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2  
3 **AN ORDINANCE TO CREATE A NEW CHAPTER 206 OF THE MUNICIPAL CODE**  
4 **OF THE CITY OF REHOBOTH BEACH, DELAWARE, 2001,**  
5 **RELATING TO RESIDENTIAL POOLS.**  
6  
7

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

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

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

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

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

24 **Section 1.** The Municipal Code of the City of Rehoboth Beach, Delaware, 2001, shall  
25 be, and is hereby amended by adding a new Chapter 206, titled “Pools”, as follows:  
26

27 **Chapter 206**

28 **POOLS**

29 **§ 206-1. Purpose.**  
30

31 The purpose of this Ordinance is to ensure that residential swimming pools are used and enjoyed  
32 in a responsible manner that protects the health, safety and well-being of all residents, guests and  
33 visitors within the City of Rehoboth Beach.  
34

35 **§ 206-2. Definitions.**  
36

37 For the purposes of this chapter, the following terms, phrases, words, and their deviations shall  
38 have the meaning given herein. When not inconsistent with the context, words used in the  
39  
40

41 present tense include the future, words in the plural number include the singular number and  
42 words in the singular number include the plural number. The word “shall” as used herein is  
43 mandatory and not merely directory.

44

45 **DISCHARGE**

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

48

49 **DRAINAGE**

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

52

53 **HOT TUB or SPA**

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

57

58 **QUALIFIED POOL OPERATOR**

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

63

64 **SWIMMING POOL (POOL)**

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

68

69 **SWIMMING POOL, ~~RENTAL PRIVATE RENTAL (PRIVATE (RENTAL POOL)~~**

70 A swimming pool used in conjunction with a residential housing unit governed by the  
71 International Residential Code (IRC) as amended and where the unit is rented for a fee. ~~or~~  
72 ~~other considerations and is otherwise paid for its use.~~

73

74 **SWIMMING POOL, PRIVATE ~~RESIDENTIAL (PRIVATE RESIDENTIAL POOL)~~**

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

79

80 **§ 206-3. Building Permit Required.**

81

82 A. No person shall construct, install, alter or replace a pool, auxiliary pool structure, or move  
83 any pool equipment, until a Building Permit has been obtained.

84

- 85 B. In addition to other requirements of this Code the following information shall be  
86 submitted to the Building and Licensing Department at the time of application for a  
87 building permit to construct or replace a pool.  
88
- 89 (1) Two (2) sets of construction drawings, two (2) site plans, two (2) copies of a  
90 survey and two (2) copies of a cost proposal.  
91
- 92 (2) A scaled drawing indicating the general layout of the entire building lot on which  
93 the pool is to be located, including the distances of the pool from the lot lines and  
94 the location of all utilities.  
95
- 96 (3) Pool specifications, including a scaled drawing showing a profile view(s) of the  
97 pool, the pool depths, volume calculation and the relative elevation of the pump  
98 and filter. If a diving platform is planned, an end view showing the required  
99 dimensions.  
100
- 101 (4) A grading plan and a drainage and discharge plan meeting the specifications and  
102 requirements of § 206-12.  
103
- 104 C. Any proposed change or deviation in the siting of a pool from that which has been  
105 approved shall be reported to the Building and Licensing Department and approved prior  
106 to incorporating any such change or deviation.  
107
- 108 D. All construction shall be in accordance with the approved plans and specifications, and  
109 all conditions listed in the Building Permit.  
110

111 **§ 206-4. Installation, Enclosure and Safety Requirements.**  
112

113 All installations of pools and related equipment shall meet the requirements of the International  
114 Residential Code, 2012, Appendix G *“Swimming Pools, Spas and Hot Tubs”* as adopted by the  
115 City of Rehoboth Beach.  
116

117 **§ 206-5. Equipment Enclosure.**  
118

119 Circulating pumps and filters must be located inside the primary structure or in an enclosure that  
120 reduces the amount of noise and vibration produced.  
121

- 122 A. The enclosure must be built to the requirements of the building code and be insulated to  
123 reduce vibration and noise.  
124
- 125 B. Such enclosures shall have appropriate louvered areas, including vents, panels or doors as  
126 well as ventilation required for exhaust fans and heating systems.  
127
- 128 | C. The enclosure must have access that is accessible in case of an emergency.

