

CODES AND REGULATIONS

For more information on codes call 757-683-2712.

Secs. 27-4, 27-5. Reserved.

Editor's note--Ord. No. 39,649, § 1, adopted June 22, 1999, repealed provisions formerly codified as §§ 27-4 and 27-5, which provided for inspections by city police and provided that the executor, trustee, agent, etc., will be deemed owner of property for purposes of this chapter, and which derived from Ord. No. 38,340, adopted May 14, 1996.

Sec. 27-6. Notice of Violation.

(a) Whenever it shall come to the knowledge of the director of public health or his designee, or persons specified in section 27-3(c), that there exists upon any land or premises in the city any nuisance, such person shall serve, post, mail or deliver a notice to any of the following to cause such nuisance to be abated from such land or premise within forty-eight (48) hours or in the time limit set forth in the notice:

- (1) The person causing or creating the nuisance;
- (2) The person allowing the nuisance to remain or continue;
- (3) The occupant of the land or premises; and/or
- (4) The owner of the land or premises.

Proof of such service, delivery, mailing or posting shall be sufficient evidence of such service of notice.

(b) Notwithstanding the above, in the event the director of public health or his designee or the person specified in section 27-3(c) determines that the nuisance constitutes an imminent, substantial or compelling threat to the public health or the environment, the notice requirement shall be dispensed with, and the procedure provided in City Code section 27-10 may be utilized.

(c) Any person issued a notice of violation pursuant to this section who shall fail to comply therewith within the time specified shall be guilty of a Class 2 misdemeanor. Any person receiving two or more notices within twelve (12) months of an initial violation notice and who fails to comply with a notice issued pursuant to this section shall be guilty of a Class 1 misdemeanor.

(Ord. No. 39,649, § 2, 6-22-99; Ord. No. 40,134, § 1, 10-10-00)

Sec. 27-7. Executor, trustee, agent, etc., deemed owner of property for purposes of chapter.

When any person is in possession of any property, or has charge thereof, within the city as executor, administrator, trustee, guardian, or agent, such person shall be deemed to be the owner of such property for the purposes of this article and shall be bound to obey all orders of the director of public health, or his designee, in regard to nuisances, sanitation, or other matters, so far as the same may affect such property, in the same manner, and subject to the same penalties and fines, as if such person were actually the owner of such property, and notice to such person shall be deemed to be sufficient.

(Ord. No. 39,649, § 2, 6-22-99)

Sec. 27-8. Notice of abatement by city; abatement by city.

(a) If a nuisance remains upon a land or premises after the expiration of the time specified in a notice of violation, the director of public health, or his designee, may issue a notice of abatement to such person identified in the notice of violation informing said person that the director of public health or his designee will cause the nuisance to be abated at the expense of such person in the time set by the director of health or his designee. An administrative fee shall be assessed in each case as permitted by Virginia Code section 58.1-3958. The expense of abatement and the administrative fee shall be chargeable against such person.

CHAPTER 27 NUISANCES*

***Charter reference(s)**--Authority of city to compel abatement and removal of nuisances, § 2(16); lien for expenses incurred in abating nuisances, § 89.

Cross reference(s)--Responsibilities of superintendent of solid waste removal as to nuisances on streets and other public places, § 41-3.

State law reference(s)--Authority of city with respect to abatement of nuisances, Code of Virginia, §§ 15.1-14(s), 15.1-867.

ARTICLE I. IN GENERAL

Sec. 27-1. Violations.

Unless otherwise specified, any person violating any provision of this article shall be guilty of a Class 2 misdemeanor. Each day a violation continues shall be deemed a new and separate violation. In addition to any penalties imposed for each violation, a judge hearing the case shall order the person responsible for such condition to remove, restore, remediate or correct the violation or condition, and each day's default in such removal, restoration, remediation or correction after being so ordered shall constitute a violation of and a separate offense under this article.

(Ord. No. 39,649, § 2, 6-22-99)

Sec. 27-2. Definitions.

(a) For purposes of this article, a "nuisance" is defined as any condition, substance, material or thing which may be annoying, obnoxious, offensive, irritating or detrimental or potentially hazardous or detrimental to the health, safety, comfort and general welfare of the public or the environment, including, but not limited to, refuse, trash, rubbish, debris, junk, garbage, containers, wire, glass, wood, ashes, animal matter, vegetable matter, human and animal wastes, and odors.

