

CHAPTER 1363
Swimming Pools

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CROSS REFERENCES

- Indecent exposure - see GEN. OFF. 666.20
Municipal pools - see S.U. & P.S. Ch. 957
Ohio Plumbing Code - see B. & H. Ch. 1309
Swimming pool fences - see B. & H. 1329.10
Permit fees - see B. & H. 1351.09(r)

1363.01 DEFINITIONS.

As used in this chapter:

- (a) "Board of Health" means the Board of Health of Cuyahoga County or its duly authorized successor agency or official.
- (b) "Building Commissioner" means the Building Commissioner of the City of Lyndhurst or his or her authorized representatives.
- (c) "Depth" or "height" means the maximum distance between the highest water level or overflow and the bottom of the pool.
- (d) "Permanent wading pool" means a container which is designed or used for wading purposes, built either upon or below the level of ground, and which is not designed or intended to be readily dismantled, stored or moved from one place to another.

- (e) "Portable wading pool" means a container which is designed or used for wading purposes and which may be dismantled, stored or moved from one place to another.
- (f) "Private swimming pool (permanent)" means a container which is designed or used for swimming purposes, built upon or below the level of ground, which is not designed or intended to be readily dismantled, stored or moved from one place to another. It is an artificial body of water, over twenty-four inches in depth or 125 square feet of surface area and used or intended to be used solely by the owner or lessee thereof and his or her family and by friends invited to use it without payment of any fee.
- (g) "Private swimming pool (portable)" means a pool otherwise described in subsection (f) hereof, except that it is a container which may be dismantled, stored or moved from one place to another.
- (h) "Private wading pool" means an artificial body of water, with a controlled water supply, not exceeding twenty-four inches in depth or 100 square feet in surface area, used collectively by numbers of persons for wading, and used or intended to be used solely by the owner or lessee thereof and his or her family and by friends invited to use it without payment of any fee. Such private wading pools are further defined in subsections (d) and (e).
- (i) "Public swimming pool" means an artificial body of water, with a controlled water supply, used collectively by numbers of persons for swimming, or recreative bathing, but not including family swimming pools or wading pools, as defined herein.
- (j) "Public wading pool" means an artificial body of water, with a controlled water supply, not exceeding twenty-four inches in depth and used collectively by numbers of persons for wading.
- (k) "Rear yard" means the main yard across the full width of the lot between the rear line of the main building and the rear lot line. The depth of the rear yard is the mean distance between those two lines.
(Ord. 68-65. Passed 8-5-68.)

1363.02 CONSTRUCTION PERMIT AND APPROVAL.

Before work is commenced on the construction of a public swimming pool, permanent private pool or public wading pool, or on any alteration, addition, remodeling or other improvement thereto, an application for a permit to construct and the plans and specifications and pertinent explanatory data hereinafter required shall be submitted to the Building Commissioner for approval, and no part of the work shall be commenced until the Building Commissioner has evidenced his or her approval by a suitable endorsement upon such plans and specifications and has granted a permit therefor. (Ord. 68-65. Passed 8-5-68.)

1363.03 FEE.

The fee for a permit to construct a new public swimming pool or permanent private pool shall be as set forth in Chapter 1351.

1363.04 INSPECTIONS.

The Board of Health shall inspect or cause to be inspected all pools within the City at such times as it may deem necessary to carry out the intent of this chapter. The Board of Health is hereby authorized to enter upon any premises, private or public, to take such samples of water from such pools at such times as it may deem necessary and to require the owner, proprietor or operator to comply with the provisions of this chapter. In the event of the failure of compliance after due notice with any provisions of this chapter, the Board of Health shall have the power to abate or cause a suspension of the use of such pool until such time as the same is, in the opinion of the Board of Health, no longer a menace or a hazard to health, safety or morals.

(Ord. 68-65. Passed 8-5-68.)

1363.05 COMPLIANCE WITH REQUIREMENTS OF STATE DEPARTMENT OF HEALTH.

In the construction, operation and maintenance of any swimming pool, State law and the rules, regulations and requirements of the State Department of Health shall be observed. In the event of any conflict between the provisions of this chapter and any provisions of State law or requirement, rule or regulation of the State Department of Health, the provision imposing the higher standard or the more stringent requirement shall be controlling.

(Ord. 68-65. Passed 8-5-68.)

1363.06 SAFETY OF BATHERS.

(a) All reasonable precautions shall be taken to protect the users of public and private swimming pools 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. Safety appliances such as lifebuoys, life hooks, bamboo poles or ropes and equipment, including first-aid kits, shall be provided and be readily accessible.

