

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: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

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.

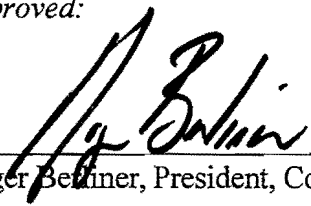
- 28 (c) *Public spas.* A public spa must have at least one spa guard present when
29 the spa is open for use. The spa guard must be available immediately to
30 help in an emergency.
- 31 (d) *Hostels.* [[Paragraph]] Except for on Saturday and Sunday between 11:00
32 a.m. and 7:00 p.m., paragraph (b) does not apply to a pool that has a water
33 surface area less than 2,500 square feet located on the grounds of a hostel
34 for the exclusive use of its registered guests if:
- 35 (1) the hostel is properly licensed under Chapter 54;
- 36 (2) the hostel posts warning signs that meet the following:
- 37 (A) the size, color, design, application, symbol, and visual
38 layout of a safety sign is in compliance with the ANSI Z-535
39 series of standards for Safety Signs and Colors as referenced
40 in American National Standard for Public Spas;
- 41 (B) a safety sign is posted in a permanent location adjacent to a
42 hostel in compliance with the American National Standard
43 for Public Spas;
- 44 (C) the safety sign includes the user load of the pool;
- 45 (D) a chemical warning sign is posted at the entrance door to a
46 chemical storage area and includes the text "Caution!
47 Chemical Storage Area";
- 48 (E) a chemical vat, feeder, pump, and line is labeled to identify
49 the chemical in use;
- 50 (F) a chlorine gas warning sign reading "Danger—Chlorine
51 Gas" is posted at the entrance to a chlorine gas feed room
52 and storage area;

- 53 (G) other warning, health advisory, and safety signs are posted,
54 as required by Executive Regulation, if necessary to protect
55 the public health and safety; and
- 56 (H) a pool that does not have a lifeguard on duty has a
57 conspicuous sign posted adjacent to entrances to the pool
58 reading “Warning: No lifeguard on duty. SWIM AT YOUR
59 OWN RISK. Children under the age of 15 are not permitted
60 to use the pool without adult supervision”; and
- 61 (3) the pool area has a functional and visible emergency alert system
62 approved by the Director of the Department of Health and Human
63 Services that:
- 64 (A) connects directly to 9-1-1; and
- 65 (B) notifies an employee of the hostel when activated; and
- 66 (4) the hostel has an employee with a valid infant/child/adult
67 cardiopulmonary resuscitation (CPR) certificate from the
68 American Red Cross, the American Heart Association, the
69 National Safety Council, or a comparable program approved by
70 the state Department of Health and Mental Hygiene, on the
71 premises of the hostel when the pool is open for use and no
72 lifeguard is on duty.

73 **Sec. 2. Expedited Effective Date.**

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

Approved:



11/1/17

Roger Berliner, President, County Council

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date