(b) For purposes of this article, a "person" is defined as any individual, firm, owner, sole proprietorship, partnership, corporation, unincorporated association, governmental body, municipal corporation, executor, administrator, trustee, guardian, agent, occupant or other legal entity.

(c) For purposes of this article, "vegetable matter" is defined as any grass, weeds, bushes, underbrush, poison ivy, poison oak or any other vegetable matter which has grown to sufficient height and cover or to a height of more than twelve (12) inches or accumulated so as to provide cover or harborage or potential cover or harborage for rodents or vermin.

(Ord. No. 39,649, § 2, 6-22-99)

Sec. 27-3. Enforcement.

(a) The director of public health or his designee is hereby vested with the authority to require the abatement of any and all conditions in the city which constitute a nuisance or are detrimental to the public health, safety or welfare or the environment.

(b) It shall be the duty of the director of public health or his designee to have made continuous sanitary inspections of all parts of the city and to cause all nuisances to be abated; and when necessary, to institute legal proceedings therefor and for the recovery of expenses incurred by the city in abating any nuisance.

(c) Any law enforcement officer, fire marshal or any of his assistants, fire inspectors, or sworn special police officer, is authorized and shall have authority to enforce all provisions of this chapter.

(Ord. No. 39,649, § 2, 6-22-99)

(b) The notice of abatement may either be served, mailed or delivered to said person, or posted on the land or premises where the nuisance is located. Proof of such service, delivery, mailing or posting shall be sufficient evidence of such service of notice. If the premises where the nuisance is located is vacant, notice of abatement shall be provided in a newspaper of general circulation in the City once at least five (5) days prior to the abatement commencing.

(c) Notwithstanding the above in the event the director of health or his designee determines that the nuisance constitutes an imminent, substantial or compelling threat to the public health or to the environment the notice requirement herein shall be dispensed with.

(d) Notwithstanding the above, the notice of violation specified in section 27-6 and the notice of abatement specified in this section can be combined in one document and issued as provided in this article.

(e) If the abatement is done at the expense of the owner, the expense of the abatement and the administrative fee shall constitute a lien on real property of the owner and shall be reported to the city treasurer who shall collect the same in the manner in which city taxes levied upon real estate are authorized to be collected.

(f) Abatement by the city shall be exclusive of and in addition to any criminal penalty which may be imposed.

(Ord. No. 39,649, § 2, 6-22-99)

Sec. 27-9. Duty of owner or occupant of abutting land to remove solid waste and to cut grass, weeds and other vegetable matter between sidewalk and curb.

It shall be the duty of the owner or occupant of any land or premises abutting upon any public right of way, including between the sidewalk and curb, whether paved or not, and the duty of the owner of any unoccupied land or premises abutting upon any public right of way, including between the sidewalk and curb, whether paved or not, to remove solid waste (as defined in chapter 14.5 of the City Code), therefrom and to have any grass, weeds and other vegetable matter cut and removed, and at all times to prevent such area from becoming unsightly, impeded, or offensive by reason of failure to remove any such solid waste (as defined in chapter 14.5 of the City Code), or cut any such grass, weeds and vegetable matter. No grass, weeds or other vegetable matter so cut shall be deposited or piled in any gutter or street, or storm water system. The occupant or the owner, or if unoccupied, the owner, of any

such land or premises in front of which any such solid waste (as defined in chapter 14.5 of the City Code) or any such grass, weeds or vegetable matter is found contrary to the provisions of this section shall be prima facie the person responsible therefor. Nothing in this section shall be construed as authorizing any person to cut or remove any city tree or bush without first obtaining a permit from the director of neighborhood and leisure services or his designee. (Ord. No. 39,649, § 2, 6-22-99)

Sec. 27-10. Placarding of structure, building or facility which constitutes imminent, substantial or compelling threat to public health or safety; unlawful to occupy or use once placarded.