(b) Each public swimming pool shall have a lifeguard on duty and in attendance during the hours the pool is open for public swimming. Such guard shall have an active certificate issued by the American Red Cross, the YMCA or the YWCA.

(Ord. 68-65. Passed 8-5-68.)

1363.07 POLLUTION.

No body of water, whether it is a natural or an artificial body of water in the City, which contains sewage, waste or other contaminating or polluting ingredients rendering the water hazardous to health, and no body of water which fails to meet the requirements of this chapter, shall be used for swimming or bathing purposes by any person or persons.

(Ord. 68-65. Passed 8-5-68.)

1363.08 SHIELDING LIGHTS.

Lights used to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises and public streets. The use of daylight blue lenses is recommended. (Ord. 68-65. Passed 8-5-68.)

1363.09 NOISE.

No person shall make, continue or cause to be made or continued at any pool, any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. In the operation of a pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the pool premises, shall be unlawful.

(Ord. 68-65. Passed 8-5-68.)

1363.10 COMMERCIAL ACTIVITIES.

No person shall carry on any commercial undertaking entailing sales of food, drinks or other merchandise within the enclosure of any public swimming pool, as required in Section 1363.11, or on any private premises.

(Ord. 68-65. Passed 8-5-68.)

1363.11 ENCLOSURES.

Every outdoor swimming pool shall be completely surrounded by a fence not less than six feet in height for public swimming pools, and not less than four feet in height for private swimming pools. A fence shall be constructed so that access is effectively restricted. A building or existing wall may be used as part of such enclosure.

All gates or doors opening through such enclosure shall be designed to permit locking and shall be kept locked when the pool is not in actual use or is left unattended.

Any person in possession of land, either as owner, purchaser, lessee, tenant or licensee, upon which is situated a swimming pool having a maximum depth of over twenty-four inches or in excess of 100 square feet, shall provide and maintain such fence or wall as herein provided.

The Building Commissioner may make modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of the fence, gates or latches, or the necessity therefor, provided the protection as sought hereunder is not reduced thereby. The Building Commissioner may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described herein.

(Ord. 68-65. Passed 8-5-68.)

1363.12 SPECIAL USE PERMITS.

Public swimming pools are permitted in Multi-Family Districts only upon a special use permit granted by the Board of Zoning Appeals and confirmed by Council. The Board shall authorize such use only upon being satisfied that noise will not adversely affect the use of surrounding property. Off-street parking requirements are to be determined prior to granting a special use permit.

1363.13 PERMANENT PRIVATE POOLS; PLANS.

Plans, specifications and pertinent explanatory data required to be submitted in connection with an application for a permit to construct a permanent private swimming pool or any alteration, addition, remodeling or other improvements thereto shall comply with the following requirements, and shall include the following plans and information, as well as such other data as may reasonably be requested by the Building Commissioner:

- (a) Plans shall be drawn to a scale of not less than one-eighth inch per foot, indicating all materials, the method of construction and all dimensions, including the length, width and depth of the pool and the width of the pool decks.
- (b) A profile plan showing the same information shall be included.
- (c) No pool shall be constructed, installed or erected closer than twenty-five feet from any dwelling place on adjoining properties.
- (d) No pool shall be constructed, installed or erected in front of any building setback line, occupy an area greater than ten percent of the lot area, nor be closer than ten feet to any lot side or rear line. No deck walk area shall be allowed within three feet of any property line.
- (e) The pool equipment layout, showing filters, pumps, chlorinators, hair and lint interceptors and their location and other pertinent information shall be included.

- (f) The liquid capacity of the pool shall be included.
 - (g) The liquid capacity of an accessory wading pool, if any, shall be included.
 - (h) The kind, number and size of filters, including the square footage of the filter area in each unit shall be included.
 - (i) The top capacity in gallons per minute shall be included.
 - (j) The method of chlorination to be used shall be included.
 - (k) The type, design and location of the enclosing fence shall be included.
 - (l) A description and plan of lighting facilities shall be included.
- (Ord. 68-65. Passed 8-6-68.)

1363.14 PERMANENT PRIVATE POOLS; DESIGN AND CONSTRUCTION REQUIREMENTS.

The Building Commissioner shall not issue a permit to construct any permanent private swimming pool or any alteration, addition, remodeling or other improvement thereto unless the following design and construction requirements are observed. Permanent private swimming pools shall be constructed and maintained in conformity with the following requirements. For pools already in existence, the Building Commissioner shall furnish the owners with a program of improvements and additions which shall be carried out over a period not to exceed five years after notice, in order to comply with the requirements of this chapter, except fencing, which shall be provided six months from the effective date of this chapter (Ordinance 68-65, passed August 5, 1968).

