



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Manual on Public Swimming Pool Operation	Number 12-17
Originating Department Department of Health and Human Services	Effective Date

Montgomery County Department of Health and Human Services  
Regulation on:

## MANUAL ON PUBLIC SWIMMING POOL OPERATION

Issued by: County Executive

Regulation No. 12-17

COMCOR

Authority: Code Section 51-12

Supersedes: Regulation No. 21-12AM

Council Review: Method (2) under Code Section 2A-15

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Comment Deadline: January 31, 2018

Effective Date:

Sunset Date: None

**SUMMARY:** This regulation has been revised to coincide with enactment of Bill 16-17E, Swimming Pools, Lifeguards, Amendments; amending lifeguard requirements at certain hotel pools.

**ADDRESS:** Director, Department of Health and Human Services  
255 Rockville Pike, Suite 100  
Rockville, Maryland 20850

**STAFF CONTACT:** Clark Beil, Telephone 240-777-3831

**BACKGROUND:** This regulation establishes the operating standard for public pools in Montgomery County to protect the health and welfare of the pool users. It has been in effect since 1971 with this version incorporating the requirements of the State of Maryland COMAR 10.17.01: Public Swimming Pools and Spas. Pool management companies, the City of Gaithersburg, the City of Rockville, and the Montgomery County Department of Recreation commented on the revisions and several changes were made at the request of these organizations.



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## Section 1: Definitions

The section of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing definitions is incorporated for the definitions of this regulation unless superseded or amended by the following definitions:

1. Approving Authority means the Director of the Department of Health and Human Services or the Director's designee. The Approving Authority is referred to as the "Director" in this document.
2. Backboard means a device used to stabilize injured patrons in the water.
3. Backwash Chart means a written step-by-step procedure describing the method for backwashing a recirculation system. The Backwash Chart must include pipe and valve coding or labeling information.
4. Chapter 51 means Montgomery County Code Chapter 51: Swimming Pools.
5. Closed means anytime when patrons are prohibited from entering the water or, if necessary, the immediate premises of a pool due to the existence of one of the summary reasons for closure as listed in Section IX(A).
6. CPR means Cardiopulmonary Resuscitation.
7. Data Sheet means a document, posted in the equipment room, which provides the following information regarding the physical attributes of each Swimming Pool:
  - a. Water volume (gallons);
  - b. Water Surface Area (square feet);
  - c. Pool Perimeter (linear feet);
  - d. Designated Flow Rate (gallons per minute);
  - e. Designed Turnover Time;
  - f. Bather Load (Maximum Capacity);
  - g. Water Depths; and
  - h. Number of Returns (inlets).



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8. Director means the Director of the Department of Health and Human Services or the Director's designee.
9. Hazard means a condition or situation that could cause injury or illness to a patron or pool personnel.
10. Hotel has the same meaning as in Code §54-1
- 1[0]1. Immediate Control means when the assigned Pool Operator is on the pool premises or able to report to the pool premises, if requested, within 15 minutes of notification by the Director.
- 1[1]2. Immediate Premises means the area within the enclosed boundaries of the pool site.
- 1[2]3. Immediate Supervision means when a Water-Safe person is no more than arm's length from and continually observing a non-Water-Safe person. The Water-Safe person is in addition to the Lifeguard.
- 1[3]4. Imminent Hazard means a condition or situation that must be immediately corrected to prevent injury or illness to a patron or pool personnel and requires closure of a Swimming Pool until the condition or situation no longer exists.
- 1[4]5. Lifeguard means a person at least 15 years old and in possession of a valid lifeguarding certificate from the American Red Cross, the Young Men's Christian Association, or a comparable program approved by the Director.
- 1[5]6. Open means any time patrons can be admitted to the immediate premises, including swim team practices and competitions.
- 1[6]7. Owner means any person, cooperative, association, partnership, firm, corporation, public agency or authorized agent, excluding a Pool Management Company, under whose authority the Swimming Pool is being constructed, remodeled, reconstructed, or operated. For the purposes of serving a notice of violation of Chapter 51, the person who is present and in charge of the operation of the pool is considered an agent of the Owner.
- 1[7]8. Patron means any person using a Public Swimming Pool, the adjoining deck area, or the immediate premises for the purposes of water sports, recreation, therapy, or related activities.
- 1[8]9. Pool Management Company means any person, cooperative, association, partnership, firm, or corporation, excluding a Pool Operator, who is responsible by contract or other agreement with the Owner of a Public Swimming Pool for the operation of the Public Swimming Pool, including but not limited to one or more of the following:



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- a. Assuring compliance with all operating standards set forth in Chapter 51 and all rules and regulations promulgated under that Chapter;
- b. Providing for the physical maintenance, supplies, and personnel as required by Chapter 51 and all rules and regulations promulgated under that Chapter; and
- c. Obtaining all necessary permits and licenses.

[19]20. Pool Operator means any person in possession of a valid Montgomery County Pool Operator's license who is in the Immediate Control of the operation of a Public Swimming Pool.

[20]21. Private Spa means any outdoor bathing structure that is:

- a. a self-contained unit in which all control, water heating, and water circulating equipment is an integral part of the unit;
- b. built on the grounds of a single-family private residence;
- c. used solely by the Owner, immediate family, tenants, or guests; and
- d. not used for swimming, diving, or wading.

[21]22. Private Swimming Pool means any Swimming Pool that is:

- a. built on the grounds of a single-family residence; and
- b. used solely by the Owner, immediate family, tenants, and guests.

[22]23. Public Swimming Pool means any Swimming Pool, except a Private Swimming Pool or Private Spa, which is intended to be used collectively by a number of persons for swimming, diving, wading or recreational bathing. Public Swimming Pools include:

- a. A Public Swimming Pool that is:
  1. not a Public Spa; and



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2. is intended for public recreational use such as swimming, diving, wading, therapy, competition or associated activity.

b. A Public Spa that is:

1. intended for public recreational and therapeutic uses other than swimming, diving, or wading; and

2. is not drained, cleaned, or refilled for each user.

[23]24. Ready-To-Rescue means when a Lifeguard is attired in clothing appropriate to conduct the job duties; positioned so there is an unobstructed view of the pool floor; actively observing patrons in the water; and who has appropriate lifesaving equipment at hand.

[24]25. Required Flow Rate means the minimum rate of flow for the recirculation system of a Public Swimming Pool as determined by the Montgomery County Manual on Swimming Pool Construction.

[25]26. Spa Guard means an individual in possession of an approved current certification in infant, child, and adult CPR and first aid from an approved organization.

[26]27. Spray Pool means any shallow pool into which treated water is sprayed but not allowed to accumulate. A Spray Pool is considered a Public Pool for the purposes of these regulations. A Spray Pool may also be referred to as an "interactive fountain."

[27]28. Swimming Pool, public or private, means any artificial structure, basin, chamber, or tank, except a Private Spa, either above or below ground, which is used or intended to be used for the primary purpose of swimming, diving, wading or recreational bathing. A Swimming Pool includes all associated equipment, structures and facilities located within a common enclosure. A unit used in conjunction with the private practice of a physician or physical therapist is not a Swimming Pool.

[28]29. Wading Pool means a Public Swimming Pool that is a maximum of 24 inches deep and primarily intended for use by children.

[29]30. Water Rescue means when a Lifeguard must enter the water with rescue equipment to assist a patron in distress, with or without the need to contact emergency personnel.

[30]31. Water-Safe means being able to swim and capable of exercising proper judgment in taking action for self-preservation under emergency conditions.



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## Section II: Permits, Registration, and Certification

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety and pool and spa operator certification are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

### A. Operating Permit.

1. It is the joint responsibility of the Owner and the Pool Management Company to submit an annual application to operate a Public Swimming Pool and pass a pre-opening inspection prior to operating the Public Swimming Pool.
2. If a Public Swimming Pool has closed for the season, an opening inspection must be conducted by and approval obtained from the Director prior to an Owner or Pool Management Company operating the pool.
3. A valid Montgomery County Swimming Pool permit must be posted on the immediate premises of the Public Swimming Pool.

