

AN ORDINANCE
REQUIRING FENCING OF SWIMMING POOLS

Adopted September 8, 1969---See Volume 7, pages 295 and 296.
Effective December 8, 1969.

WHEREAS, in the judgement of the Board of Supervisors of James City County, Virginia, it is deemed necessary to adopt this ordinance in accordance with Section 15.1-29, Code of Virginia, 1950, as amended.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, AS FOLLOWS, to-wit:

It shall be unlawful for any person in areas zoned for residential use to:

(1) Construct, maintain, use, possess or control any pool without having completely around such swimming pool a fence as hereinafter defined; or

(2) Construct, maintain, use, possess or control any gate in such fence which is not capable of being securely fastened at a height of not less than four feet above ground level, and it shall be unlawful for any person using, possessing or controlling any such gate to allow it to remain unfastened while the pool is not in use.

"Swimming Pool" shall include any outdoor man-made structure constructed from material other than natural earth or soil designed or used to hold water for the purposes of providing a swimming or bathing place for any person, or any such structure for the purpose of impounding water therein to a depth of more than two feet.

"Fence" shall mean a close type vertical barrier not less than four feet in height above ground surface and which 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.

Any person violating the provisions of this ordinance shall be fined not less than Twenty-Five Dollars (\$25.00), nor more than Three Hundred Dollars (\$300.00) or confined in jail for not more than thirty days (30), either or both. Each day's violation shall be considered as a separate offense.

This ordinance shall be applicable to swimming pools constructed before, as well as those constructed after, the adoption hereof.

This ordinance shall become effective ninety (90) days from the date of its adoption.