

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

4

SENATE BILL 386
Second Edition Engrossed 3/29/89
House Committee Substitute Favorable 6/26/89
Corrected Copy 6/28/89

Short Title: Public Swimming Pool Regulation.

(Public)

Sponsors:

Referred to:

March 13, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE PUBLIC SWIMMING POOLS.
3 The General Assembly of North Carolina enacts:

4 Section 1. Article 8 of Chapter 130A of the General Statutes is amended by
5 adding a new Part at the end to read:

6 **“PART 10. PUBLIC SWIMMING POOLS.**

7 **“§ 130A-280. Scope.**

8 This Article provides for the regulation of public swimming pools in the State as
9 they may affect the public health and safety. As used in this Article, the term ‘public
10 swimming pool’ means any structure, chamber, or tank containing an artificial body of
11 water used by the public for swimming, diving, wading, recreation, or therapy, together
12 with buildings, appurtenances, and equipment used in connection with the body of
13 water, regardless of whether a fee is charged for its use. The term includes municipal,
14 school, hotel, motel, apartment, boarding house, athletic club, or other membership
15 facility pools and spas. This Article does not apply to a private pool serving a single
16 family dwelling and used only by the residents of the dwelling and their guests. This
17 Article also does not apply to therapeutic pools used in physical therapy programs
18 operated by medical facilities licensed by the Department of Human Resources or
19 operated by a licensed physical therapist, nor to therapeutic chambers drained, cleaned,
20 and refilled after each individual use.

21 **“§ 130A-281. Operation permit required.**

1 No public swimming pool may be opened for use unless the owner or operator has
2 obtained an operation permit issued by the Department pursuant to rules adopted under
3 G.S. 130A-282.

4 **"§ 130A-282. Commission to adopt rules.**

5 For protection of the public health and safety, the Commission shall adopt and the
6 Department shall enforce rules concerning the construction and operation of public
7 swimming pools. The Commission shall classify public swimming pools on the basis of
8 size, usage, type, or any other appropriate factor and shall adopt requirements for each
9 classification. The rules shall include requirements for:

- 10 (1) Submission and review of plans prior to construction.
- 11 (2) Application, review, expiration, renewal, and revocation or suspension
12 of an operating permit.
- 13 (3) Inspection.
- 14 (4) Construction and operation including water source, water quality and
15 testing, materials, depth and other dimensions, fencing, water
16 treatment, chemical storage, toilet and bath facilities, measures to
17 ensure the personal cleanliness of bathers, safety equipment and other
18 safety measures, and sewage and other wastewater disposal."

19 Sec. 2. G.S. 130A-39(g) reads as rewritten:

20 "(g) A local board of health may impose a fee for services to be rendered by a
21 local health department, except where the imposition of a fee is prohibited by statute or
22 where an employee of the local health department is performing the services as an agent
23 of the State. Notwithstanding any other provisions of law, a local board of health may
24 impose ~~a fee~~ cost-related fees for services performed pursuant to Article 11 of this
25 Chapter, 'Sanitary Sewage ~~Systems--Systems,~~' and services performed pursuant to Part
26 10, Article 8 of this Chapter, 'Public Swimming Pools.' Fees shall be based upon a plan
27 recommended by the local health director and approved by the local board of health and
28 the appropriate county board or boards of commissioners. The fees collected under the
29 authority of this subsection are to be deposited to the account of the local health
30 department so that they may be expended for public health purposes in accordance with
31 the provisions of the Local Government Budget and Fiscal Control Act."

32 Sec. 3. This act shall become effective February 1, 1990. However, upon
33 ratification of this act, the Commission for Health Services is authorized to adopt rules
34 to implement this act. The rules shall become effective February 1, 1990.