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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 in the Residential Zoning Districts; 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 in the  
13 Residential Zoning Districts, with the purpose of maintaining a quality of life for those residing  
14 in the Residential Zoning Districts that is typical of Rehoboth Beach’s residential neighborhoods;  
15 and

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

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

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

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

27  
28 **Chapter 206**

29  
30 **POOLS**

31  
32 **§ 206-1. Purpose.**  
33

34 The purpose of this Ordinance is to ensure that residential swimming pools located within  
35 residential zoning districts are used and enjoyed in a responsible manner that protects the health,  
36 safety and well-being of all residents, guests and visitors within the City of Rehoboth Beach.  
37

38 **§ 206-2. Definitions.**  
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40 For the purposes of this regulation, the following terms, phrases, words, and their deviations  
41 shall have the meaning given herein. When not inconsistent with the context, words used in the  
42 present tense include the future, words in the plural number include the singular number and

43 words in the singular number include the plural number. The word “shall” as used herein is  
44 mandatory and not merely directory.

45

46 **BENEFICIAL OWNER**

47 An ownership interest in the entity owning the pool through direct ownership of the real  
48 property where the pool is located, direct ownership of stock in a stock corporation  
49 owning the real property where the stock represents an equity interest in the corporation,  
50 or direct ownership through being a member in a limited liability company (L.L.C.) or a  
51 partner in a partnership owning the real property upon which the pool is placed.

52

53 **HOT TUB or SPA**

54 A pool containing water greater than 95° F which is not emptied after each use, has a  
55 maximum depth of four (4) feet, is large enough for the immersion of at least one (1)  
56 person and may have a high velocity air and/or water jet system.

57

58 **PRIVATE, RESIDENTIAL POOL**

59 A swimming pool twenty-four (24) inches or more in depth used or intended to be used  
60 solely by the owner, or their family, and by guests, invitees, or friends invited to use it  
61 without payment of any fee. This includes residential in-ground, above ground and on-  
62 ground swimming pools, hot tubs and spas. This excludes hotels or motels.

63

64 **PRIVATE RENTAL POOL**

65 A swimming pool twenty-four (24) inches or more in depth used or intended to be used in  
66 conjunction with a rental property. This includes residential in-ground, above ground and  
67 on-ground swimming pools, hot tubs and spas. This excludes hotels or motels.

68

69 **SWIMMING POOL, ABOVE GROUND**

70 Any private recreational pool capable of containing water to a depth at any point greater  
71 than twenty-four (24) inches, constructed above or partially above ground level.

72

73 **SWIMMING POOL, IN-GROUND**

74 A swimming pool whose sides are not exposed and are below the natural ground located  
75 adjacent to said swimming pool.

76

77 **§ 206-3. Permit.**

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79 A. No person shall construct, install, alter or replace a pool, auxiliary pool structure, or pool  
80 equipment, until plans and specifications have been submitted to the City and a Building  
81 Permit has been issued. Whenever it is discovered that any of the above have occurred or  
82 are occurring without such approval, the City shall order the owner, operator or  
83 contractor to immediately close the pool if it is open or stop the work or conversion, and  
84 to submit plans and specifications to the City. Any part of the unapproved work or pool  
85 that is not in compliance with these Regulations shall be removed, replaced or  
86 reconstructed in order to achieve compliance.

87

88 B. Plans and Specifications - In addition to other requirement of this Code the following

89 information must be submitted to the Building and Licensing Department at the time of  
90 application for a building permit to construct a swimming pool.

- 91
- 92 (1) Two (2) sets of construction drawings, two (2) site plans, two (2) copies of a  
93 survey and two (2) copies of a cost proposal.
  - 94
  - 95 (2) A scaled drawing indicating the general layout of the entire building lot on which  
96 the pool is to be located, including the distances of the pool from the lot lines and  
97 the location of all utilities.
  - 98
  - 99 (3) A rendering demonstrating that adequate greenspace area exists on the subject  
100 property to accommodate overflow, discharge, and backwash needs based on the  
101 type of filtration and general pool specifications.
  - 102
  - 103 (4) A scaled drawing showing an overhead view of the pool which includes the  
104 location of but is not limited to: all recirculation system fittings and piping, depth  
105 markings, diving board, lights (underwater and overhead), deck/walkway, fence,  
106 pump/filter room, and any other pools (e.g. wading pool, spa pool). This drawing  
107 shall also specify the materials of construction for the pool and deck
  - 108
  - 109 (5) A scaled drawing showing a profile view(s) of the pool, the pool depths, volume  
110 calculation and the relative elevation of the pump and filter. If a diving platform is  
111 planned, an end view showing the required dimensions.
  - 112
  - 113 (6) A grading plan indicating proposed grading and measures being utilized to  
114 prevent stormwater run-off from impacting adjacent properties.

