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

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 51-1 and 51-10 are amended as follows:

51-1. Definitions.

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

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

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

(b) _Lifeguards._

(1) Except for public spas and as provided in paragraph (d), every public swimming pool must have at least one lifeguard 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, present when the pool is open for use.

(2) Whenever any person is in the water, a lifeguard must:

(A) be on the deck and observing the pool; and

(B) not leave the deck for any reason unless all persons are out of the water.

(3) The approving authority may require additional lifeguards to be on the deck at any public swimming pool if the approving authority finds that the pool is inadequately guarded because of the:

(A) number of persons using the pool;

(B) shape, dimensions, or layout of the pool;

(C) existence of obstructions to vision; or

(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.** 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 Berliner, President, County Council

Date

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date