

NOTICE

THE COMMISSIONERS OF THE CITY OF REHOBOTH BEACH ON JUNE 19, 2015,
ADOPTED ORDINANCE NO. 0615-01 WHICH READS AS FOLLOWS:

**AN ORDINANCE TO CREATE A NEW CHAPTER 206 OF THE MUNICIPAL CODE
OF THE CITY OF REHOBOTH BEACH, DELAWARE, 2001,
RELATING TO RESIDENTIAL POOLS.**

WHEREAS, the Mayor and Commissioners of the City of Rehoboth Beach have observed an increasing proliferation of noise and raucous behavior associated with swimming pools, hot tubs, and spas within the City; and

WHEREAS, the Mayor and Commissioners of the City of Rehoboth Beach desire to thoughtfully regulate the use and operation of swimming pools, hot tubs, and spas within the City, with the purpose of maintaining the desirous quality of life for those residing in the City and those visiting the City that is typical of Rehoboth Beach; and

WHEREAS, the Mayor and Commissioners of the City of Rehoboth Beach further desire to thoughtfully regulate the use and operation of swimming pools, hot tubs, and spas within the City to ensure precautionary health and life safety measures are routinely observed; and

WHEREAS, the regulations established in this Ordinance will further the purpose of maintaining the charming character of Rehoboth Beach's residential neighborhoods, and the purpose of health, safety, and welfare of residents, guests, and visitors within the City.

BE IT ORDAINED, by the Commissioners of the City of Rehoboth Beach, in session met, in the manner following to wit:

Section 1. The Municipal Code of the City of Rehoboth Beach, Delaware, 2001, shall be, and is hereby amended by adding a new Chapter 206, titled "Pools", as follows:

Chapter 206

POOLS

§ 206-1. Purpose.

The purpose of this Ordinance 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 within the City of Rehoboth Beach.

§ 206-2. Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their deviations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word “shall” as used herein is mandatory and not merely directory.

DISCHARGE

The water used for pool maintenance operations including but not limited to backwashing filters or cleaning filters and includes water splashed-out of the pool by users.

DRAINAGE

The water removed from a pool to empty or partially empty the pool or to control water level.

HOT TUB or SPA

A pool containing heated water which is not emptied after each use, has a maximum depth of four (4) feet, is large enough for the immersion of at least one (1) person and may have a high velocity air and/or water jet system.

QUALIFIED POOL OPERATOR

An individual, that is at least 18 years old, that is responsible for the operation and maintenance of the pool water quality system and the associated infrastructure and who has successfully completed a pool operator training course recognized by the Delaware Division of Public Health.

SWIMMING POOL (POOL)

Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches deep, including in-ground, above ground and on-ground pools; hot tubs; spas and fixed in place wading pools.

SWIMMING POOL, RENTAL (RENTAL POOL)

A swimming pool used in conjunction with a residential housing unit governed by the International Residential Code (IRC) as amended and where the unit is rented for a fee.

SWIMMING POOL, PRIVATE (PRIVATE POOL)

A swimming pool used in conjunction with a residential housing unit governed by the International Residential Code (IRC) as amended and which unit and swimming pool are used solely by the owner, or their family, and by guests, invitees, or friends invited to use them without payment of any fee.

§ 206-3. Building Permit Required.

- A. No person shall construct, install, alter or replace a pool, auxiliary pool structure, or move any pool equipment, until a Building Permit has been obtained.
- B. In addition to other requirements of this Code the following information shall be submitted to the Building and Licensing Department at the time of application for a

building permit to construct or replace a pool.

- (1) Two (2) sets of construction drawings, two (2) site plans, two (2) copies of a survey and two (2) copies of a cost proposal.
 - (2) A scaled drawing indicating the general layout of the entire building lot on which the pool is to be located, including the distances of the pool from the lot lines and the location of all utilities.
 - (3) Pool specifications, including a scaled drawing showing a profile view(s) of the pool, the pool depths, volume calculation and the relative elevation of the pump and filter. If a diving platform is planned, an end view showing the required dimensions.
 - (4) A grading plan and a drainage and discharge plan meeting the specifications and requirements of § 206-12.
- C. Any proposed change or deviation in the siting of a pool from that which has been approved shall be reported to the Building and Licensing Department and approved prior to incorporating any such change or deviation.
- D. All construction shall be in accordance with the approved plans and specifications, and all conditions listed in the Building Permit.

§ 206-4. Installation, Enclosure and Safety Requirements.

All installations of pools and related equipment shall meet the requirements of the International Residential Code, 2012, Appendix G “*Swimming Pools, Spas and Hot Tubs*” as adopted by the City of Rehoboth Beach.

