

ORDINANCE NO. A04-4

**AN ORDINANCE TO AMEND THE CODE
OF THE TOWN OF BRIDGEVILLE, DELAWARE,
TO REGULATE SWIMMING POOLS**

WHEREAS, swimming pools, both public and private, are popular among residents for recreational purposes; and

WHEREAS, swimming pools pose a risk to children who may be tempted to swim in them without authorization or supervision; and

WHEREAS, the use of swimming pools can affect neighboring property owners; and

WHEREAS, the Commissioners of Bridgeville desire to ensure that owners of swimming pools take measures to protect against the unauthorized use of their pools by children and so that swimming pools are constructed so as to have minimal impact on neighboring properties;

**NOW, THEREFORE, THE COMMISSIONERS OF BRIDGEVILLE
HEREBY ORDAIN:**

Section 1. Amend Town Code of Bridgeville by adding the following Chapter:

Chapter 205

SWIMMING POOLS

§ 205-1 Compliance required.

No owner of land shall permit a swimming pool, or similar body of standing water intended for recreational use, to be constructed or maintained in violation of this Chapter. Any swimming pool that is not fenced in accordance with §205-5 of this Chapter at the time of adoption of this Ordinance, must be in compliance within two months of passage of this Ordinance.

§ 205-2 Definitions.

SWIMMING POOL-Any outdoor structure set into the ground, designed to hold water at a depth greater than two feet, and intended for recreational use or viewing.

§ 205-3 Private swimming pools.

A. Private swimming pools shall:

- (1) Be located on a lot on which there is situated a dwelling.
- (2) Be located so that the distance from the water's edge to the side and rear lot line is not less than the building setback line as required in Chapter 234.
- (3) Not be located within a front yard area, as defined in Chapter 234.

§ 205-4 Public swimming pools.

Swimming pools to which the general public of The Town of Bridgeville, or residents of a particular community or subdivision, or members of a club or community organization have access, shall be approved by the Town Commissioners.

§ 205-5 Fencing requirements.

A. All swimming pools, as defined herein, shall be enclosed by a fence, at least 4 feet in height, and constructed of a material difficult for a person or child to pass through, such as wood stockade or chain-link.

B. The gate or gates in the fence shall be self-latching.

C. All fences shall be located at least three feet from the edge of the swimming pool in order to allow easy egress from the pool.

D. All other requirement pertaining to fences in this Code apply in addition to those contained within this Chapter.

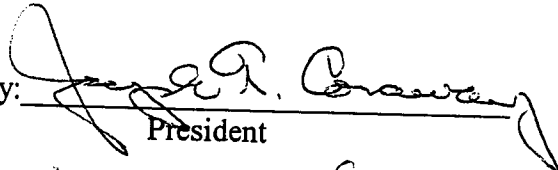
§ 205-6 Drainage.

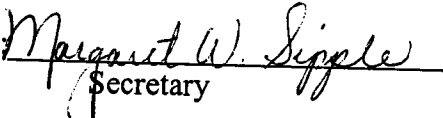
Water from the swimming pools shall not be drained into the ground. If the owner of a swimming pool wishes to drain the pool into the Town's sanitary sewer or into the storm sewer, he or she must first advise the Public Works Department of the Town. The Public Works Department may set certain conditions on the time and method of draining. A chemical analysis to determine whether the water to be drained would be harmful to the treatment facility or aquatic life must be performed by a certified laboratory at the owner's

expense. The Public Works Department may assess a fee if the water is to be deposited into the sanitary sewer. The fee shall be based upon the fees charged for other sewage and must be paid in advance.

Section 2. This Ordinance shall be come effective upon its adoption by a majority of all Commissioners.

COMMISSIONERS OF BRIDGEVILLE

By: 
President

Attest: 
Secretary

1st Reading: March 22, 2004
2nd Reading: April 12, 2004
Adopted: April 12, 2004

Synopsis

The Commissioners of Bridgeville intend to prevent accidents involving children falling into swimming pools by requiring fences and self-latching gates. While visiting the issue of swimming pools, the Commissioners intend to clarify other regulations concerning swimming pools, including their placement on property. Also, because it is likely in the near future of Bridgeville that swimming pools will be provided as part of an amenity package of developments or subdivisions, the Commissioners want to ensure that they have input into the design and placement of those pools.