In the event the director of public health or his designee determines that the nuisance constitutes an imminent, substantial or compelling threat to the public health or the environment, the director of public health or his designee may placard the structure, building or facility as unfit or unsafe for human occupancy or use. The placard shall be posted at all normal means of egress to the structure, building or facility. As soon as possible after placarding, the director of public health or his designee shall mail or deliver a notice to the owner(s) or occupant(s) of the structure, building or facility informing such person of the reason for placarding and the penalty for occupancy or reuse while placarded. Once the structure, building or facility is placarded, the occupancy or use shall be prohibited. Occupancy in or use of a placarded structure, building or facility shall constitute a class 1 misdemeanor. No reoccupancy or reuse shall occur until the director of public health or his designee approves in writing the reoccupancy or reuse. Removal of a placard without permission of the director of public health or his designee shall constitute a class 1 misdemeanor.

(Ord. No. 40,133, § 1, 10-10-00)

Secs. 27-11--27-13. Reserved.

Editor's note--Ord. No. 39,649, § 1, adopted June 22, 1999, repealed provisions formerly codified as §§ 27-10--27-13, which derived from Ord. No. 38,340, adopted May 14, 1996, and which contained provisions relating to the prevention of breeding of flies; collection of water in which mosquitoes may breed; the filling of cellars and lots and lot drainage; and the cutting and removal of weeds and other vegetable matter on vacant developed and undeveloped property.

CHAPTER 26 NOISE*

***Editor's note**--Section 1 of Ord. No. 36,406, adopted April 30, 1991, amended Ch. 26 to read as set out in §§ 26-1--26-13. Former §§ 26-14, 26-15, 26-31--26-33 and 26-46--26-53 were repealed by § 2 of the ordinance. Prior to amendment, Ch. 26 pertained to similar subject matter and derived from Code 1958, §§ 29-6, 31-48, 31-69--31-72.

Charter reference(s)--Authority of city to prevent unnecessary noise, § 2(16).

Cross reference(s)--Advertising, Ch. 3; animals, Ch. 6; creation of loud, unreasonable, etc., noise by persons aboard boat, § 9-134; use of noise-making devices on vehicles used for sale of ice cream, § 18-166; license tax for sound trucks, § 24-118; motor vehicle code, Ch. 25; prohibited noise-making devices and further limitations on use of vehicle horns, § 25-47; requirements of motor vehicle code relative to vehicle exhaust, § 25-54 et seq.; use of sound-amplifying equipment on pedestrian malls, § 31-26; use of noise to attract attention to auctions, § 38-24.

Sec. 26-1. Definitions.

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

- (a) A-weighted sound level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).
- (b) Ambient noise. The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. Ambient noise levels are established by taking a series of observations on the adversely affected property. It is the sound level that is exceeded 90% of the time in this set of observations.
- (c) Commercial area. As defined in the zoning ordinance of the City of Norfolk, 1968 (hereinafter "zoning ordinance").
- (d) Construction area. Any site preparation, assembly, erection, substantial repair, alteration or similar action for or of public or private rights-of-way, structures, utilities or similar property.
- (e) Decibel (dB). A unit for measuring the volume of sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).
- (f) Emergency means. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- (g) Impulsive sound. Sound of short duration usually less than one second, with an abrupt onset and rapid decay.
- (h) Industrial area. As defined by the zoning ordinance.
- (i) Muffler or sound dissipating device. A device for abating the sound of escaping gases of an international

combustion engine.

(j) Noise. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

(k) Noise disturbance. Any sound which (i) endangers or injures the safety or health of humans or animals; or (ii) annoys or disturbs a reasonable person of normal sensitivities; or (iii) endangers or injures personal or real property.

(l) Noise control officer. Any police officer or health officer of the city responsible for the enforcement of this chapter (hereinafter "officer").

(m) Noise sensitive zone. Any area designated by the city for the purpose of ensuring exceptional quiet. Noise sensitive activities include, but are not limited to, operations of schools, libraries open to the public, churches, hospitals and other health care facilities.

(n) Real property boundary. An imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

(o) Residential area. As defined in the zoning ordinance.

(p) Sound. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

(q) Sound level. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C as specified in the American National Standards Institute specifications for sound level meters (ASA 47-1983, or a later revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

(r) Sound level meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and any applicable weighting network used to measure sound pressure levels. (Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-2. Violations of chapter generally.