115

116 C. Drainage and Discharge Plan Required - The Applicant shall provide a  
117 drainage/discharge plan detailing how the pool water shall be discharged in conjunction  
118 with winterization or maintenance. Drainage and discharge water must be directed to and  
119 flow over a vegetated area prior to flowing onto pavement or into a storm drain, catch  
120 basin, or water body. The plan shall also incorporate the following drainage  
121 requirements:

- 122
- 123 (a) A rendering demonstrating that adequate greenspace area exists on the  
124 subject property to accommodate overflow, discharge, and backwash  
125 needs based on the type of filtration and general pool specifications.
  - 126
  - 127 (b) Discharge from pool and spa filters must be controlled so as not to cause  
128 erosion or carry debris or vegetation.
  - 129
  - 130 (c) Pool and spa water should have an acceptable pH of between 6.8 to 7.8  
131 prior to discharge.
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  - 133 (d) Pool water chlorine levels shall be reduced to at least 0.5ppm prior to  
134 discharge.

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- (e) Filters should be cleaned over the lawn or other landscaped areas where the discharge can be absorbed. Cartridge type filters cleaned and sprayed out over same landscaped areas.

- D. Site Inspection - Prior to the issuance of a Building Permit for the construction of a new outdoor pool, a site inspection shall be made by a representative of the City in order to confirm that the pool location meets the requirements of this Section. After a specific site is approved, any change must be reported to the Building and Licensing Department and approved prior to incorporating any such change. An additional site inspection may be required.
- E. Upon receipt of plans and specifications, the City shall determine if the project is approved or disapproved and notify the responsible person within thirty (30) days. If disapproved, the reasons shall be specified. If approved, a Building Permit shall be issued which shall be valid for one (1) year. All construction shall be in accordance with the approved plans and specifications, and all conditions listed in the Building Permit. The City reserves the right to reject plans and specifications from a pool builder/pool service company based upon evidence of malfeasance or non-feasance related to a previous Building Permit.

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

The City of Rehoboth Beach uses the International Residential Code, 2012, Appendix G “Swimming Pools, Spas and Hot Tubs” as amended. All installations, pool and equipment shall meet the requirements of these regulations.

**§ 206-5. Equipment.**

Equipment of 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 as required for exhaust fans and heating systems.
- C. The enclosure must have access that is readily accessible in case of an emergency.

**§ 206-6. Pool Operation Licenses.**

- A. All residential pool owners shall be required to obtain a pool operation license, and pay a fee. The fee is to be established by the City Commissioners.
- B. Operating licenses shall expire annually. The operating license is not transferable if

- 181 ownership changes. The operating permit shall be conspicuously displayed.  
182
- 183 C. Renewal of the Pool Operation Licenses will require the pool to be inspected annually by  
184 the City or the City's appointed representatives. The inspection will not involve the  
185 checking of mechanical equipment, chemical levels or structural components. The  
186 inspection will involve review of all chemical and maintenance reports, signage, safety  
187 equipment and alterations.  
188
- 189 D. Private rental pools must be maintained following public pool standards for maintenance,  
190 chemicals and filtration as established by the Delaware Division of Public Health and  
191 operated by an individual who has completed a pool operating training course that meets  
192 the criteria established by the Delaware Division of Public Health.  
193
- 194 (1) All maintenance and chemical log records must remain on site and be readily  
195 available for review.  
196
- 197 E. A safety sign shall have the City Pool Operation License number located on the sign.  
198 The number will be provided on a sticker provided by the City.  
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- 200 F. Penalties and Revocation Pool Operation License.  
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- 202 (1) The City Manager may immediately suspend or revoke a pool operation license  
203 for any violation of the requirements of this Chapter or other Code including but  
204 not limited to Chapter 189 Noise and Section §198-21 Disturbing the Peace. If the  
205 violation is for lack of proper equipment, signage or renewed license or permit,  
206 the owner of said pool shall have five (5) days to rectify the violation. Should the  
207 violation go unresolved or be repeated, the City Manager may immediately  
208 suspend or revoke the pool operations license.  
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- 210 (2) The City Manager shall provide the pool operator license holder with a written  
211 notice of any violation of this Section and the action taken by the City Manager.  
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- 213 (3) If a pool operator license is suspended or revoked, the City Manager shall provide  
214 the pool operator license holder with a written notice of the license suspension or  
215 revocation and the reason for the revocation or suspension. The license holder  
216 may appeal the decision of the City Manager to the Board of Commissioners by  
217 filing a letter of appeal with the City Manager within ten (10) days after the date  
218 of the mailing of the City Manager's order to suspend or revoke the license. The  
219 suspension or revocation may be stayed upon appeal until such time as the City  
220 Commissioners' decision is made. The City Commissioners shall conduct a  
221 hearing on the appeal within sixty (60) days of the date of the filing of the letter of  
222 appeal. The appeal shall be on the record, and the Commissioners shall determine  
223 whether the decision of the City Manager is supported by the evidence and free  
224 from legal error. The Board of Commissioners may affirm, modify or reverse the  
225 decision of the City Manager to suspend or revoke the permit.  
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227 **§ 206-7. Safety of Bathers, Safety Requirements.**  
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229 A. All reasonable precautions shall be taken to protect the health, safety and welfare of users  
230 and bathers in swimming pools and from injury or accident. Convenient means of  
231 ingress and egress shall be provided and the depth of water and any irregularities of the  
232 bottom shall be clearly indicated. Adequate safety equipment and first-aid kits shall be  
233 provided and be readily accessible.  
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235 B. The following safety equipment and signage requirements must be provided for all pools:  
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237 (1) Pools shall have at least one of the following safety devices:  
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239 (a) One (1) or more lightweight poles at least twelve (12) and not more than  
240 fifteen (15) feet long, and equipped with a shepherd's hook.  
241

