

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 577
SENATE BILL 386

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. This Article also does not apply to therapeutic pools used in physical therapy programs operated by medical facilities licensed by the Department of Human Resources or operated by a licensed physical therapist, nor to therapeutic chambers drained, cleaned, and refilled after each individual use.

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

- (1) Submission and review of plans prior to construction.
- (2) Application, review, expiration, renewal, and revocation or suspension of an operating permit.
- (3) Inspection.
- (4) Construction and operation including water source, water quality and testing, materials, depth and other dimensions, fencing, water

treatment, chemical storage, toilet and bath facilities, measures to ensure the personal cleanliness of bathers, safety equipment and other safety measures, and sewage and other wastewater disposal."

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

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

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

In the General Assembly read three times and ratified this the 5th day of July, 1989.