

Resolution No.:	<u>18-985</u>
Introduced:	<u>December 5, 2017</u>
Adopted:	<u>December 5, 2017</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE MONTGOMERY COUNTY BOARD OF HEALTH**

Lead Sponsor: Councilmember Katz

SUBJECT: Resolution to adopt Expedited Bill 16-17, Swimming Pools – Lifeguards – Amendments as a Board of Health Regulation

Background

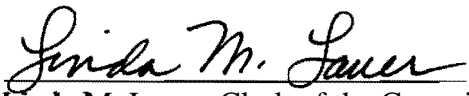
1. County Code §2-65, as amended, provides that the County Council is, and may act as, the County Board of Health, and in that capacity may adopt any regulation which a local Board of Health is authorized to adopt under state law.
2. Maryland Code Health-General Article §3-202 authorizes the County Board of Health to adopt rules and regulations regarding any nuisance or cause of disease in the County.
3. On [Date], the Council held a public hearing on this regulation. As required by law, each municipality in the County and the public were properly notified of this hearing.
4. On October 31, 2017, the County Council enacted Expedited Bill 16-17, Swimming Pools – Lifeguards – Amendments. Expedited Bill 16-17 requires certain public pools at certain facilities to have a lifeguard on duty when the pool is open for use during certain hours; requires public pools that do not have a lifeguard on duty to meet certain criteria, including posting certain warning signs; and requires public pools that do not have a lifeguard on duty to have an employee on site with a valid infant/child/adult cardiopulmonary resuscitation certificate.
5. The County Council, sitting as the Board of Health, finds after reviewing the evidence in the record that requiring lifeguards at public pools during certain hours as required by this Regulation is necessary to protect the health of County residents.

Action

The County Council for Montgomery County, Maryland, sitting as the County Board of Health, approves the following resolution:

The provisions of Chapter 51 of the Montgomery County Code, entitled “Swimming Pools”, as amended by Expedited Bill 16-17, Swimming Pools – Lifeguards – Amendments, are adopted as a Board of Health Regulation. A copy of Expedited Bill 16-17 is attached to this resolution.

This is a correct copy of Council action.

A handwritten signature in cursive script, reading "Linda M. Lauer", written in black ink over a horizontal line.

Linda M. Lauer, Clerk of the Council

Expedited Bill No. 16-17
Concerning: Swimming Pools –
Lifeguards – Amendments
Revised: 10/31//2017 Draft No. 3
Introduced: May 16, 2017
Enacted: October 31, 2017
Executive: November 10, 2017
Effective: November 10, 2017
Sunset Date: None
Ch. 30, Laws of Mont. Co. 2017

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Katz
Co-Sponsors: Councilmembers Floreen and Elrich and Council President Berliner

AN EXPEDITED ACT to:

- (1) exempt certain public pools at certain facilities from the requirement to have a lifeguard on duty present when the pool is open for use during certain hours;
- (2) require exempted public pools to meet certain criteria, including posting certain warning signs;
- (3) require exempted pools to have an emergency alert system; and
- (4) generally amend County law relating to swimming pools.

By amending

Montgomery County Code
Chapter 51, Swimming Pools
Sections 51-1 and 51-10

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 51-1 and 51-10 are amended as follows:**

2 **51-1. Definitions.**

3 In this Chapter, the following words have the following meanings:

4 * * *

5 Hostel has the same meaning as in Code §54-1.

6 * * *

7 **51-10. Safety standards; lifeguards and spa guards.**

8 * * *

9 (b) *Lifeguards.*

- 10 (1) Except for public spas and as provided in paragraph (d), every
 11 public swimming pool must have at least one lifeguard with a valid
 12 infant/child/adult cardiopulmonary resuscitation (CPR) certificate
 13 from the American Red Cross, the American Heart Association,
 14 the National Safety Council, or a comparable program approved
 15 by the state Department of Health and Mental Hygiene, present
 16 when the pool is open for use.
- 17 (2) Whenever any person is in the water, a lifeguard must:
- 18 (A) be on the deck and observing the pool; and
- 19 (B) not leave the deck for any reason unless all persons are out
 20 of the water.
- 21 (3) The approving authority may require additional lifeguards to be on
 22 the deck at any public swimming pool if the approving authority
 23 finds that the pool is inadequately guarded because of the:
- 24 (A) number of persons using the pool;
- 25 (B) shape, dimensions, or layout of the pool;
- 26 (C) existence of obstructions to vision; or
- 27 (D) capabilities of the persons using the pool.

(c) *Public spas.* A public spa must have at least one spa guard present when the spa is open for use. The spa guard must be available immediately to help in an emergency.

(d) *Hostels.* ~~[[Paragraph]] Except for on Saturday and Sunday between 11:00 a.m. and 7:00 p.m., paragraph (b) does not apply to a pool that has a water surface area less than 2,500 square feet located on the grounds of a hostel for the exclusive use of its registered guests if:~~

(1) the hostel is properly licensed under Chapter 54;

(2) the hostel 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 hostel 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

(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 of the Department of Health and Human Services that:

(A) connects directly to 9-1-1; and

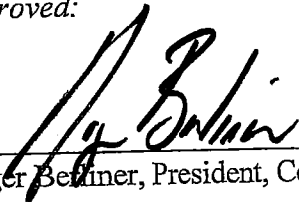
(B) notifies an employee of the hostel when activated; and

(4) the hostel has an employee with a valid infant/child/adult cardiopulmonary resuscitation (CPR) certificate from the American Red Cross, the American Heart Association, the National Safety Council, or a comparable program approved by the state Department of Health and Mental Hygiene, on the premises of the hostel when the pool is open for use and no lifeguard is on duty.

Sec. 2. Expedited Effective Date.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date that it becomes law.

Approved:

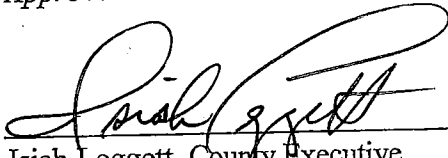


Roger Beffner, President, County Council

11/1/17

Date

Approved:

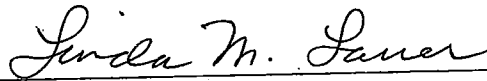


Isiah Leggett, County Executive

Nov/19/17

Date

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

Nov 14, 2017

Date