Unless otherwise specified, a violation of any provision of this chapter shall constitute a Class 2 misdemeanor. (Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-3. Sound levels.

It shall be unlawful for any person:

(a) To create or cause the creation of noise so as to disturb or disrupt the peace and quietude of any person in the city; or

(b) To operate or permit to be operated any noise source which generates a sound pressure level exceeding the limits set forth in the table entitled "Maximum Sound Pressure Levels" [Table I] when measured outside the real property boundary of the noise source or at any point within any other property affected by the noise; or

(c) To engage in the following acts, among others, which are declared to be loud, disturbing and unnecessary noise in violation of this section, but such enumeration shall not be deemed to be exclusive:

(1) The playing of any television set, radio, tape player, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of reasonable persons.

(2) The keeping of any animal which, by causing frequent or long-continued noise, shall disturb the quiet, comfort or repose of the neighborhood to such an extent as to constitute a nuisance.

(3) The creation of any excessive noise on any street adjacent to any hospital which unreasonably interferes with the workings of or which disturbs or unduly annoys patients in such hospital.

(4) The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(5) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show or sale or display of merchandise.

140 1 (6) The use of air horns, claxons or whistles inside any civic facility prior to, during or after any scheduled event.

(7) The unreasonable operation of any motor-driven vehicle upon any property within the city or on its streets, or the unreasonable acceleration of the engine of any vehicle, or the unreasonable sounding, blowing or operation of the horn or other warning device of such vehicle in such a manner as to disturb the peace, quiet and comfort of any neighborhood or of any reasonable person residing in such area.

(d) When a noise source can be identified and its noise measured in more than one district classification, the limits of the most restrictive classification shall apply, except for the following:

(1) Sound created by the operation of mobile power equipment, such as power lawn mowers and chain saws, shall not be regulated, provided the operation of said equipment is limited to the hours of 7:00 a.m. to 9:00 p.m. and such equipment is operated with standard muffler or sound dissipating devices.

(2) Sound generated by the construction, repair, maintenance, demolition or alteration of buildings, streets, drives, sewers, utility lines or premises.

(3) Sound generated by the operation of any emergency governmental function.

- (4) Sound generated during any emergency repairs or operations during any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- (5) Where the ambient noise level complained of exceeds the maximum sound pressure levels, the noise complained of shall be permitted to exceed the ambient level by ten (10) decibels. (Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-4. Playing of radios, television sets, musical instruments and similar devices.

Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create noise disturbance across a real property line boundary or within a noise sensitive zone set forth in Table I, "Maximum Sound Pressure Levels," shall constitute a violation of this section. Exceptions will be granted for activities open to the public and for which a permit has been issued by the appropriate authority. (Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-5. Loading and unloading.

Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, dumpsters or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day, in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone, is prohibited, as set forth in Table I, "Maximum Sound Pressure Levels." (Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-6. Vehicle or motorboat repairs and testing.

Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone is prohibited as set forth in Table I, "Maximum Sound Pressure Levels." (Ord. No. 36,406, § 1, 4-30-91)

Cross reference(s)--Muffling devices for motorboats, § 9-120.

Sec. 26-7. Airport, aircraft, military flight and railway operations.

Nothing in this chapter shall be construed to prohibit, restrict, penalize, enjoin or in any manner regulate the movement of aircraft or trains which are, in all respects, conducted in accordance with or pursuant to applicable federal laws and regulations. (Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-8. Places of public entertainment.

Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment at a sound level greater than one hundred ten (110) dBA, as read by the slow response on a sound level meter, at any site normally occupied by a customer, unless a conspicuous and legible sign stating "Warning: Sound Levels Within May Cause Permanent Hearing Impairment" is displayed near each public entrance to such place, shall be prohibited. (Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-9. Air conditioning, refrigeration, heating, pumping, filtering equipment.

It shall be unlawful for any person, within the city, to operate any air conditioning, refrigeration or heating equipment for any residence or other structure or to operate any plumbing, filtering or heating equipment for any pool or reservoir in such a manner as to create any noise which would cause the noise level on the premises of any other occupied property or, if a condominium, apartment house, duplex or attached business, within any adjoining unit, to exceed the ambient noise level by more than ten (10) decibels. (Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-10. Maximum sound pressure levels.

