

Chapter 114

SWIMMING POOLS, PRIVATE

[HISTORY: Adopted by the Board of Commissioners of the Town of Thurmont 5-8-1969. Readopted as revised 1-8-1986 by Res. No. 85-6. Subsequent amendments noted where applicable.]

ARTICLE I General Provisions

§ 114-1. Zoning permit.

All swimming pools in the Town of Thurmont over 24 inches in depth moved, erected, constructed or excavated, either above, below, or partly above and below grade level, shall require a zoning permit. No new permit shall be required for a swimming pool which is annually disassembled at the same site as previously permitted.

§ 114-2. Permit application; fee.

Zoning permit application shall be made to the Zoning Administrator accompanied by one complete set of plot plans showing all lot lines, existing structures and yard measurements, drawn accurately to scale, and shall be accompanied by the required fee.

§ 114-3. Compliance with building and zoning provisions.

A pump house, filter house or structure erected in connection with any such pool shall require a building permit and shall comply with the Town of Thurmont and/or county and state regulations.

§ 114-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PONDS, FARM - Shall not be considered pools for the purpose of this chapter.

POOL, PRIVATE -- A pool located on the property belonging to a single-family or a two-family dwelling and for the exclusive use of the occupants thereof and their families and guests.

POOL, PUBLIC -- All other pools, for the purpose of this chapter shall be classified as "public pools."

SWIMMING POOL -- Any pool having a water depth exceeding 24 inches.

WADING POOL -- Any pool not having a water depth exceeding 24 inches.

§ 114-5. Plumbing and drainage.

All plumbing and drainage connected herewith shall comply with the Frederick County Building Code. No pool may be drained in a manner such that the drainage will flow onto adjacent property.

§ 114-6. Fences.

A. No swimming pool as described in Article I, which shall include swimming pools above and below grade level, shall be installed or maintained unless:

(1) There shall be erected and maintained a fence having a minimum height of four feet and a maximum height of six feet on all sides and so constructed as not to shut off air or light to any building. All such fences shall be constructed of good-quality steel or wood posts properly supported and braced on the inside of the enclosure. Except as otherwise permitted by the Building Inspectors, all posts are to be firmly embedded 30 inches below grade line. Fencing shall consist of steel or wood or steel wire mesh fencing. Barbed wire at top of fence shall not be permitted. Such fence as above described shall be constructed so as not to allow passage of persons through said fence.

(2) Such fence shall completely surround the area of the swimming pool but shall not be less than three feet from any edge of the swimming pool. Any gate shall be self-closing and locked while the premises are not under the direct supervision of an adult.

(3) All latching and locking devices shall be at a minimum of four feet above the ground.

B. Aboveground pools whose solid walls prevent entrance to the pools except by an entrance ladder shall be deemed to comply with the fence requirements of this section. During the period that the aboveground swimming pools, containing water, are not in use and unattended, the entrance ladder shall be removed from the pool.

C. The wall of a dwelling and/or its accessory building may act as an integral part of the fence, but any opening or doors, etc., shall also be kept locked while premises are not under the direct supervision of an adult.

§ 114-7. Noise.

The use of megaphones, loudspeakers and public-address systems shall be prohibited.

ARTICLE II
Miscellaneous

§ 114-8. Private pool restrictions.

Private swimming pools may be erected or installed only as an accessory to a dwelling and for the private use of the owner or occupant and their families and guests.

§ 114-9. State and county regulations.

Any swimming pool on any property having more than two family dwelling units shall comply with the provisions of this chapter in addition to any state and county regulations pertaining to public swimming pools.

§ 114-10. Place on property requirements.

No swimming pool shall be erected nearer than six feet from the rear or side property line of the premises, six feet from any dwelling, and shall not occupy more than 10% of the total area of the premises.

§ 114-11. Setback requirement.

No swimming pool will be permitted forward of the front line of the house.

§ 114-12. Applicability and compliance time limit for fencing requirements.

The provisions of this chapter relating to fencing shall apply to swimming pools in existence on the effective date of this chapter. A fence which encloses such a pool shall be deemed to comply with this chapter so long as the protection sought herein is not substantially reduced thereby. Owners of such pools shall be required to comply with the fencing requirements of this chapter within three months of the effective date of this chapter.

§ 114-13. Enforcement agent.

The Town Zoning Inspector is hereby designated as the officer charged with enforcement of this chapter.

§ 114-14. Denial of zoning permit; appeal.

Upon denial by the Zoning Inspector of an application for a zoning permit to construct a pool, a right of appeal is hereby given to such applicant to the Zoning Board of Appeals, said appeal to be taken in accordance with the provisions of the Zoning Ordinance as amended.¹

ARTICLE III
Offenses

§ 114-15. Penalties for offenses.

The violation of this chapter is declared to be a municipal infraction. A warning citation will be issued before any penalty is imposed. The penalty for violation after a warning citation is issued shall be the sum of \$100.

¹Editor's Note: See Ch. 133, Zoning.