

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION 2024-04**

BILL NO. 2024-05

Title of Resolution: County Code Adoption – Swimming Pools and Spas

Synopsis: A Bill to amend the Cecil County Code by creation of a new Chapter, Chapter 333, Swimming Pools and Spas to adopt the Maryland Swimming Pool and Spa Standards that came into effect January 1, 2024.

Introduced by: Council President on behalf of the County Executive

Introduced and order posted on: February 20, 2024

Public Hearing Scheduled on: March 19, 2024 at 7:00 pm

Consideration scheduled on: April 2, 2024

By: _____
Council Manager

Notice of time and place of public hearing and title of Bill having been posted by February 20, 2024 at the County Administrative Building, 200 Chesapeake Blvd, Elkton, and having been published according to the Charter on March 6, 2024, and March 13, 2024, a public hearing was held on March 19, 2024 and concluded on March 19, 2024.

By: _____
Council Manager

Explanation: CAPITALS INDICATE MATTER ADDED TO EXISTING ORDINANCE.
~~Strike through~~ indicate matter deleted from existing ordinance.
Underlining indicates language added by amendment.
~~Double Strike through~~ indicates language deleted by amendment.

1 **WHEREAS**, pursuant to Section 402 of the Cecil County Charter (the “Charter”), the County
2 Executive (the “Executive”) shall see that the affairs of the executive branch are administered
3 properly and efficiently, and that employees of the executive branch faithfully perform their duties;
4 and,

5 **WHEREAS**, pursuant to Section 402 of the Charter, the duties and responsibilities of the
6 Executive include, but are not limited to: (a) Supervising and directing offices, agencies and
7 divisions of the executive branch and ensuring that County employees as well as County boards and
8 commissions faithfully perform their duties; and, (b) preparing and submitting to the Council the
9 annual County Budget; and,

10 **WHEREAS**, the State of Maryland has adopted minimum standards for the construction of
11 Swimming Pools and Spas, set forth in COMAR 09.12.56 effective January 22, 2024; and

12 **WHEREAS**, the Chief of the Division of Permits and Inspections in the Department of Land
13 Use and Development Services has recommended a new chapter of the Cecil County Code to
14 comply with the minimum standards, as more fully set forth herein; and,

15 **WHEREAS**, the County Executive has submitted the amendments set forth herein to the
16 County Council for consideration and approval.

17 **NOW, THEREFORE, BE IT HEREBY ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
18 **MARYLAND**, that Chapter 333, Swimming Pools and Spas, as follows:

19 Chapter 333

20 § 333-1. PURPOSE

21 THE PURPOSE OF THIS CHAPTER IS TO ADOPT THE INTERNATIONAL SWIMMING POOL AND SPA
22 CODE (ISPSC).

23 § 333-2 SCOPE

24 A. EXCEPT AS PROVIDED IN B OF THIS REGULATION, THE STANDARDS SHALL APPLY TO ALL
25 SWIMMING POOLS AND SPAS FOR WHICH AN APPLICATION FOR A BUILDING PERMIT IS
26 RECEIVED BY ON OR AFTER DECEMBER 31, 2023.

27 B. THE STANDARDS ADOPTED UNDER THIS CHAPTER DO NOT APPLY TO A SWIMMING POOL
28 OR SPA BUILT AND IN OPERATION BEFORE DECEMBER 31, 2023, UNLESS THERE IS AN
29 ALTERATION OF REPAIR THAT RESULTS IN A SUBSTANTIAL AND MATERIAL STRUCTURAL

30 CHANGE TO THE SWIMMING POOL OR SPA THAT OCCURS ON OR AFTER DECEMBER 31,
31 2023.

- 32 C. IF THERE IS AN ALTERATION OR REPAIR TO A SWIMMING POOL OR SPA BUILT AND IN
33 OPERATION BEFORE DECEMBER 31, 2023. THAT RESULTS IN A SUBSTANTIAL OR MATERIAL
34 STRUCTURAL CHANGE, THE ALTERATION OR REPAIR SHALL CONFORM TO THE STANDARDS.

35 § 333-3. DEFINITIONS

36 “SUBSTANTIAL AND MATERIAL STRUCTURAL CHANGE” MEANS AN ALTERATION OR REPAIR
37 THAT:

- 38 1. INCREASES THE VOLUME OF THE SWIMMING POOL OR SPA BY 15 PERCENT OR MORE; OR
39 2. DECREASES THE FLOW CAPACITY OF THE SWIMMING POOL OR SPACE BY 15 PERCENT OR
40 MORE.

41 § 333-4. AMENDMENTS, ADDITIONS AND DELETIONS.

- 42 A. THE FOLLOWING SECTIONS OF THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE
43 (ISPSA) ARE HEREBY REVISED AND AMENDED AS FOLLOWS:

44 (1) DELETE SECTION 304 ENTIRELY.

45 (2) DELETE SECTION 305.1

46 (3) INSERT 305.1 GENERAL THE PROVISION OF THIS SECTION SHALL APPLY TO THE DESIGN
47 BARRIERS FOR RESTRICTING ENTRY INTO AREAS HAVING POOL AND SPAS.

48 (4) CHAPTER 3 RENAME SECTION 305.2 TO “APPLICABILITY” AND REPLACE THE TEXT WITH
49 THE FOLLOWING:

50 (A) A PUBLIC SWIMMING POOL OR SPA SHALL BE SURROUNDED BY A BARRIER THAT
51 COMPLIES WITH SECTIONS 305.2.1 THROUGH 305.7, EXCEPT THAT THE TOP OF THE
52 BARRIER WHERE MEASURED ON THE SIDE OF THE BARRIER THAT FACES AWAY FROM THE
53 SWIMMING POOL OR SPA SHALL BE NOT LESS THAN:

54 [1] 72 INCHES (1828MM) ABOVE GRAD FOR A CLASS A, B, OR D SWIMMING POOL OR SPA;

55 [2] 60 INCHES (1524MM) ABOVE GRADE FOR A CLASS C OR E SWIMMING POOL OR SPA;

56 AND

57 [3] 36 INCHES (914.4MM) ABOVE GRADE FOR A WADING POOL.

58 (B) NON-PUBLIC OUTDOOR SWIMMING POOL AND SPA AND INDOOR SWIMMING POOLS
59 SHALL BE SURROUNDED BY A BARRIER THAT COMPLIES WITH SECTIONS 305.2.1 THROUGH
60 305.7.

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- 61 B. IN SECTION 307.1.4, WHERE “INTERNATIONAL BUILDING CODE” APPEARS, SUBSTITUTE
62 “MARYLAND ACCESSIBILITY CODE” AND WHERE “ICC A117.1” APPEARS, SUBSTITUTE
63 “MARYLAND ACCESSIBILITY CODE”.
- 64 C. IN SECTION 324.7.1 WHERE “INTERNATIONAL FIRE CODE” APPEARS, SUBSTITUTE “MARYLAND
65 STATE FIRE PREVENTION CODE”.

66 **AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,**
67 that this Act shall take effect in 60 calendar days from the date it becomes law.

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.

BY Council Manager