

CODE OF ORDINANCES

Chapter 25

SWIMMING POOLS AND WADING POOLS*

 * **Cross reference(s)**--Buildings, Ch. 6; Zoning, Ch. 27.

Sec. 25-1. Definitions.

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section.

Artificial pool shall mean a pool composed entirely of artificial construction, located above or below ground.

Partly artificial pool shall mean a pool formed from a natural body of water which has either so limited a flow or such an inadequate natural circulation that the quality of water must be maintained by artificial means.

Person shall mean any individual, partnership, corporation, entity, association, or public or private organization of any character.

Private swimming pool shall mean any pool designed, used and maintained for swimming purposes by an individual for use by members of his household and guests and located on a lot as an accessory use to a residence. Unless otherwise qualified the term "private swimming pool" shall be construed as including both artificial and partly artificial pools.

Public pool shall mean a "public pool" as that term is defined in 22 M.R.S.A. § 2491(10-A), as may be amended.

Public spa shall mean a "public spa" as that term is defined in 22 M.R.S.A. § 2491(10-B), as may be amended.

Wading pool shall mean any artificially constructed pool, not designed or used for swimming purposes, with a maximum area of one hundred and twenty (120) square feet and a maximum water depth of twenty-four (24) inches.

(Code 1966, § 11-9-2; Ord. No. 18-70, 8-3-70; Ord. No. 10-12/13, December 3, 2012 [Fiscal Note: Less than \$1000])

Sec. 25-2. Applicability of electrical regulations.

- (a) Construction and installation of electric wiring for equipment in or adjacent to swimming pools or wading pools, to metal appurtenances in or within five (5) feet of such pools, and to the auxiliary equipment such as pumps, filters and similar equipment, shall be in accordance with the electrical regulations of the city.
- (b) Pool reinforcing steel, metal parts of ladders, diving boards and their supports, and the like, and metal parts of electrical equipment associated with the pool water circulating system shall be grounded in accordance with the electrical regulations of the city.

(Code 1966, § 11-9-14; Ord. No. 18-70, 8-3-70)

Cross reference(s)--Electricity, Ch. 6.

Sec. 25-3. Permit required to construct, establish pool.

No person shall construct or establish a private swimming pool or wading pool without having obtained a permit therefor in the manner prescribed by this chapter.

(Code 1966, § 11-9-3; Ord. No. 18-70, 8-3-70)

Sec. 25-4. Application for permit: To whom made; accompanying materials.

- (a) An application for a permit to construct and maintain a private swimming pool or wading pool shall be made to the building inspector by the owner of the property or by the contractor who will construct the pool.
- (b) The application shall be accompanied by duplicate sets of plans, specifications and plot plan of the property. The plot plan shall show the accurate location of the proposed swimming pool or wading pool on the property, together with any proposed bathhouses or cabanas. The plot plan, shall also show the location, height and type of existing fencing or walls on the boundary lines of this property, together with the type and height of such fencing or enclosure as may be required by section 25-10 to prevent, within reason, any person from gaining access beneath or through the fence when the pool is unguarded or unattended.

(Code 1966, § 11-9-4; Ord. No. 18-70, 8-3-70)

Cross reference(s)--Duty to issue applications for permits, § 14-5.

Sec. 25-5. Repealed.

(Code 1966, §§ 11-9-4--11-9-4.5; Ord. No. 18-70, 8-3-70; Ord. No. 21-05/06, 6/5/06 [Fiscal Note: Less than \$1000])

Sec. 25-6. Construction, design to allow proper maintenance and operation.

The construction and design of private swimming pools and wading pools shall be such that they may be maintained and operated in a clean and sanitary condition at all times.

(Code 1966, § 11-9-5; Ord. No. 18-70, 8-3-70)

Sec. 25-7. Plans of proposed construction to show compliance with chapter.

All plans submitted to the city for swimming pools and wading pools to be constructed shall show compliance with the requirements of this chapter.

(Code 1966, § 11-9-13; Ord. No. 18-70, 8-3-70)

Sec. 25-8. Location.

No private swimming pool or wading pool shall be erected nearer to a street property line or nearer to a side property line than herein set forth for all residence zones.

- (1) *Districts AA, A, G, and RF.* Minimum setback from street property line fifty (50) feet, minimum setback from a side or rear property line, ten (10) feet.
- (2) *Districts B, C and I.* Minimum setback requirement shall meet the minimum requirements of residence AA, A and G zones.

A corner lot where the street frontages are such that the shorter frontage is ninety (90) per cent or less of the longer frontage, the lot shall be deemed to

front on the street possessing the shorter frontage and the longer frontage shall be considered the side property line.

(Code 1966, §§ 11-9-11, 11-9-11.1; Ord. No. 18-70, 8-3-70; Ord. No. 2-82/83, 7-19-82)

Sec. 25-9. Construction materials to be waterproof, easily cleaned.

All material used in the construction of private swimming pools and wading pools shall be waterproof and easily cleaned.

(Code 1966, § 11-9-5; Ord. No. 18-70, 8-3-70)

Sec. 25-10. Fences or walls: Required; specifications; gates and doors.