129 | D. Pool equipment legally existing at the time of adoption of this Ordinance is not required  
130 | to be enclosed until replacement or a permit is issued for changes to the pool or its  
131 | systems.

132 |  
133 | **§ 206-6. ~~Private Residential~~ Rental Pool Operation and Maintenance.**

134 |  
135 | ~~Private residential~~ Rental pools shall be maintained by a qualified pool operator as defined by  
136 | the Delaware Division of Public Health. The pool operator shall:

- 137 |  
138 | A. Maintain written records pertaining to the operation of the pool including the dates and  
139 | times the pool was visited, the types of chemicals used, the dates and times of chemical  
140 | and bacterial tests, and the dates and times of cleaning of the pool and backwashing of  
141 | filters. The required information may be provided in the form of a pool log which must  
142 | remain on site and be readily available for review.  
143 |  
144 | B. At all times the property is rented make, at a minimum, weekly visits to the pool to  
145 | ascertain its condition and perform necessary maintenance.

146 |  
147 | **§ 206-7. Pool Operation License.**

148 |  
149 | No private ~~residential~~ pool or ~~private residential~~ rental pool shall be used until a Pool Operation  
150 | License has been obtained from the City.

- 151 |  
152 | A. ~~Private~~ Rental Pool licenses shall be issued on an annual basis covering the period from  
153 | July 1 through June 30 of the following year and the annual fee shall be fifty dollars  
154 | (\$50.00).  
155 |  
156 | B. Private ~~Residential~~ Pool licenses shall be issued on a one-time basis to the owner of the  
157 | property and the one-time fee shall be fifty dollars (\$50.00), however pools existing on  
158 | the date of adoption of this Section shall be exempt from paying the initial fee but must  
159 | otherwise obtain a license. An one-time initial inspection shall be conducted in  
160 | conjunction with the issuance of the pool license for the purpose of documenting site  
161 | conditions. Additional inspections may be required should changes to the pool, pool  
162 | equipment, or site be proposed and/or a permit be applied for through the application for  
163 | a permit or otherwise.  
164 |  
165 | C. Each property shall be required to obtain a separate license of the appropriate  
166 | classification.  
167 |  
168 | D. License fees shall not be prorated for a partial year.  
169 |  
170 | E. Pool Operations Licenses do not transfer when property ownership changes.  
171 |  
172 | F. The City will, in conjunction with license renewal, annually inspect ~~Private Residential~~

173 Rental Pools for a review of safety and signage requirements contained in §206-8, and to  
174 determine if any alterations or changes have occurred, as well as review records related to  
175 the operation of the pool. Inspections will not include the checking of mechanical  
176 equipment, chemical levels or structural components. Additional inspections may be  
177 made when deemed advisable by the City.

178  
179 G. The City shall keep a registry of all licensed pools.

180  
181 **§ 206-8. Safety of Bathers, Safety Requirements.**

182  
183 | A. Safety of Bathers. All reasonable precautions shall be taken to protect the health, safety  
184 and welfare of users and bathers in pools and provide protection from injury or accident.  
185 Convenient means of ingress and egress shall be provided and the depth of water and any  
186 irregularities of the bottom shall be clearly indicated. Adequate safety equipment and  
187 first-aid kits shall be provided and be readily accessible.

188  
189 | B. Safety Requirements. At least one safety sign shall be provided for all **Private**  
190 Residential Rental Pools as follows:

191  
192 (1) Advising on the danger of diving into shallow areas and on the prevention of  
193 drowning as required by the authority that governs such pools.

194  
195 | ~~(2)~~ Identifying 911 as the emergency contact phone number.

196  
197 | ~~(2)(3)~~ Identifying property's 911 address.

