

Ordinance
No. 28

An Ordinance to regulate the enclosure of swimming pools in the corporate limits of Leonardtown.

Section 1.

Be it enacted and ordained by the Commissioners of Leonardtown, that every outdoor swimming pool or family pool as hereinafter described shall be completely surrounded by a fence or wall not less than five (5') feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4") inches in any dimension, except for doors and gates; and if a picket fence is erected or maintained the horizontal dimensions shall not exceed four (4") inches. A dwelling house or accessory building which complies with the minimum height requirements set forth herein may be used as 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, but all such gates or doors shall comply with the minimum height requirements set forth herein.

This Ordinance shall be applicable to all new swimming pools or family pools (as hereinafter defined) hereafter constructed, other than indoor pools, and shall apply to all existing pools which have a minimum depth of eighteen (18") inches of water. No person in possession of land within the corporate limits of Leonardtown, either as owner, purchaser, lessee, tenant or licensee, upon which is situated a swimming pool or family pool having a minimum depth of eighteen (18")

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inches shall fail to provide and maintain such fence or wall as herein provided.

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

The said Commissioners 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, gate, fence and latch described herein. The said Commissioners shall allow a reasonable period of time not exceeding sixty (60) days within which to comply with the requirements of this Ordinance.

Section 2.

Definitions:

Be it further enacted and ordained that for the purposes of this ordinance that the following words or phrases shall have the meaning given herein:

(a) "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.

(b) "Swimming Pool" is a body of water in an artificial or semi-artificial receptacle or other container, used or intended to be used for public, semi-public or private swimming by adults or children, or both adults and children, whether

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or not any charge or fee is imposed upon such adults or children, operated and maintained by any person as herein defined whether he be 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.

Section 3.

Penalties:

And be it further enacted and ordained that any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00), or be imprisoned in the St. Mary's County jail for a period not exceeding sixty (60) 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 4.

And be it further ordained that all prior Ordinances or portions of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

And be it further ordained that this Ordinance shall take effect from August 1, 1964.

T. W. Bell, President

ATTEST:

W. M. Loker, Jr., Clerk