

**ORDINANCE NO. 2012-11**

**AN ORDINANCE AMENDING CHAPTER 156 OF THE TOWN OF EDINBURGH'S CODE REGARDING PRIVATE SWIMMING POOLS**

WHEREAS, Indiana Code 9-22-1-31, gives the legislative body of the Town of Edinburgh ("Town") the power to establish, by ordinance, procedures to regulate and seize abandoned vehicles located within the Town;

**NOW, THEREFORE, BE IT ORDAINED BY THE EDINBURGH TOWN COUNCIL, AS FOLLOWS:**

**I. SECTION 1. AMENDMENTS TO CODE**

a. That the Council hereby deletes Section 156.172(2) of Chapter 156 of the Edinburgh Town Code ("Code") in its entirety and replace the same as follows:

i. Section 156.172(2) is hereby created and shall state as follows:

1. "A private swimming pool shall be permitted as an accessory use if the property owner performs the following actions and the swimming pool meets the following criteria:

- a. Applies for a permit and pays the required permit fee prior to the Town's Building Commissioner all prior to the installation of the swimming pool;
- b. Submits to the Town's Building Commissioner all documentation requested by the Building Commissioner;
- c. The swimming pool adheres to the definition of swimming pools as defined under 675 IAC 14-4.3-271;
- d. Access to the swimming pool is controlled by means of a wall or fence or such other means as approved by the State of Indiana consistent with 675 IAC 14-4.3-296 Safety Features;

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2. That notwithstanding any other fee schedule or provision in the Code, the cost of obtaining a permit for an above ground swimming pool shall be twenty dollars (\$20.00). The cost for obtaining permit for an in-ground swimming pool shall be per the Code's proscribed fee schedule.
  3. That if a property owner or person violates this section of the Code, they shall be assessed a fine one hundred dollars (\$100.00) and be subject to comply with an order from the Building Commissioner to remove the subject swimming pool at the property owner's cost."

**II. SECTION 2. PUBLIC BENEFIT**

- a. That the Edinburgh Town Council finds that this Ordinance will be in the best interest of the Town and for the benefit of the public and residence of the Town.

**III. SECTION 3. REPEALER**

- a. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

**IV. SECTION 4. SEVERABILITY**

- a. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

**V. SECTION 5. PUBLIC NOTICE**

- a. In accordance with Indiana Code 36-4-6-14(b), Indiana Code 5-3-1-2(h), this Ordinance shall be published in newspapers of general circulation in Johnson, Shelby, and Bartholomew Counties one (1) time within thirty (30) days after it is adopted by Council.

**VI. SECTION 6. EFFECTIVE DATE**

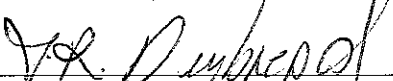
- a. This ordinance shall be in full force and effect within two (2) weeks after the date of the publication described in Section 5.

ADOPTED this 13<sup>th</sup> day of August, 2012.

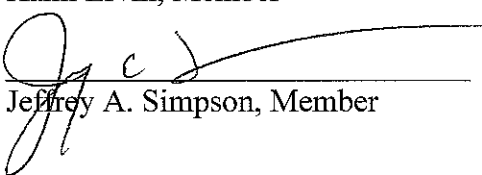
**EDINBURGH TOWN COUNCIL**

  
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 Ron Hoffman, Council President


  
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 Curtis Rooks, Vice President

  
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 John R. Drybread, Member

  
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 Kami Ervin, Member

  
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 Jeffrey A. Simpson, Member

ATTEST:

  
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 Jackie L. Smith, Clerk-Treasurer