### B. Pool Management Company Registration.

1. It is the responsibility of the Pool Management Company to submit an annual application to manage a Public Swimming Pool.
2. A Pool Management Company must post a valid registration permit on the immediate premises of the Public Swimming Pool.

### C. Pool Operator and Lifeguard Certification.

Pool Operators, Lifeguards, and Spa Guards must be in possession of original documentation of their qualifications when they are on duty at the Public Swimming Pool.

## Section III: Water Quality

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing water chemistry, disinfection, and circulation systems are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

### A. Filtration.



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When any Public Swimming Pool is open, it is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to comply with the following:

1. Water in the Public Swimming Pool must be of sufficient clarity so that the main drain is clearly visible from the closest lifeguard chair or the furthest edge of the Public Swimming Pool, if the Public Swimming Pool has no lifeguard chair;
2. Floating or sunken debris, algae, dirt, filter media, or filter aids must not be present in the Public Swimming Pool; and
3. The circulation system must operate between the minimum Required Flow Rate and the manufacturer's listed filter capacity, as indicated on an approved flow meter.

## B. Chemical Treatment.

At all times when the Public Swimming Pool is open, it is the responsibility of the Owner, Pool Operator, and Pool Management Company to comply with the following:

1. Chemical levels.
  - a. Public Swimming Pool (Except Wading, Spa, Spray, and Therapy Pools):
    1. pH a minimum of 7.2 and a maximum of 7.8;
    2. Free chlorine a minimum of 1.5 ppm and a maximum of 10.0 ppm; and,
    3. Total bromine a minimum of 3.0 ppm and a maximum of 8.0 ppm;
  - b. Public Wading, Spray, and Therapy Pools:
    1. pH a minimum of 7.2 and a maximum of 7.8;
    2. Free chlorine a minimum of 3.0 ppm and a maximum of 10.0 ppm; and,
    3. Total bromine a minimum of 4.0 ppm and a maximum of 8.0 ppm;
  - c. Public Spas:
    1. pH a minimum of 7.2 and a maximum of 7.8;



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2. Free chlorine a minimum of 4.0 ppm and a maximum of 10.0 ppm;
  3. Total bromine a minimum of 4.0 ppm and a maximum of 8.0 ppm; and
  - d. Cyanuric acid a maximum of 80 ppm in any stabilized pool.
2. Tests for pH, free chlorine, and total bromine residuals must be performed and recorded at least once every hour when the pool is open. The initial tests must be performed prior to opening the pool to patrons to insure compliance with Section III(B). Tests for cyanuric acid must be performed and recorded at least once a week prior to opening the pool to patrons and after any cyanuric acid treatment.
  3. Any chemicals used in the Public Swimming Pool water must: (a) be non-toxic to persons in the concentrations found in the water and (b) be clearly labeled with directions for use.
  4. A convenient method must be provided to measure the effective concentration of the chemical in the water.

## Section IV: Staff Duties and Pool Operation

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing public pool and spa safety, operator certification, user load, suction entrapment prevention, toilet, hand sink, and shower facilities, and diving areas and equipment are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

### A. Staffing Requirements.

1. At least one Lifeguard in possession of a valid infant/child/adult or professional rescuer CPR certificate and a valid first aid certificate must be on the immediate premises when the Public Swimming Pool is open. For hotels exempted under IV.A.6.c. of this section, an employee with a valid infant/child/adult CPR certificate must be on the premises of the hotel when the pool is open for use and no lifeguard is on duty.
2. It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to provide a licensed Montgomery County Pool Operator who is on site or who is in Immediate Control. A Montgomery County Pool Operator must be available to respond to operational problems within 15 minutes when not available on site.





