



background and expectations from the City, deals with issues, pool noise and a general descriptive policy about expected behaviors when it comes to noise. Tourist information does not need to be on the brochure.

Commissioner Patrick Gossett thought that the brochure should state specific facts and what the responsibilities are of renters.

Mayor Cooper said that the brochures should be generic enough to be able to use from one season to another.

Mr. Gulbranson noted that the workgroup will retool the brochure to make it more point specific and bring it back to the Commissioners for review. Some of the requirements from the current noise ordinance have been incorporated into the proposed noise ordinance such as:

1. Based on the time of day, officers may issue verbal warnings as opposed to automatically giving a citation. If the noise continues, violation would be charged.
2. Enforcement and penalties were modified to be consistent with the Code, and fines would range from \$100.00 to \$500.00.
3. A plainly audible definition is included.
4. Noises that are prohibited and allowable noise levels are defined.
5. Between 9:00 p.m. and 7:00 a.m., noise from residential properties shall not disturb neighbors and can be measured by the plainly audible standard at the property line.
6. Noise disturbance is defined.
7. An entire section has been added regarding noise suppression devices.
8. The current Code allows the City Manager to inspect a site for noise complaints and noise issues. The information regarding inspections from the current Code has been incorporated in the draft ordinance.
9. Playing music after 11:00 p.m. from a patio has been added to noises that are prohibited.
10. Amusement parks and arcades have been added to exceptions and special waivers.
11. Decibel levels were redefined for continuous noise and impulsive noise. Currently, there are separate standards for commercial and residential.

Commissioner Mills said that since the noise meter is problematic, the plainly audible standard should be used in every area, residential and commercial so that it is enforceable citywide.

Mayor Cooper acknowledged that he would like a statement in the Code whereas the plainly audible is the standard, and a decibel level at a certain level would require decibel readings from a meter instead of the plainly audible standard. He thought that the content of the proposed ordinance should be rearranged. The definitions should be listed first, then the statement of policy, provisional contents and then enforcement.

Mr. Frank Cooper, 96 East Lake Drive, said that plainly audible in the commercial next to residential seems impractical. Businesses by their nature will generate noise. Plainly audible is a tough standard to enforce.

Mr. Gulbranson thought that where commercial abuts residential, plainly audible would be measured from a certain distance, not at the property line. There should not be two standards for quiet time, it should be consistent. Plainly audible will be the primary standard to be used in residential areas. Measurement of ambient sound at the property line is important to be included in the proposed ordinance because that is how disturbance will be measured. The current decibels in the Code should remain in place and be used if there are continued problems with noise. Better education is needed for the police officers so they know what is expected of them and know what they should be doing with regard to enforcement. Mr. Gulbranson will provide a redline version of the current noise ordinance to the Commissioners for the next Workshop Meeting.

Mr. Gulbranson noted that the purpose of the swimming pools ordinance is to provide a guideline and regulations for residential swimming pools. Currently, there are no regulations. The purpose is to ensure that residential swimming pools are used and enjoyed in a responsible manner that protects the health, safety and well-being of all residents, guests and visitors. The definition of a private, residential or family pool is a swimming pool 24 inches or more in depth used or intended to be used solely by the owner thereof and their family, and by guests, invitees or friends invited to use it without payment of any fee. This includes residential in-ground, above ground and on-ground swimming pools, hot tubs and spas. This excludes hotels, motels or condominiums. The definition of a private for profit pool is a swimming pool 24 inches or more in depth used or intended to be used solely by the owner or lessee thereof and their family, and by guests, invitees or friends invited to use it with payment of any fee. This includes residential in-ground, above ground and on-ground swimming pools, hot tubs or spas. This excludes hotels, motels or condominiums. Topics covered in the proposed ordinance are:

1. A building permit is needed with construction drawings, site plan, survey, cost proposal and inspection.
2. The pool is not to be located in any required front, side or rear yard setback. It cannot be closer than 10 feet from any property line.
3. A pool cannot exceed 5% of the total lot area, not including decks and walkways.
4. Screening is required. Fences are not to exceed six feet. Screening can be plant materials, building placement or other design techniques.
5. All pools will need to meet the requirements of the 2012 International Residential Code, Appendix G – Swimming Pools, Spas and Hot Tubs.
6. All pumps and filters must be located inside an enclosure to reduce noise.
7. A pool operations license must be obtained by owners leasing or receiving financial compensation for a residential property. This will include an annual inspection, and violations can result in revocation of the operations license.
8. As part of the pool operation license, safety equipment and signage is required.

Commissioner McGuiness did not think there should be a separate pool operation license for someone who rents their house for a week vs. someone who has a home and lets friends use the pool. Commissioner Zellers agreed that there should not be an exception.

Mayor Cooper did not think that the reference to the International Residential Code needed to be included in the proposed swimming pool ordinance.

Mr. Gulbranson acknowledged that with regard to drainage of water for all swimming pools, the City should be consistent with DNREC, if it has a policy to follow. The City could require that a drainage plan should be submitted when applying for a building permit.

Areas of concern are:

1. Pumps and filters. No pumps, filters or other equipment are permitted in setbacks.
2. Lighting. Lights used to illuminate the pool should not be directed at adjoining properties. Unshielded lights are not permitted.
3. Noise. Pool quiet hours would be from 11:00 p.m. to 9:00 a.m.

The consensus of the Commissioners was that the equipment would need to be housed in a constructed enclosure.

Mr. Gulbranson said that any pool maintenance records will be required to be kept onsite. One person would be required to have the appropriate pool maintenance training. Pool inspections could be contracted out.

Commissioner Mills thought that lights should be in their own section and more generic instead of specific to pools. Commissioner McGuiness said that lighting should be kept in the context of pools.

Commissioner Mills said that the pool quiet hours will need to coordinate with other sections in the Code.

Mr. Frank Cooper, 96 East Lake Drive, said that total silence should be used as opposed to quiet hours.

Ms. Donna Mabry, 221 Hickman Street, said that the noisy hours would be from 9:00 a.m. to 11:00 p.m. Posting quiet hours would encourage noise.

Mayor Cooper said that nothing addresses some of the Planning Commission's original concerns about putting in pools, excavation, cutting tree roots, etc. Even though a swimming pool does not have a building envelope, it adds to the use of a property, and it should possibly be included in the FAR. Mr. Gulbranson said that how swimming pools would be treated as a structure, etc. would be discussed with regard to zoning.

The consensus of the Commissioners was that the requirements should be the same for residential and commercial pools. Then the additional annual pool permit for a commercial pool would be eliminated. A pool permit would be required to build the pool, but there would be no annual pool permit. The additional safety requirements would still need to be adhered to.

Mayor Cooper liked the idea that an owner could lose the right to use the pool as part of the rental. There should be some sort of mechanism that if the neighbors sign a complaint, then the owner would be required to appear before the Commissioners at a hearing. This only be applicable for a commercial pool.

Mr. Frank Cooper said there should be revocation of the license after three noise complaints for repeat offenders in one season.

Mr. Checefsky was concerned that the Commissioners were getting off base. The original issue was with noise, and much of that noise which came from pools was from owner occupied residences.

Mr. Richard Perry, 46 Pennsylvania Avenue, said that noise is the issue.

Mr. Gulbranson will work on the draft ordinances and bring them back to the Commissioners for discussion at the Workshop Meeting in January 2015..

The next Regular Meeting will be held on December 19, 2014 at 7:00 p.m.

There being no further business, Mayor Cooper adjourned the meeting at 3:18 p.m.

**Respectfully submitted,**

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**(Lorraine Zellers, Secretary)**