- (a) No person owning, controlling or in possession of land within the city, upon which it situated a swimming pool or wading pool or other outside body of water designed or used for swimming, dipping or immersion purposes by men, women or children, of a water depth exceeding eighteen (18) inches, shall fail to maintain on the lot or premises upon which such pool or body of water is located a fence or wall.
- (b) Such fence or wall shall not be less than four (4) feet in height with a maximum height not to exceed seven (7) feet. Such fence or wall shall not have openings, holes or gaps larger than four (4) inches in any dimension, except for doors or gates; provided, however, that if a picket fence is erected or maintained, the horizontal gap dimension shall not exceed four (4) inches; provided, further, that a dwell house or accessory building may be used as a part of such enclosure.
- (c) All gates or doors opening through an enclosure required by this section shall be equipped with self-closing and self-latching devices designed to keep, and capable of keeping, such doors or gates securely closed at all times when not in actual use. Such gates or doors shall have a latching device placed four (4) feet above ground level, or otherwise made inaccessible from the outside to small children; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure need not be so equipped. All such gates or doors shall be kept closed or latched when the pool or body of water is not in use.

(Code 1966, §§ 11-9-12, 11-9-12.1; Ord. No. 18-70, 8-3-70)

Sec. 25-11. Compliance with fencing provisions prerequisite to final inspection, approval.

Final inspection and approval of all swimming pools and wading pools constructed subsequent to August 3, 1970, shall be withheld until all the requirements of section 25-10 have been complied with.

(Code 1966, § 11-9-13; Ord. No. 18-70, 8-3-70)

Sec. 25-12. Connections between pools and private water supply systems, recirculating or heating systems.

There shall be no physical connection between a public or private water supply system and a private swimming pool or wading pool at a point below the maximum water line of the pool or to the recirculating or heating system of the pool.

(Code 1966, § 11-9-6; Ord. No. 18-70, 8-3-70)

Sec. 25-13. Plumbing inspector's approval required where pools connected to sewer; application for approval; approval not to permit improper discharges.

All private swimming pools and wading pools constructed subsequent to August 3, 1970, within the city and connected to either a storm water sewer or sanitary sewer shall have the approval of the plumbing inspector. Application for approval shall be in

writing. Approval shall not be given to discharge such water at the curb or upon the surface of any street.

(Code 1966, § 11-9-7; Ord. No. 18-70, 8-3-70)

Sec. 25-14. Owner to maintain pool so that chassis breaks and overflow prevented.

The owner of every private swimming pool or wading pool shall maintain his pool so that breaks in the Pool chassis are prevented and so that water from the pool does not overflow into adjacent public or private property.

(Code 1966, § 11-9-5; Ord. No. 18-70, 8-3-70)

Sec. 25-15. Treatment with disinfectant required.

All private swimming pools and wading pools shall be treated with chlorine or its compounds in sufficient quantity so that there will be present in the water at all times when the pool is in use a residual of excess chlorine of not less than two-tenths (0.2) parts per million of available free chlorine.

(Code 1966, § 11-9-8; Ord. No. 18-70, 8-3-70)

Sec. 25-16. Bacteriological tests, standards.

Not more than twenty (20) per cent of the samples of water taken from any private swimming pool or wading pool, when more than twenty (20) samples have been examined, and not more than three (3) samples, when less than twenty (20) samples have been examined, shall contain more than two hundred (200) bacteria per cubic centimeter or shall show positive test (confirmed) for chloroform in any of five (5) ten-cubic centimeter portions of water at times when the pool is in use. For the purpose of this section, any number of samplings of water on a single day shall be considered as one sample. The local board of health is hereby authorized to take samples to insure compliance with these requirements. (Code 1966, § 11-9-9; Ord. No. 18-70, 8-3-70)

Sec. 25-17. Location of accessory buildings.

No accessory building incident to the operation of any private swimming pool or wading pool shall be located in the required front yard area.

(Code 1966, § 11-9-11.2; Ord. No. 18-70, 8-3-70)

Sec. 25-18. Maintenance of accessory buildings.

Locker rooms, bathhouses, cabanas, shower rooms, toilets and all other physical facilities or equipment incident to the operation of any private swimming pool or wading pool shall be kept in a sanitary condition at all times.

(Code 1966, § 11-9-10; Ord. No. 18-70, 8-3-70)

Sec. 25-19. Variances.

Variances from the terms of this chapter may be granted by the zoning board of appeals based upon the same standards as are required for variances under the zoning ordinance.

(Ord. No. 2-82/83, 7-19-82)

Sec. 25-20. Public pools and spas.

- (a) Any person operating or maintaining a public pool or spa in the City must first register with the State of Maine Department of Health and Human Services and provide a copy of such registration to the City's Health Inspector.

- (b) City as delegated municipality for health inspections. The State of Maine Department of Health and Human Services' "Rules Relating to Public Pools and Spas," as may be amended from time to time, are adopted by reference as if fully set forth herein. The City desires to be a delegated community or municipality, authorized to perform health inspections consistent with the Rules. The annual fee per fiscal year for such inspections shall be as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order. The annual fee shall be billed to the property owner once a year in the month of March and shall be due by May 31. If not paid by May 31, the annual fee shall double and include the City's collection costs (but not including attorney's fees).

(Ord. No. 10-12/13, December 3, 2012 [Fiscal Note: Less than \$1000])

Cross reference(s)--Zoning regulations, Ch. 27.