§ 206-5. Equipment Enclosure.

Circulating pumps and filters must be located inside the primary structure or in an enclosure that reduces the amount of noise and vibration produced.

- A. The enclosure must be built to the requirements of the building code and be insulated to reduce vibration and noise.
- B. Such enclosures shall have appropriate louvered areas, including vents, panels or doors as well as ventilation required for exhaust fans and heating systems.
- C. The enclosure must have access that is accessible in case of an emergency.
- D. Pool equipment legally existing at the time of adoption of this Ordinance is not required to be enclosed until replacement or a permit is issued for changes to the pool or its systems.

§ 206-6. Rental Pool Operation and Maintenance.

Rental pools shall be maintained by a qualified pool operator as defined by the Delaware Division of Public Health. The pool operator shall:

- A. Maintain written records pertaining to the operation of the pool including the dates and times the pool was visited, the types of chemicals used, the dates and times of chemical and bacterial tests, and the dates and times of cleaning of the pool and backwashing of filters. The required information may be provided in the form of a pool log which must remain on site and be readily available for review.
- B. At all times the property is rented make, at a minimum, weekly visits to the pool to ascertain its condition and perform necessary maintenance.

§ 206-7. Pool Operation License.

No private pool or rental pool shall be used until a Pool Operation License has been obtained from the City.

- A. Rental Pool licenses shall be issued on an annual basis covering the period from July 1 through June 30 of the following year and the annual fee shall be fifty dollars (\$50.00).
- B. Private Pool licenses shall be issued on a one-time basis to the owner of the property and the one-time fee shall be fifty dollars (\$50.00), however pools existing on the date of adoption of this Section shall be exempt from paying the initial fee but must otherwise obtain a license. An initial inspection shall be conducted in conjunction with the issuance of the pool license for the purpose of documenting site conditions. Additional inspections may be required should changes to the pool, pool equipment, or site be proposed through the application for a permit or otherwise.
- C. Each property shall be required to obtain a separate license of the appropriate classification.
- D. License fees shall not be prorated for a partial year.
- E. Pool Operations Licenses do not transfer when property ownership changes.
- F. The City will, in conjunction with license renewal, annually inspect Rental Pools for a review of safety and signage requirements contained in §206-8, and to determine if any alterations or changes have occurred, as well as review records related to the operation of the pool. Inspections will not include the checking of mechanical equipment, chemical levels or structural components. Additional inspections may be made when deemed advisable by the City.
- G. The City shall keep a registry of all licensed pools.

§ 206-8. Safety of Bathers, Safety Requirements.

- A. **Safety of Bathers.** All reasonable precautions shall be taken to protect the health, safety and welfare of users and bathers in pools and provide protection from injury or accident. Convenient means of ingress and egress shall be provided and the depth of water and any irregularities of the bottom shall be clearly indicated. Adequate safety equipment and first-aid kits shall be provided and be readily accessible.
- B. **Safety Requirements.** At least one safety sign shall be provided for all Rental Pools as follows:
- (1) Advising on the danger of diving into shallow areas and on the prevention of drowning as required by the authority that governs such pools.
 - (2) Identifying 911 as the emergency contact phone number.
 - (3) Identifying property's 911 address.
 - (4) Clearly indicating the location of the pump emergency shut-off switch. Such switch shall be clearly labeled as the pump emergency shut-off switch.
 - (5) Having the City Pool Operation License number located thereon. The number will be provided on a sticker issued by the City.
 - (6) Contain other pertinent pool information deemed appropriate.
 - (7) Positioned for effective visual observation by users.
 - (8) When a property has both a pool and spa or hot tub in close proximity, one sign may be utilized containing all needed information.
- C. The following safety equipment shall, at a minimum, be provided for all Rental Pools:
- (1) Pools other than spas and hot tubs:
 - (a) One (1) lightweight pole at least twelve (12) and not more than fifteen (15) feet long, and equipped with a shepherd's hook, or.
 - (b) One (1) ring buoy at least eighteen (18) to twenty-four (24) inches in diameter attached to at least fifty (50) feet of rope.
 - (2) Each spa or hot tub shall have a thermometer which displays in one degree increments (Fahrenheit or Celsius) the spa or hot tub water temperature. This temperature display should be located so as to be readily visible to a person prior to entry.

§ 206-9. Lighting.

- A. Any outdoor lighting used in conjunction with a private or rental pool shall be employed

in a manner so as not to cause a nuisance or annoyance to neighboring properties.

- B. Lights shall be shielded and directed in a manner that shall not direct illumination on adjacent properties. No unshielded lights shall be permitted.

§ 206-10. Sanitation of Premises.