TABLE I:
MAXIMUM SOUND PRESSURE LEVELS

TABLE INSET:

| Use Category | Sound Level Limit db(A). | |
|-----------------------|--------------------------|----------------------|
| | 7:00 a.m - 10:00 p.m | 10:00 p.m - 7:00 a.m |
| Noise sensitive zone | 55 | 50 |
| Residential | 57 | 52 |
| Park and recreational | 67 | 62 |
| Business (commercial) | 67 | 62 |
| Industrial | 77 | 77 |

(Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-11. Immediate threats to health and welfare.

(a) A noise control officer shall order an immediate halt to any sound which exposes any person to sound levels in excess of those shown below as Table II, "Impulsive Sound Levels."

(b) Any violation of this section shall be deemed a Class 1 misdemeanor.

TABLE II:

IMPULSIVE SOUND LEVELS WHICH POSE AN IMMEDIATE THREAT TO HEALTH AND WELFARE (MEASURED AT 50 FEET OR 15 METERS)

TABLE INSET:

| Sound Level Limit (dB) | Number of Repetitions per 24 Hour-Period |
|------------------------|--|
| 135 | 10 |
| 125 | 100 |

(Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-12. Violations; additional remedies; injunctions.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. No. 36,406, § 1, 4-30-91)

Sec. 26-13. Noise sensitive zones.

There are hereby created and established "noise sensitive zones" in the city. These zones shall constitute all territory embraced within the distance of three hundred (300) feet of every hospital or other institution for the treatment of sick persons, or like places. Upon application and approval by the director of human services, the traffic engineers shall place or cause to be placed within such zones, on posts or in other conspicuous places within such territories, signs or placards in large red letters displaying the words: "Notice - Quiet Zone." It shall be unlawful for any person to make or cause to be made or permit to be made by any person, animal, vehicle or other object under his/her control any unnecessary noise by fast driving or riding, ringing of bells, blowing of horns or whistles, open or defective mufflers or other devices or instruments or in any other way within such "quiet zone," thereby disturbing or tending to disturb peace, comfort or quietude. (Ord. No. 36,406, § 1, 4-30-91)

CHAPTER 43 SWIMMING POOLS*

*Cross reference(s)--Buildings, Ch. 11.1.

State law reference(s)--Authority of city to regulate swimming pools, Code of Virginia, §§ 15.1-858, 35.1-9.

ARTICLE I. IN GENERAL

Sec. 43-1. Definitions.

(a) Generally. For the purposes of this chapter, certain words shall have the meanings ascribed to them by this section.

(b) Fence means a close-type vertical barrier not less than forty-eight (48) inches in height above the ground surface. A woven steel wire, chain link, picket or solid board type fence or a fence of similar construction, which will prevent the smallest of children from getting through, shall be construed as within this definition.

(c) Private residential swimming pool means any swimming pool which is used, or intended to be used, as a swimming pool in connection with a single-family residence and which is available only to the family of the

householder and his or her private guests.

(d) Public swimming pool means any swimming pool, other than a private residential swimming pool, intended to be used collectively by numbers of persons for swimming or bathing, operated by any person, as owner, lessee, operator or concessionaire, regardless of whether a fee is charged for such use, and shall include, but not be limited to, a swimming pool owned or operated as a private club or association, civic club or any association, or in conjunction with an apartment house or complex.

(e) Spray pool means any shallow manmade structure constructed from materials other than natural earth or soil used for spraying humans with water and which has a drainage area designated to remove the water from the shower or spray nozzles at a rate sufficient to prevent the impounding of water.

(f) Swimming pool or pool means any outdoor or indoor man-made structure constructed from material other than natural earth or soil designed or used to hold water for the purpose of providing a swimming or bathing place for any person or any such structure for the purpose of impounding water therein to a depth of more than two (2) feet; and, unless otherwise specified, such term shall include all appurtenant equipment, structures and facilities for the purpose of providing a swimming or bathing place for any person or persons.

(g) Wading pool means any manmade structure constructed from material other than natural earth designed or used to hold water for the purposes of providing a wading place, which impounds water to a depth not greater than twenty-four (24) inches. (Ord. No. 29,835, § 1(46.1-3), 2-27-79; Ord. No. 35,501, § 1, 5-9-89)

Sec. 43-2. Purpose and application of chapter.