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3. If a Public Swimming Pool permit is summarily suspended two times in a licensure period for any of the conditions stated in Section X(A) of this regulation, a Pool Operator must remain on the premises any time the pool is open, for the remainder of the licensure period.
4. It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to ensure a camp or day care is properly supervised at a Public Swimming Pool in accordance to COMAR 10.17.01.
5. A person may fulfill the function of both a Lifeguard/Spa Guard and Pool Operator when such duplication can be accomplished without adversely affecting the safety of patrons and the operational standards of the Public Swimming Pool.
6. Lifeguards.
  - a. Public Swimming Pool.
    1. It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of every Public Pool to provide at least one Ready-To-Rescue Lifeguard on the pool deck observing the Public Pool when the Swimming Pool is open.
    2. A Lifeguard must have an unobstructed view of the Swimming Pool bottom and their field of vision must not exceed 90 degrees to the right or left when patrons are permitted in the water.
    3. When a break is called, a Lifeguard must continue to be Ready-To-Rescue until all patrons have left the water.
    4. The Director may require additional Lifeguards to be Ready-To-Rescue or restrict swimming to any portion of any Swimming Pool if the safety of the patrons is deemed to be at risk.
    5. An Owner, Pool Operator, or Pool Management Company may use a Lifeguard on the deck of a Swimming Pool to monitor an adjacent Wading Pool provided the Wading Pool is not the only Swimming Pool at the facility and the Wading Pool can be observed from the Swimming Pool deck.
    6. Public Spray Pools are exempt from the Lifeguard requirements in this subsection.



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b. Public Spas.

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of every Public Spa to provide at least one Spa Guard on the immediate premises when patrons are permitted in the water. The Spa Guard must be trained in performing the chemical tests required in COMAR 10.17.01 and stated in this Executive Regulation.

c. Hotel.

Section IV: A. 6. Lifeguards, except for on Saturday and Sunday between 11:00 a.m. and 7:00 p.m., does not apply to a pool that has a water surface area less than 2,500 square feet located on the grounds of a hotel for the exclusive use of its registered guests if:

1. the hotel is properly licensed under Chapter 54;
2. the hotel posts warning signs that meet the following:
  - a. the size, color, design, application, symbol, and visual layout of a safety sign is in compliance with the ANSI Z-535 series of standards for Safety Signs and Colors as referenced in American National Standard for Public Spas;
  - b. a safety sign is posted in a permanent location adjacent to a hotel pool in compliance with the American National Standard for Public Spas;
  - c. the safety sign includes the user load of the pool;
  - d. a chemical warning sign is posted at the entrance door to a chemical storage area and includes the text "Caution! Chemical Storage Area";
  - e. a chemical vat, feeder, pump, and line is labeled to identify the chemical in use;
  - f. a chlorine gas warning sign reading "Danger—Chlorine Gas" is posted at the entrance to a chlorine gas feed room and storage area;
  - g. other warning, health advisory, and safety signs are posted, as required by Executive Regulation, if necessary to protect the public health and safety; and



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- h. a pool that does not have a lifeguard on duty has a conspicuous sign posted adjacent to entrances to the pool reading "Warning: No lifeguard on duty. SWIM AT YOUR OWN RISK. Children under the age of 15 are not permitted to use the pool without adult supervision"; and
3. the pool area has a functional and visible emergency alert system approved by the Director that:
  - a. connects directly to 9-1-1; and
  - b. notifies an employee of the hotel when activated.

## B. Occupancy.

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of every Public Swimming Pool to comply with the following:

1. The number of patrons within the immediate premise must not exceed the limit established by the Montgomery County Manual on Public Swimming Pool Construction and the number of patrons in the water must not exceed the number that can be safely supervised by the Lifeguards or that exceeds the limit established in COMAR 10.17.01.
2. A visibly posted set of rules must be established and printed legibly on a backing of durable and water-resistant construction. It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to enforce the rules which must include prohibiting patrons from:
  - a. Introducing dirt, excreta, foaming agents, soaps and other extraneous matter into the water;
  - b. Bringing dangerous objects and materials in the immediate premises;
  - c. Unsafe acts, both in and out of the water;
  - d. Entering the pool water if patrons exhibit signs of infection or are otherwise shown to be a contamination risk;
  - e. Entering the pool water if patrons are not demonstrably Water-Safe or under the Immediate Supervision of a Water-Safe person;



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- f. Entering the pool water if patrons are incontinent unless such individuals are clothed in snugly fitting water-proof pants which are designed to prevent the introduction of fecal matter into the pool and are worn over any type of diaper, including swim diapers;
- g. Swimming without a Ready-To-Rescue Lifeguard present on the deck of a Public Swimming Pool;
- h. Bringing any animal, other than a registered service animal, onto the immediate premises or allowing any animal to enter the pool water; and,
- i. Possessing food and beverage on the pool deck in an area other than that established in Section VII(D). This requirement does not include plastic bottled water brought by a patron for personal consumption.

