ DAY OF _____, 2024.

34

35

36 CITY OF OAKLAND PARK, FLORIDA

37

38

39

40 _____

41 MAYOR MITCH ROSENWALD

- 42 T. LONERGAN _____
 - 43 S. ARNST _____
 - 44 L. NEWBOLD _____
 - 45 A. GORDON _____
 - 46 M. ROSENWALD _____
- 47
- 48
- 49

1
2
3
4
5
6
7
8
9
10
11

12
13
14
15
16
17
18

ATTEST:

RENEE M. SHROUT, CMC
CITY CLERK