198  
199 | ~~(3)(4)~~ Clearly indicating the location of the pump emergency shut-off switch. Such  
200 switch shall be clearly labeled as the pump emergency shut-off switch.

201  
202 | ~~(4)(5)~~ Having the City Pool Operation License number located thereon. The number  
203 will be provided on a sticker issued by the City.

204  
205 | ~~(5)(6)~~ Contain other pertinent pool information deemed appropriate.

206  
207 | ~~(6)(7)~~ Positioned for effective visual observation by users.

208  
209 | ~~(7)(8)~~ When a property has both a pool and spa or hot tub in close proximity, one sign  
210 may be utilized containing all needed information.

211  
212 | C. The following safety equipment shall, at a minimum, be provided for all **Private**  
213 Residential Rental Pools:

214  
215 (1) Pools other than spas and hot tubs:

216

- 217 (a) One (1) lightweight pole at least twelve (12) and not more than fifteen  
218 (15) feet long, and equipped with a shepherd's hook, or.  
219  
220 (b) One (1) ring buoy at least eighteen (18) to twenty-four (24) inches in  
221 diameter attached to at least fifty (50) feet of rope.  
222  
223 (2) Each spa or hot tub shall have a thermometer which displays in one degree  
224 increments (Fahrenheit or Celsius) the spa or hot tub water temperature. This  
225 temperature display should be located so as to be readily visible to a person prior to  
226 entry.  
227

228 **§ 206-9. Lighting.**  
229

- 230 A. Any outdoor lighting used in conjunction with a ~~private residential or private residential~~  
231 ~~rental~~ pool shall be employed in a manner so as not to cause a nuisance or annoyance to  
232 neighboring properties.  
233  
234 B. Lights shall be shielded and directed in a manner that shall not direct illumination on  
235 adjacent properties. No unshielded lights shall be permitted.  
236

237 **§ 206-10. Sanitation of Premises.**  
238

- 239 A. The buildings, grounds and all other pool facilities shall be kept clean and in a sanitary  
240 condition and maintained free from garbage, trash, and other refuse.  
241  
242 B. All pools filled with water year-round shall be maintained in such a way as to not create a  
243 nuisance, hazard, and eyesore or otherwise result in a substantial adverse effect on  
244 neighboring properties, or to be in any way detrimental to public health, safety or  
245 welfare.  
246

247 **§ 206-11. Grading, Drainage and Discharge Requirements.**  
248

- 249 A. The lot on which a new pool is constructed, or an existing pool is changed as to physical  
250 size, shape or volume, or a pool exists where other construction or addition of impervious  
251 surface materials may increase or change stormwater flows shall be graded so as to not  
252 permit stormwater run-off, pool drainage or pool discharge from flowing onto a  
253 neighboring property.  
254  
255 B. Pool drainage shall:  
256  
257 (1) Have a pH of no less than 6.8 or greater than 7.8.  
258  
259 (2) Have a chlorine concentration no greater than 0.5 ppm.  
260

- 261 (3) Be directed to and flow over the vegetated area as shown on an approved  
262 discharge plan prior to flowing onto pavement or into a storm drain, catch basin  
263 or body of water. Drainage from a pool constructed prior to the adoption of this  
264 Section shall be directed to and flow over a vegetated area to the maximum extent  
265 practicable.
- 266
- 267 (4) Not flow onto a neighboring property.
- 268
- 269 (5) Be controlled so as not to cause erosion or carry debris or vegetation.
- 270

271 C. Pool discharge shall:

- 272
- 273 (1) Be discharged (or directed) onto a vegetated area and absorbed on the property on  
274 which the pool is located.
- 275
- 276 (2) Not flow onto a neighboring property or a public area such as a street, park, beach  
277 or water body.
- 278
- 279 (3) Be controlled so as not to cause erosion or carry debris or vegetation.
- 280