### 3. Public Spas.

In addition to Section IV, B. 1 and 2 above, it is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to visibly post and enforce the following rules which prohibit patrons:

- a. From staying in the water for periods in excess of 15 minutes if the water temperature is from 98°F to 104°F. A minimum interval of 5 minutes must be spent out of the water for every 15 minutes in the water;
- b. Under 5 years of age;
- c. Who are pregnant, or have a history of heart disease, diabetes, or circulatory problems, unless a physician has been consulted before using the spa.

### C. Hazards.

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of every Public Swimming Pool to correct a hazard within the time frame specified by the Director.

### D. Imminent Hazards.

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to close a Public Swimming Pool when an imminent hazard exists.



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## Section V: Safety and Rescue Equipment Requirements

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing test kits, decks, and public pool and spa safety are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company to provide the following at each Public Swimming Pool:

### A. Safety & Rescue Equipment – All Public Swimming Pools.

1. A first aid kit as recommended by the American Red Cross and the following:
  - 5 – Four-inch gauze pads
  - 2 – Eye dressing pads
  - 1 – Pair of Scissors
  - 1 – Tweezers
  - 1 – Face mask with one-way valve for performing CPR
  - Disposable latex plastic gloves
2. Two twin size blankets for emergency use only;
3. A telephone that meets the requirements of COMAR 10.17.01.40 (2013). The facility's telephone number must be clearly posted. If a cellular telephone is used, the phone must be the property of the Owner or Pool Management Company, adequately charged, functioning, available to patrons and pool personnel, only used for emergencies, and remain at the Swimming Pool when the Public Swimming Pool is open;
4. A bloodborne pathogen control kit;
5. Testing equipment for pH and the approved chemicals in use must be provided. The testing equipment must be in proper working condition and capable of reading free chlorine residual or total bromine on a scale containing a minimum of 1.0 ppm increments with a range of 1.5 ppm to 10.0 ppm chlorine or 3.0 ppm to 8.0 ppm bromine inclusive, and pH values on a scale containing 0.2 increments with a range of 7.2 to 7.8 inclusive; and
6. A means for disabled patrons to enter and exit any indoor Public Swimming Pool or a Public Swimming Pool constructed after February 10, 1997 and all Montgomery County-owned pools. Any handicapped accessible equipment must be in good working condition.



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7. An Automated External Defibrillator (AED) in good working condition and current registration with the Maryland Institute for Emergency Medical Services Systems Automated External Defibrillator Public Access Program.

**B. Safety & Rescue Equipment - Public Pools.**

1. One or more lightweight but strong poles that are not less than 12 feet in length and equipped with blunted ends to assist or rescue patrons;
2. An approved Backboard designed for medical emergency use equipped with three quick release straps and a head immobilizer; and
3. A rescue tube for each Ready-To-Rescue Lifeguard.

## **Section VI: Records**

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing operating records and injury and illness reports are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards.

It is the responsibility of the Owner, Pool Operator, and Pool Management Company of all Public Swimming Pools to comply with the following:

- A. An operational log must be must be available at all times for inspection. An operational log must include the information required in COMAR 10.17.01 (2013) and:
  1. Approved disinfectant residuals recorded at one hour intervals and prior to opening for the day;
  2. pH levels recorded at one hour intervals and prior to opening for the day;
  3. Cyanuric acid concentration (if in use) recorded once weekly for a public pool and daily for a Public Spa and after each addition of cyanuric acid, when the level is stabilized; and
  4. The reason a Public Swimming Pool was closed (if appropriate) and any action taken as a result of the closure.
- B. All Public Swimming Pools equipped with an approved Vacuum Release System (VRS) must be tested and recorded daily prior to opening.