(a) This chapter is intended to provide, consistent with and in addition to all applicable laws, regulations governing sanitation and health in the use and operation of swimming pools, as indicated and defined herein, including all appurtenant structures and accessories incident thereto, but excluding private residential swimming pools, except as hereinafter specifically provided, single-occupant tanks and showers used exclusively for therapeutic purposes.

(b) The provisions and requirements of this chapter shall apply to all public swimming pools, and shall only apply to private residential pools where specifically designated herein, regardless of the date of construction. Reference herein to "any" or "all" swimming pool(s) shall include both public and private residential swimming pools. (Ord. No. 29,835, § 1(46.1-1, 46.1-2), 2-27-79; Ord. No. 35,501, § 1, 5-9-89)

Sec. 43-3. Violations of chapter.

Unless otherwise specifically provided, any person who shall violate any of the provisions of this chapter shall be guilty of a Class 3 misdemeanor. (Ord. No. 29,835, § 1(46.1-11), 2-27-79)

Sec. 43-4. Inspections.

The director of public health or his designated agent shall inspect all swimming pools in the city as frequently as may be necessary to ensure that each swimming pool is maintained in accordance with the applicable provisions of this chapter. Such inspections shall take place during reasonable hours and under such circumstances as to minimize the inconvenience to the owner, lessee, operator or concessionaire of the swimming pool. (Ord. No. 29,835, § 1(46.1-4), 2-27-79)

Sec. 43-5. Orders to correct defective conditions.

Upon inspection, the director of public health shall notify or cause to be notified, in writing, the owner, lessee, operator or concessionaire of any swimming pool to correct, within a reasonable time set by the director, any condition existing in violation of this chapter or of any ordinance or statute concerning the public health, or state board of health rule or regulation, unless such condition so endangers the health of any person so as to require immediate closing of the swimming pool by the director of public health. Failure to comply with an order of the director of public health to correct such a condition shall be cause for closing the swimming pool until such condition is corrected, after notice and opportunity to be heard are given to such person. (Ord. No. 29,835, § 1(46.1-5), 2-27-79)

Sec. 43-6. Closing of dangerous pools.

When any condition exists in any swimming pool that creates an imminent and certain danger to the health of any person, the director of public health shall have the authority to order such swimming pool closed until such condition is corrected. The director of public health shall consider the magnitude of the danger and the cost of complying with the requirements imposed by this chapter in determining whether to order a swimming pool closed. (Ord. No. 29,835, § 1(46.1-4), 2-27-79)

Sec. 43-7. General maintenance and operating requirements.

All swimming pools shall be maintained and operated in a manner which will not create a nuisance or hazard to the public health. Impounded water shall, at all times, be treated in a manner which will prevent the growth of algae and the breeding of mosquitoes or other insects. (Ord. No. 29,835, § 1(46.1-8), 2-27-79)

Secs. 43-8--43-23. Reserved.

ARTICLE II. PUBLIC POOLS

DIVISION 1. GENERALLY

Sec. 43-24. Application of article.

The provisions of this article shall apply to public swimming pools and shall be in addition to other provisions of this chapter applicable to such pools.

Sec. 43-25. Fencing.

(a) No person shall construct, maintain, use, possess or control any outdoor public swimming pool, without having completely around such pool a fence, as defined in section 43-1(b). Every gate in such fence shall be capable of being securely fastened at a height of not less than four (4) feet above ground level, and it shall be unlawful for any such gate to be allowed to remain unfastened while the pool is not in use. Such fence shall be constructed so as to come within two (2) inches of the ground at the bottom and shall be at least five (5) feet from the edge of the pool at any point.

(b) In lieu of the fence required by subsection (a) above, a natural barrier, hedge, pool cover or other protective device may be used so long as the degree of protection afforded by such device is not less than the protection afforded by a fence, as defined in section 43-1(b).

(c) A violation of this section shall constitute a Class 2 misdemeanor. (Ord. No. 29,835, § 1(46.1-3, 46.1-7), 2-27-79)

Sec. 43-26. Water sources.