281 **§ 206-12. Grading, Drainage and Discharge Plan.**

282

283 A. A Grading Plan shall:

- 284
- 285 (1) Be required for the construction of any new pool, any existing pool where a  
286 change is being made to the physical size, shape or volume of the pool, or other  
287 construction or addition of impervious surface materials on an existing lot with a  
288 pool that may increase or change stormwater flows on the property.
- 289
- 290 (2) Be drawn by a professional engineer or a professional land surveyor licensed to  
291 do such work in the State of Delaware.
- 292
- 293 (3) Include all existing conditions at the time of the application, including all  
294 buildings and structures on the lot with all steps, stoops, decks, porches, eaves,  
295 soffits, overhangs, and other projections indicated, and all other existing features  
296 to include utilities, drainage facilities, easements, topography and landscaping.
- 297
- 298 (4) Indicate the proposed conditions to include the pool, additional buildings or  
299 structures including patios or any impervious improvements. Dimensions as well  
300 as actual setback distances shall be included.
- 301
- 302 (5) Indicate existing and proposed grading and measures being utilized to prevent  
303 stormwater run-off from flowing onto adjacent properties.
- 304

305 (6) Clearly indicate the direction and destination of stormwater flow from the area  
306 surrounding the pool and property as a whole.  
307

308 B. In addition to and in conjunction with the Grading Plan, a Drainage and Discharge Plan  
309 is required which clearly demonstrates the ability to comply with §206-11.  
310

311 **§ 206-13. Commercial Activities.**  
312

313 The carrying on of any commercial undertakings at a private, residential or family pool entailing  
314 sales of food, drinks, novelties or other merchandise is hereby prohibited.  
315

316 **§ 206-14. Penalties for Violations.**  
317

318 A. Any person who violates any of the provisions of this Chapter shall be guilty of a civil  
319 offense pursuant to Chapter 126 of the Municipal Code of the City of Rehoboth Beach.  
320 Each day such violation continues after notice of violation has been given to the offender  
321 may be considered a separate offense.  
322

323 B. Revocation of Pool Operation License.  
324

325 (1) The City Manager may suspend or revoke a pool operation license for any  
326 violation of the requirements of this Chapter or ~~other Code including but not~~  
327 ~~limited to~~ Chapter 189 Noise and Section §198-21 Disturbing the Peace. If the  
328 violation is for lack of proper equipment, signage or renewed license or permit,  
329 the owner of said pool shall have five (5) days to rectify the violation. Should the  
330 violation go unresolved or be repeated, the City Manager may immediately  
331 suspend or revoke the pool operations license.  
332

333 (2) The City Manager shall provide the pool operation license holder with a written  
334 notice of any violation of this Chapter or of City Code.  
335

336 (3) If a pool operation license is suspended or revoked, the City Manager shall  
337 provide the pool operation license holder with a written notice of the license  
338 suspension or revocation and the reason for the revocation or suspension. The  
339 license holder may appeal the decision of the City Manager to the Board of  
340 Commissioners by filing a letter of appeal with the City Manager within ten (10)  
341 days after the date of the mailing of the City Manager's notice of suspension or  
342 revocation of the license. The suspension or revocation will be stayed upon  
343 appeal until such time as the City Commissioners' decision is made. The City  
344 Commissioners shall conduct a *de novo* hearing on the appeal within sixty (60)  
345 days of the date of the filing of the letter of appeal. The Board of Commissioners  
346 may affirm, modify or reverse the decision of the City Manager to suspend or  
347 revoke the license.  
348



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

354  
355           **Section 3.**     This Ordinance shall take effect immediately upon its adoption by a  
356 majority vote of the Commissioners of the City of Rehoboth Beach, excepting for existing pools  
357 Section 206-6 (Rental Pool Operation and Maintenance), 206-7 (Pool Operation License), and  
358 206-8(B) and (C) (Safety Requirements), which shall be effective July 1, 2016.  
359

360  
361 Adopted by the Commissioners  
362 Of the City of Rehoboth Beach  
363 \_\_\_\_\_, 2015  
364

365  
366 \_\_\_\_\_  
367 Secretary of the Commissioners of  
368 the City of Rehoboth Beach  
369

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