

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 386

Short Title: Public Swimming Pool Regulation.

(Public)

Sponsors: Senators Smith; and Harris.

Referred to: Human Resources.

March 13, 1989

A BILL TO BE ENTITLED
AN ACT TO REGULATE PUBLIC SWIMMING POOLS.

The General Assembly of North Carolina enacts:

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

“PART 10. PUBLIC SWIMMING POOLS.

“§ 130A-280. Scope.

This Article provides for the regulation of public swimming pools in the State as they may affect the public health and safety. As used in this Article, the term ‘public swimming pool’ means any structure, chamber, or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances, and equipment used in connection with the body of water, regardless of whether a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment, boarding house, athletic club, or other membership facility pools and spas. This Article does not apply to a private pool serving a single family dwelling and used only by the residents of the dwelling and their guests.

“§ 130A-281. Operation permit required.

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

“§ 130A-282. Commission to adopt rules.

For protection of the public health and safety, the Commission shall adopt and the Department shall enforce rules concerning the construction and operation of public swimming pools. The Commission shall classify public swimming pools on the basis of

1 size, usage, type, or any other appropriate factor and shall adopt requirements for each
2 classification. The rules shall include requirements for:

3 (1) Submission and review of plans prior to construction.

4 (2) Application, review, expiration, renewal, and revocation or suspension
5 of an operating permit.

6 (3) Inspection.

7 (4) Construction and operation including water source, water quality and
8 testing, materials, depth and other dimensions, fencing, water
9 treatment, chemical storage, toilet and bath facilities, measures to
10 ensure the personal cleanliness of bathers, safety equipment and other
11 safety measures, and sewage and other wastewater disposal."

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

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

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