Water sources for a public swimming pool, other than a municipal supply, shall be subject to approval by the director of public health. (Ord. No. 29,835, § 1(46.1-8), 2-27-79)

Sec. 43-27. Chemical treatment of water--Generally.

(a) The provisions of this section shall apply to public swimming pools.

(b) At all times when the swimming pool is open for use, a minimum of 0.5 ppm (parts per million) free chlorine residual shall be maintained in all parts of the pool.

(c) At all times when the swimming pool is open for use, the pH of the pool water shall be kept between 7.2 and 7.8.

(d) Where cyanuric acid is used as a stabilizing agent of residual chlorine, or if the source of residual chlorine is from a chlorinated cyanurate, a chlorine residual of at least 1.0 ppm shall be maintained with cyanuric acid residual of 25 ppm and at least 1.5 ppm chlorine shall be maintained with cyanuric acid residuals of 50 ppm.

(e) Alum shall not be fed continuously to pool water in sand or anthracite filters. Formation of alum floc shall be achieved separately and applied directly to the filter influent during the filter cycle.

(f) The operator or manager of each public swimming pool shall cause an adequate supply of chemicals for the proper treatment of pool water to be on hand and available for use at all times. (Ord. No. 29,835, § 1(46.1-8), 2-27-79)

Sec. 43-28. Same--Records to be kept.

Any person maintaining a public swimming pool shall maintain records, which shall include the pH level, the free chlorine residual reading and the water clarity reading, taken and recorded at least every two (2) hours while the pool is open for use, and the time of day at which chemicals are added. These records shall be kept on file for a period of one year from the time recorded and shall be open to inspection by the director of public health. (Ord. No. 29,835, § 1(46.1-8), 2-27-79)

Sec. 43-29. Chemical testing equipment.

(a) Each public swimming pool shall be provided with satisfactory equipment for the determination of hydrogen ion concentration (pH) ranging from 6.8 to 8.2. Satisfactory equipment shall be provided for determination of a free chlorine residual content reading from 0.2 to 3.0 ppm. Pools maintained under a stabilizer program shall be provided with satisfactory equipment for determining cyanuric acid content readings ranging from 20 to 100 ppm.

(b) A testing kit for measuring the concentration of cyanuric acid shall be provided at each public swimming pool using cyanuric acid or chlorinated cyanurates. (Ord. No. 29,835, § 1(46.1-8), 2-27-79)

Sec. 43-30. Operation of filters; clarity of water.

The filters at a public swimming pool shall be operated twenty-four (24) hours per day during the season of use of the pool. At all times when the pool is open for use, the water shall be sufficiently clear to permit a six-inch disc, divided into alternate black and white quadrants, when placed on the bottom of the pool at the deepest point, to be clearly

visible from the swimming pool deck at all distances up to ten (10) yards in a horizontal direction from the projection of the disc on the swimming pool surface. (Ord. No. 29,835, § 1(46.1-8), 2-27-79)

Sec. 43-31. Filter room placard.

A placard shall be prominently displayed in the filter room of a public swimming pool showing:

- (1) The size of the public swimming pool in square feet.
- (2) The volume of water in gallons.
- (3) Capacity of filters in square feet and gallons per minute.
- (4) Capacity of pumps in gallons per minute at the appropriate head of pressure in feet.
- (5) Head loss at which the filters should be backwashed.
- (6) Complete instructions for operating the recirculation and disinfection equipment.
- (7) The maximum number of swimmers allowed in the pool, as determined pursuant to section 43-32. (Ord. No. 29,835, § 1(46.1-8), 2-27-79)

Sec. 43-32. Maximum number of swimmers.

The maximum number of swimmers or other persons allowed in a public swimming pool at any one time shall be determined by dividing the total square footage of the swimming pool water surface area by twenty-seven (27); provided, however, if the diving area is excluded from the total square footage of swimming pool water surface, twenty-four (24) may be used as the divisor. No person in charge of any public swimming pool shall allow more swimmers or other persons to be in such pool at any one time than the maximum number allowable, as so determined. (Ord. No. 29,835, § 1(46.1-8), 2-27-79)

Sec. 43-33. Use by persons with skin disorders, disease, etc.; spitting, spouting water, etc., prohibited.