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C. An Injury and Illness Report form must be completed and submitted to the Director as required in COMAR 10.17.01.

## Section VII: Maintenance and Cleanliness of the Immediate Premises and Accessory Equipment

The sections of the Code of Maryland Regulations (COMAR) 10.17.01 (2013), Public Swimming Pools and Spas, governing decks, plumbing, disinfection of towels, antiscald protection for showers, equipment rooms, and maintenance are incorporated for the operating standards of this regulation unless superseded or amended by the following specific standards:

It is the joint responsibility of the Owner, Pool Operator, and Pool Management Company of all Public Swimming Pools to comply with the following:

### A. Decks and Immediate Premises.

1. Decks must be clean and free of algae, debris, and ponded water.
2. The immediate premises must be kept free of trash and glass.
3. A sufficient number of covered, cleanable waste containers must be placed in the bathhouse and within the immediate premises. Waste containers must be emptied at sufficient intervals to keep them from overflowing.
4. All drinking fountains, foot showers, and deck drains must be in good working condition.

### B. Bathhouse and Restrooms.

1. All facilities within the bathhouse and restrooms must be in good working condition and maintained in a clean and sanitary manner. A sanitary napkin disposal container must be provided in the women's bathhouse.
2. Hot water, at least 90°F and less than 115°F, must be provided at each shower and, for Public Swimming Pools constructed after the effective date of this regulation, each hand sink must have at least 90°F of hot water.
3. The following must be provided in a bathhouse restroom:
  - a. Soap in a dispenser at each shower;



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- b. An adequate supply of soap in a dispenser and paper towels or other approved hand drying device at hand sinks and;
- c. Toilet paper at each toilet.
- 4. Swimsuits may not be provided by a Public Swimming Pool facility unless the recipient becomes the sole owner of the suit and is responsible for its care and cleaning.
- 5. Towels provided by a Public Swimming Pool must be properly washed and disinfected after each use. A covered, cleanable container must be provided to collect soiled towels. Clean towels must be stored in a sanitary manner.

## C. Equipment Rooms.

- 1. Filter and pump rooms must be kept clean, uncluttered, and reasonably dry at all times. Chemical spills, waste material, excess water, and debris must be promptly removed. Supplies and chemicals must be stored in labeled containers.
- 2. Controls, valves, and gauges must be accessible. Valves and gauges must be in good working condition and labeled in accordance with the Backwash Chart.
- 3. Filter and pump rooms must be adequately lighted so that all controls, valves, and gauges can be easily identified and read.
- 4. Filter and pump rooms must be adequately ventilated to control excessive heat and vapor.
- 5. A Backwash Chart and Data Sheet must be provided.
- 6. The elements of cartridge filter systems must be cleaned and/or replaced according to the manufacturer's recommendation.
- 7. A complete second set of cartridge filter elements must be provided on site along with container(s) of sufficient size to hold these elements.
- 8. The backwash waste water and waste water from the cleaning of cartridge filters must be discharged into an approved sanitary sewer system.





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9. A chemical warning sign is posted at the entrance door to a chemical storage area and includes the text "Caution! Chemical Storage Area."
10. A chemical vat, feeder, pump, and line is labeled to identify the chemical in use.
11. A chlorine gas warning sign reading "Danger-Chlorine Gas" is posted at the entrance to a chlorine gas feed room and storage area.

#### D. Eating and Drinking.

When food or drink is allowed on the immediate premises, all such food and drink (with the exception of plastic containers of beverages) must be consumed in an area that is at least six feet from the Swimming Pool's edge. If the Owner plans to sell or serve food or drink (including at swim meets), a food service facility permit is required by the Director.

#### Section VIII: Emergency Plan

It is the joint responsibility of the Owner, Pool Operator, and any retained Pool Management Company to provide a written emergency plan accessible to pool personnel and to train the personnel on implementing the plan. The emergency plan must include procedures for managing emergencies and must be readily accessible to pool personnel.

