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ORDINANCE NO. 1276

AN ORDINANCE REGULATING THE OPERATION AND MAINTENANCE OF SWIMMING POOLS; PRESCRIBING STANDARDS AND REQUIREMENTS FOR SWIMMING POOLS AND SWIMMING POOL EQUIPMENT AND APPARATUS; PRESCRIBING THE DUTIES AND RESPONSIBILITIES OF THE CITY ENGINEER; PRESCRIBING PENALTIES FOR THE VIOLATION AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the City of Hood River:

Section 1: Definitions. For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" as used herein is mandatory and not merely directly.

1. "Family Pool" is a swimming pool used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it without payment of any fee.

2. "City Engineer" is the City Engineer of the City of Hood River.

3. "Person" is any person, firm, partnership, association, corporation, company or any organization of any kind.

4. "Swimming Pool" is a body of water in an artificial or semi-artificial receptacle or other container, whether located indoors or outdoors, used or intended to be used by the public, semi-public, or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon such adults or children, operated and maintained by any person as herein defined, whether he is an owner, lessee, operator, licensee or concessionaire, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels,

and community associations.

5. Any part of a pool projecting more than 18" below or above normal ground level shall be considered as an accessory building for the matter of determining its location as to front, back or side lot clearance.

Section 2: Enclosure of Swimming Pool. Every outdoor swimming pool or family pool shall be completely surrounded by a fence or wall or vertical bank, not less than four feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four inches in any dimension except for doors and gates; and if a picket fence is erected or maintained, the interval between pickets shall not exceed four inches. A dwelling house or accessory building or a vertical bank in excess of four feet may be used as a part of such enclosure.

All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

This requirement shall be applicable to all new swimming pools or family pools hereafter constructed, other than indoor pools, and shall apply to all existing pools which have a minimum depth of 18 inches of water. No person in possession of land in the City of Hood River, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool or family pool having a minimum depth of 18 inches shall fail to provide and maintain such fence or wall as herein provided.

The City Engineer may make modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of the fence, wall, gates, or banks, or latches, or the necessity therefor, provided the protection as sought hereunder is not reduced thereby. The

City Engineer may permit other protective devices or structures to be used for 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, bank and latch described herein. The City Engineer shall allow a reasonable period within which to comply with the requirements of this section.

Section 3: Safety of Bathers. All reasonable precautions shall be taken to protect the users of and bathers in swimming pools and family 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.

Section 4: Bathers with Communicable Diseases. No person having any skin eruptions or abrasions, sore or infected eyes, a cold, nasal or ear discharge, or any communicable disease shall be permitted to use a swimming pool or family pool. Spitting, spouting water, or blowing the nose in the swimming pool shall be strictly prohibited. The operator of a swimming pool shall post suitable placards embodying such personal regulations and instructions.

Section 5: Sanitation of Premises. The buildings, grounds, dressing rooms, and all other swimming pool or family pool facilities shall be kept clean and in a sanitary condition and maintained free from garbage, trash and other refuse.

Section 6. Cleaning Pool. Visible dirt on the bottom of swimming pools and family pools and visible scum or floating matter on the surface of pools shall be removed as often as necessary to maintain good sanitary conditions. All swimming pools shall be thoroughly cleansed at such times and in a manner and by the use of such disinfecting agents or cleansing materials

as may be required by the City Engineer.

Section 7. Periodical Inspection. The City Engineer shall inspect or cause to be inspected all swimming pools and family pools within the city at such times as it may deem necessary to carry out the intent of this ordinance. The City Engineer 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 Rules and Regulations pertaining to swimming pools promulgated by the City Engineer in accordance with this ordinance. In the event of the failure of compliance after due notice with the Rules and Regulations and requirements of the City Engineer or the requirements of this ordinance, the City Engineer shall have the power to abate or cause a suspension of the use of such swimming pool or family pool until such time as the same is, in the opinion of the City Engineer, no longer a menace or a hazard to health, safety or morals.

Section 8. Quality of Water. The water at swimming pools and family pools shall show an alkaline reaction at all times when the swimming pool is in use. Whenever alum or sulphate of alumina is used frequent tests shall be made to insure that the water has an alkaline reaction. At all times when the pool is in use the water shall be sufficiently clear to permit the entire bottom of the pool to be clearly visible from the walkways.

Section 9. Interference with Enjoyment of Property Rights Prohibited. No swimming pool or family pool shall be so located, designed, operated or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the swimming pool or family pool or located in the neighborhood.

Section 10. Shielding Lights. Lights used to

illuminate any swimming pool or family pool shall be so arranged and shaded as to reflect light away from adjoining premises.

Section 11. Unnecessary Noise. It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool or family 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 swimming pool or a family 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 swimming pool or family pool premises shall be unlawful.

Section 12. Indecent Exposure. Every person using an outdoor swimming pool or family pool, or an indoor swimming pool where the sexes are mixed, must wear a bathing suit or other suitable garment to protect his person from indecent exposure.

Section 13. Discharge. Pools shall be discharged into the City storm sewer system or such alternate method as shall be approved by the City Engineer.

Section 14: Compliance with requirements of State Board of Health. In the construction, operation and maintenance of any swimming pool or family pool, State laws and the rules, regulations and requirements of the State Board of Health shall be observed. In the event of any conflict between the provisions of this ordinance and any provision of the state law or requirement, rule or regulation of the State Board of Health, the provision imposing the higher standard or the more stringent requirement shall be controlling.

Section 15: Polluted Water. No body of water,

whether it be a natural or an artificial body of water in the city, which contains sewage, wate or other contaminating or polluting ingredients, rendering the water hazardous to health, shall be used for swimming or bathing purposes by any person or persons.

Section 16: Penalties. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in an amount not exceeding \$200.00 or be imprisoned in the City Jail for a period not exceeding thirty (30) days, or be both so fined and imprisoned, Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Section 17: Separability. If any section, sub-section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid, or unconstitutional, by any Court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 18: Finding of Emergency. That in as much as it is necessary for the peace, health, safety and welfare of the citizens of the City of Hood River that the above ordinances become effective with its adoption, the Council by its vote declares an emergency to exist and this ordinance shall go into full force and effect upon and after its passage by the Council and approval by the mayor.

Read for the first time: June 8, 1970  
Read for the second time: June 22, 1970

PASSED by the Council of the City of Hood River this 29 day of June, 1970.

APPROVED by the Mayor of the City of Hood River this 29 day of June, 1970.