

ORDINANCE NO. 3882

**AN ORDINANCE AMENDING SECTION 152.25
OF THE NEW CASTLE CITY CODE**

WHEREAS, the City of New Castle has adopted a zoning code that establishes regulations on the use and development of real estate within the City of New Castle; and,

WHEREAS, Section 152.25(9) of the City Code establishes requirements for the construction of swimming pools within residential districts of the City, which include the construction of a fence surrounding the swimming pool; and,

WHEREAS, the relevant provisions of the Indiana Administrative Code regarding residential swimming pools have been amended to allow for a pool safety cover in lieu of a fence or other structural barrier surrounding the swimming pool; and,

WHEREAS, Section 152.25 of the City Code should be amended to reflect the changes in the Indiana Administrative Code.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of New Castle, Indiana, as follows:

1. Section 152.25(9)(C) of the City Code shall be amended to read as follows:

RESTRICTION OF ACCESS. Access to a residential swimming pool shall be restricted by one of the following means:

- i. Walls or fencing not less than four feet (4') in height that completely surround the pool and deck area that include one or more self-closing and latching gates or doors;
- ii. Other means not less than four feet (4') in height and deemed impenetrable by the Building Inspector, which completely surround the pool and deck area, or;
- iii. A pool safety cover that complies with the requirements of 675 IAC 14-4.4-38 Section R326.27.3(4).

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation of law shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE: This Ordinance shall become effective upon passage and publication required by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS
____ DAY OF _____, 2022.

Greg York, Presiding Officer,
Common Council, City
of New Castle, Indiana

AYE

NAY

ATTEST:

Brenda Grider, Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2022.

Greg York, Mayor of the City
of New Castle, Indiana