- A. The buildings, grounds and all other pool facilities shall be kept clean and in a sanitary condition and maintained free from garbage, trash, and other refuse.
- B. All pools filled with water year-round shall be maintained in such a way as to not create a nuisance, hazard, and eyesore or otherwise result in a substantial adverse effect on neighboring properties, or to be in any way detrimental to public health, safety or welfare.

§ 206-11. Grading, Drainage and Discharge Requirements.

- A. The lot on which a new pool is constructed, or an existing pool is changed as to physical size, shape or volume, or a pool exists where other construction or addition of impervious surface materials may increase or change stormwater flows shall be graded so as to not permit stormwater run-off, pool drainage or pool discharge from flowing onto a neighboring property.

- B. Pool drainage shall:

- (1) Have a pH of no less than 6.8 or greater than 7.8.
- (2) Have a chlorine concentration no greater than 0.5 ppm.
- (3) Be directed to and flow over the vegetated area as shown on an approved discharge plan prior to flowing onto pavement or into a storm drain, catch basin or body of water. Drainage from a pool constructed prior to the adoption of this Section shall be directed to and flow over a vegetated area to the maximum extent practicable.
- (4) Not flow onto a neighboring property.
- (5) Be controlled so as not to cause erosion or carry debris or vegetation.

- C. Pool discharge shall:

- (1) Be discharged (or directed) onto a vegetated area and absorbed on the property on which the pool is located.
- (2) Not flow onto a neighboring property or a public area such as a street, park, beach or water body.

- (3) Be controlled so as not to cause erosion or carry debris or vegetation.

§ 206-12. Grading, Drainage and Discharge Plan.

A. A Grading Plan shall:

- (1) Be required for the construction of any new pool, any existing pool where a change is being made to the physical size, shape or volume of the pool, or other construction or addition of impervious surface materials on an existing lot with a pool that may increase or change stormwater flows on the property.
- (2) Be drawn by a professional engineer or a professional land surveyor licensed to do such work in the State of Delaware.
- (3) Include all existing conditions at the time of the application, including all buildings and structures on the lot with all steps, stoops, decks, porches, eaves, soffits, overhangs, and other projections indicated, and all other existing features to include utilities, drainage facilities, easements, topography and landscaping.
- (4) Indicate the proposed conditions to include the pool, additional buildings or structures including patios or any impervious improvements. Dimensions as well as actual setback distances shall be included.
- (5) Indicate existing and proposed grading and measures being utilized to prevent stormwater run-off from flowing onto adjacent properties.
- (6) Clearly indicate the direction and destination of stormwater flow from the area surrounding the pool and property as a whole.

B. In addition to and in conjunction with the Grading Plan, a Drainage and Discharge Plan is required which clearly demonstrates the ability to comply with §206-11.

§ 206-13. Commercial Activities.

The carrying on of any commercial undertakings at a private, residential or family pool entailing sales of food, drinks, novelties or other merchandise is hereby prohibited.

§ 206-14. Penalties for Violations.

A. Any person who violates any of the provisions of this Chapter shall be guilty of a civil offense pursuant to Chapter 126 of the Municipal Code of the City of Rehoboth Beach. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

B. Revocation of Pool Operation License.

- (1) The City Manager may suspend or revoke a pool operation license for any

violation of the requirements of this Chapter or Chapter 189 Noise and Section §198-21 Disturbing the Peace. If the violation is for lack of proper equipment, signage or renewed license or permit, the owner of said pool shall have five (5) days to rectify the violation. Should the violation go unresolved or be repeated, the City Manager may immediately suspend or revoke the pool operations license.

- (2) The City Manager shall provide the pool operation license holder with a written notice of any violation of this Chapter or of City Code.
- (3) If a pool operation license is suspended or revoked, the City Manager shall provide the pool operation license holder with a written notice of the license suspension or revocation and the reason for the revocation or suspension. The license holder may appeal the decision of the City Manager to the Board of Commissioners by filing a letter of appeal with the City Manager within ten (10) days after the date of the mailing of the City Manager's notice of suspension or revocation of the license. The suspension or revocation will be stayed upon appeal until such time as the City Commissioners' decision is made. The City Commissioners shall conduct a *de novo* hearing on the appeal within sixty (60) days of the date of the filing of the letter of appeal. The Board of Commissioners may affirm, modify or reverse the decision of the City Manager to suspend or revoke the license.

Section 2. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 3. This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commissioners of the City of Rehoboth Beach, excepting Section 206-6 (Rental Pool Operation and Maintenance), 206-7 (Pool Operation License), and 206-8(B) and (C) (Safety Requirements), which shall be effective July 1, 2016.

SYNOPSIS: This Ordinance established regulations for the operation of residential pools.