#### Section IX: Inspections

The Director must be allowed to inspect any part of a Public Swimming Pool during operational hours.

Whenever an inspection of a Public Swimming Pool is made, the findings must be recorded on the inspection report form currently authorized by the Director. One copy of the inspection report form must be furnished to the Owner, Pool Operator, or Pool Management Company representative. The inspection report form must provide a specific and reasonable period of time for the correction of violations.

When the Director is denied entry to the pool to make any lawful inspection pursuant to Chapter 51 of the Montgomery County Code or these regulations, the Director may immediately suspend the Swimming Pool permit and order the pool to be immediately closed pending final resolution of the matter pursuant to the provisions of Section 51-13 of the Montgomery County Code.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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Subject  
Manual on Public Swimming Pool Operation

Number  
12-17

Originating Department  
Department of Health and Human Services

Effective Date

## Section X: Summary Enforcement

- A. When any of the following conditions are found to exist at a Public Swimming Pool, the pool operating permit must be suspended and the Public Swimming Pool closed until such time as the condition has been corrected and an inspection by the Director has been made or approval to re-open has been granted by the Director:
1. Unless exempted under Section IV.A.6.c., a Lifeguard is not on the pool deck and observing patrons in the water of a public pool, a Spa Guard is not on the immediate premise;
  2. The main drain is not clearly visible from the nearest lifeguard chair or the furthest edge of the Swimming Pool, if the Swimming Pool has no lifeguard chair;
  3. The free chlorine, total bromine, pH, other approved disinfectant residual, or cyanuric acid concentration in the pool water are other than specified in COMAR 10.17.01;
  4. The circulating equipment is not working properly for more than one hour;
  5. The water level is below the skimmers in pools using this method of circulation;
  6. The chemical disinfectant feeder has not been functional for a period of 24 hours provided that the pH, free chlorine, total bromine, or other approved disinfectant residuals are maintained in accordance with COMAR 10.17.01;
  7. The bathhouse or restroom drainage system is blocked sufficiently to render the bathhouse or restroom unusable, water is not available at sufficient pressure to operate the bathhouse or restroom, waste disposal systems are inoperable, unsanitary conditions exist, or the bathhouse or restroom is unusable for other health or safety reasons;
  8. The Director has been wrongfully denied permission to inspect the Public Swimming Pool pursuant to Chapter 51 and any regulations promulgated under that Chapter;
  9. A licensed Montgomery County Pool Operator is not in Immediate Control of a Public Swimming Pool, as required.
  10. The Director determines that an imminent hazard exists to the health or safety of the users of any Public Swimming Pool; or,



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11. At least one Lifeguard or Spa Guard does not possess an approved CPR certificate and is not within the Swimming Pool enclosure, or an employee on the premises for hotels when exempted from the lifeguard requirement under Section IV.A.6.c.

- B. When a Public Swimming Pool is closed for any of the above reasons it must remain closed pending:
1. Verification by the Director that all the conditions which resulted in suspension of the permit have been corrected; or,
  2. Presentation of evidence by the Owner, Pool Operator, or Pool Management Company, satisfactory to the Director, that such conditions either do not exist or do not constitute an imminent hazard.

## Section XI: Reinstatement

The Owner, Pool Operator, or Pool Management Company whose Swimming Pool permit has been suspended, must make application for a re-inspection and pay any required re-inspection fee for reinstatement of the permit.

Within ten business days following the submission of the application and fee, the Director must either make an inspection or otherwise determine whether the conditions causing the suspension have been corrected. If the Director finds that the Public Swimming Pool complies with Chapter 51 and these regulations, the permit must be reinstated.

## Section XII: Appeals

A decision of the Director revoking or suspending a permit, license, or registration may be appealed to the County Board of Appeals within 10 days from the receipt of the decision.



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### Section XIII. Severability

If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

\_\_\_\_\_  
Isiah Leggett  
County Executive

\_\_\_\_\_  
Date

Approved as to Form and Legality  
Office of the County Attorney

By: 

Date: 12/6/17