242 (b) One ring buoy at least eighteen (18) to twenty-four (24) inches in diameter  
243 attached to at least fifty (50) feet of rope.  
244

245 (2) Pools shall have Safety signage.  
246

247 (a) Safety signage advising on the danger of diving into shallow areas and on  
248 the prevention of drowning shall be provided as required by the authority  
249 that governs such pools.  
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251 (b) Signs shall be positioned for effective visual observation by users  
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253 (c) Identify 911 as the emergency contact  
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255 (d) Emergency shutoff switch. Signs shall be posted that clearly indicate the  
256 location of the pump emergency shut-off switch. Such switch shall be  
257 clearly labeled as the pump emergency shutoff switch.  
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259 (e) A safety sign shall have the City Pool Operation License number located  
260 on the sign. The number will be provided presented on a sticker provided  
261 by the City.  
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263 (f) The information above may be posted on one (1) sign along with any other  
264 pool information.  
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267 **§ 206-8. Lighting.**  
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269 A. Lights used to illuminate any residential pool shall be so as to eliminate direct rays and  
270 minimize reflected rays of light onto adjoining properties as not to cause a nuisance or  
271 annoyance to neighboring properties.  
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- 273 B. Lights shall be shielded and directed so that no illumination extends beyond lot lines.  
274 No unshielded lights shall be permitted.  
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276 **§ 206-9. Sanitation of Premises.**  
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- 278 A. The buildings, grounds and all other pool facilities shall be kept clean and in a sanitary  
279 condition and maintained free from garbage, trash, and other refuse.  
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281 B. All pools designed to be filled with water year round shall be maintained in such a way as  
282 to not create a nuisance, hazard, and eyesore or otherwise result in a substantial adverse  
283 effect on neighboring properties, or to be in any way detrimental to public health, safety  
284 or welfare.  
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286 **§ 206-10. Interference with Enjoyment of Property Right Prohibited.**  
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288 No pool shall be so located, designed, operated or maintained as to interfere unduly with the  
289 enjoyment of property rights of owners' adjacent or adjoining premises.  
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291 **§ 206-11. Commercial Activities.**  
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293 The carrying on of any commercial undertakings at a private, residential or family pool entailing  
294 sales of food, drinks, novelties or other merchandise is hereby prohibited.  
295

296 **§ 206-12. Penalty for Violations.**  
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298 Any person who violates any of the provisions of this Regulation shall be guilty of a civil offense  
299 pursuant to Chapter 126 of the Municipal Code of the City of Rehoboth Beach. Each day such  
300 violation continues after notice of violation has been given to the offender may be considered a  
301 separate offense.  
302

303 **Section 2.** If any provision of this Ordinance shall be deemed or held to be invalid or  
304 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any  
305 other provision of this Ordinance which may be given effect without such invalid or unenforceable  
306 provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.  
307

308 **Section 3.** This Ordinance shall take effect immediately upon its adoption by a majority  
309 vote of the Commissioners of the City of Rehoboth Beach.  
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311 Adopted by the Commissioners  
312 Of the City of Rehoboth Beach  
313 \_\_\_\_\_, 2015  
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317 Secretary of the Commissioners of  
318 the City of Rehoboth Beach  
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320 SYNOPSIS: This Ordinance established regulations for the operation of residential pools.