- (a) The operator of a public swimming pool shall not knowingly allow persons having skin eruptions, abrasions, sore or infected eyes, nasal or ear discharge, a cold or other communicable disease to use such pool. Spitting, spouting water, blowing the nose, urinating or defecating in such pool is prohibited.
- (b) The operator of a public swimming pool shall post suitable placards embodying the provisions of this section. (Ord. No. 29,835, § 1(46.1-8), 2-27-79)

Sec. 43-34. Laundering, storing and handling bathing suits and towels furnished users.

Bathing suits and towels furnished to users of a public swimming pool shall be laundered, stored and handled in a sanitary manner and used by only one person. (Ord. No. 29,835, § 1(46.1-9); 2-27-79)

Sec. 43-35. Toilet, lavatory and shower facilities.

- (a) Toilet facilities. Toilet facilities, including rooms and fixtures at a public swimming pool shall be kept in clean condition and good repair.
- (b) Lavatories. Lavatories at a public swimming pool shall be equipped with adequate liquid or powdered soap from plastic or metal dispensers, and approved hand-drying towels or other devices. Such facilities shall be kept in a clean condition and in good repair. Waste receptacles shall be provided.
- (c) Showers. Each shower at a public swimming pool shall be equipped with adequate liquid or powdered soap from a metal or plastic soap dispenser. Every swimmer entering the pool area shall be required to take a shower.
- (d) Exceptions. Apartment complexes and other such establishments which provide bathroom facilities in each housing unit and which restrict the use of the swimming pool to occupants and their guests shall be deemed to comply with this section. (Ord. No. 29,835, § 1(46.1-9), 2-27-79)

Sec. 43-36. Animals, fowl and pets prohibited.

Animals, fowl or pets shall not be permitted within a public swimming pool area. This section shall not apply to seeing eye dogs. (Ord. No. 29,835, § 1(46.1-10), 2-27-79)

Cross reference(s)--Animals and fowl, Ch. 6.

Secs. 43-37--43-47. Reserved.

DIVISION 2. OPERATING PERMIT

Sec. 43-48. Required.

No person shall open or operate a public swimming pool, unless he has a current permit so to do issued by the

director of public health. Such permit is hereinafter referred to in this division as a "pool permit." (Ord. No. 29,835, § 1(46.1-6), 2-27-79)

Sec. 43-49. Application.

Application for a pool permit shall be made in writing on a form prescribed by the director of public health and signed by the applicant, wherein the applicant shall agree to conform to all of health rules and regulations governing swimming pools, and to permit such inspections as the director of public health deems necessary. (Ord. No. 27,835, 1(46.1-6), 2-27-79)

Sec. 43-50. Applicant's qualifications.

Each applicant for a pool permit shall, to the satisfaction of the director of public health, demonstrate basic knowledge of water treatment process in swimming pools, know proper techniques for collection of water samples for bacteriological analysis and be capable of performing the chemical tests necessary to maintain safe water quality at the swimming pool, or have an individual in his employ with such knowledge. Completion of a course approved by the director of public health shall be deemed to comply with the requirements of this section. (Ord. No. 29,835, § 1(46.1-6), 2-27-79)

Sec. 43-51. Fee.

The director of public health is hereby authorized to charge annual fees for the issuance of a pool permit as follows:

- (1) Swimming pool . . . \$ 25.00
- (2) Wading pool . . . 10.00
- (3) Spray pool . . . 5.00

Where any combination of the above pools exists on the same site, the total fee for all such pools shall in no event exceed the fee charged for a single swimming pool permit.

(Ord. No. 29,835, § 1(46.1-6), 2-27-79)

Sec. 43-52. Valid only for specific person and pool.

A pool permit is valid only for the person to whom it is issued and for the swimming pool for which it is obtained. (Ord. No. 29,835, § 1(46.1-6), 2-27-79)

Sec. 43-53. Posting.

Each pool permit shall be placed in a weather proof frame and permanently posted in view at the swimming pool for which it was issued. (Ord. No. 29,835, § 1(46.1-6), 2-27-79)

Sec. 43-54. Term; renewal.

A pool permit shall be valid beginning May first of each year until April thirtieth of the following year. The holder of the permit shall be responsible for renewing it each year, on or before the expiration date. (Ord. No. 29,835, § 1(46.1-6), 2-27-79)