- (a) Material. The water-containing surface of artificial pools shall be light in color, impervious and provide a tight tank with smooth and easily cleaned surfaces. Exposed sand or dirt bottoms are prohibited.
- (b) Water Supply and Outlets. Each pool shall be equipped with water inlets and outlets of sufficient size and proper location to provide a uniform circulation of water in all parts of the pool. All water inlets shall be located not less than one foot above the flood rim of the pool or shall be provided with a vacuum brake sufficient in size to prevent backflow in the event of lowered pressure in the public water lines. All drainage of the pool shall be into a storm outlet only.
- (c) Walkways. The pool shall be completely surrounded by a walkway at least three feet in width which shall be drained away from the pool.
- (d) Water in Pool. The water in the pool shall meet the requirements of the Board of Health.
- (e) Recirculation. For new pools, provision shall be made for complete circulation of water through all parts of the pool. The system shall be equipped with a water recirculating system of sufficient capacity to provide a complete turnover of water at least once in twenty-four hours. The installations of new pools of the "fill and draw" type shall not be permitted.

A satisfactory recirculating system for the pool shall be installed consisting of circulating pumps, a float valve control on water supply, a hair and lint catcher, piping connections of inlets and outlets, and all other necessary fixtures and connections. All equipment must be readily accessible and every pool shall be provided with necessary equipment for the measurement of acidity or alkalinity and for residual determinations.

- (f) Hair and Lint Catcher. The pump suction line of the recirculating system shall be provided with a hair and lint catcher.
- (g) Hose Connections and Hose. Hose connections and hose must be of ample size and pressure to clean all of the pool area.
- (h) Lighting. Where a permanent private pool is used during the hours of darkness, illumination of the pool surface and for a distance of ten feet from the edge of the pool shall be maintained between the limits of two and five candles of light (approximately one-half watt per square foot of the area required to be illuminated, where lights are placed not over ten feet above and within the limits of the area). All lighting and wiring shall be in accordance with the National Electrical Code and all fixtures and equipment shall be "UL" approved.

(Ord. 68-65. Passed 8-5-68.)

1363.15 CHLORINATION.

Chlorination shall be accomplished in such manner that the amount of excess or residual chlorine in all parts of the pool at all times when the pool is in use shall not be less than four-tenths parts per million, nor more than one part per million.

(Ord. 68-65. Passed 8-5-68.)

1363.16 QUALITY OF WATER.

The bacterial quality of water in the pool shall be maintained so that no two successive samples nor more than fifteen percent of any number of successive samples shall contain more than 200 bacteria per cubic centimeter, nor show positive confirmed results for coliaerogenes.

The Board of Health may require samples to be taken and submitted for test whenever it is considered necessary for the safe operation of any pool.

(Ord. 68-65. Passed 8-5-68.)

1363.17 OPERATING PERSONNEL.

Each swimming pool shall be operated under the supervision of a responsible adult, capable of making field tests such as residual chlorine, and thoroughly familiar with the operation of all mechanical appurtenances of the pool. Any such operator shall, upon request, demonstrate to the satisfaction of the Building Commissioner his or her ability to perform his or her required duties.

(Ord. 68-65. Passed 8-5-68.)

1363.18 PRIVATE WADING POOLS.(a) Portable Wading Pools.

- (1) Material. The water-containing surface of a portable-type wading pool shall be impervious and provide a tight tank with smooth and easily cleaned surfaces.
- (2) Water supply. Water for the pool shall be from the City water supply.
- (3) Cleanliness of pool and environs. All family wading pools shall be drained after each day of use and at all times when not in use. Before refilling the pool, it shall be thoroughly cleansed and all sediment and other foreign matter removed.

(b) Permanent Wading Pools.

- (1) Materials. The water-containing surface of a permanent wading pool shall be light in color, impervious and provide a tight tank with smooth and easily cleaned surfaces. Sand or dirt bottoms are prohibited.
- (2) Water supply and outlets. Each permanent wading pool shall be provided with a trapped outlet to the storm drain. Water for the pool shall be from the City water supply.
(Ord. 68-65. Passed 8-5-68.)

1363.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than sixty days, or both, if an individual, and shall be fined not more than five thousand dollars (\$5,000), if an organization, subject to the provisions of Sections 606.08 and 606.09 of the General Offenses Code, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.