

Bill No. 20-21
Concerning: Swimming Pools – Lifeguard Requirement – Amendments
Revised: 7/15/2021 Draft No. 4
Introduced: May 27, 2021
Enacted: July 27, 2021
Executive: August 6, 2021
Effective: November 5, 2021
Sunset Date: None
Ch. 24, Laws of Mont. Co. 2021

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Katz and Rice

AN ACT to:

- (1) define the term “health club”
- (2) exempt certain swimming pools at certain facilities from the requirement to have a lifeguard on duty when the pool is open for use;
- (3) require posting of certain signage translated in certain languages;
- (4) require health club contract to include a certain provision;
- (5) require certain facilities with a swimming pool to have an emergency alert system;
- (5) require an employee to regularly inspect swimming pool area; and
- (6) 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 *Automatic pool cover* means a mechanical device that completely covers the
6 swimming pool surface automatically when activated, and meets the
7 requirements of a power safety cover established by the American Society for
8 Testing and Materials.

9 *Health club* means any licensed and registered corporation or business which
10 offers or provides to the public, on a paid membership basis, services, facilities,
11 instruction, training, or assistance in body building, weight loss, exercising,
12 muscle toning, aerobics, or any other similar physical activity.

13 *Hotel* has the same meaning as in Code § 54-1.

14 * * *

15 **51-10. Safety standards; lifeguards, [and] spa guards[.] and exemptions.**

16 * * *

17 (b) *Lifeguards.*

18 (1) Except for public spas, health clubs, and hotels, as provided in
19 paragraph (c), (d), and (e) [(d)], every public swimming pool must
20 have at least one lifeguard with a valid infant/child/adult
21 cardiopulmonary resuscitation (CPR) certificate from the
22 American Red Cross, the American Heart Association, the
23 National Safety Council, or a comparable program approved by
24 the state Department of Health and Mental Hygiene, present when
25 the pool is open for use.

26 * * *

27 (c) *Public spas.* A public spa must have at least one spa guard present when
 28 the spa is open for use. The spa guard must be available immediately to
 29 help in an emergency.

30 (d) *Health club.* A swimming pool located on the grounds of a health club is
 31 not subject to paragraph (b) of this section, if it:

32 (1) has a water surface area less than or equal to 2,500 square feet and
 33 maximum depth of five feet;

34 (2) is used only for members or guests who are at least 16 years of age;
 35 [[and]]

36 (3) includes posted safety, health, and warning signs, as required
 37 under subsection (f), translated in Spanish, French, Chinese,
 38 Korean, and other languages, as determined necessary by the
 39 Approving authority; and

40 (4) the owner complies with subsection (f) of this subtitle and all other
 41 provisions under Code of Maryland Regulations (COMAR)
 42 10.17.01, Public Swimming Pools and Spas.

43 (e) *Health club contracts – Disclosure Statement Required.*

44 (1) A health club not subject to paragraph (b) of this section, must
 45 provide:

46 (A) a contract for health club services, at the initial point of sale,
 47 that includes a disclosure statement, signed and dated by the
 48 member, that indicates the facility will not have a lifeguard
 49 on duty while the swimming pool is in use.

50 (f) [(d)] *Hotels.* Except for on Saturday and Sunday between 11:00 a.m.
 51 and 7:00 p.m., paragraph (b) does not apply to a pool that has a water
 52 surface area less than 2,500 square feet located on the grounds of a hotel
 53 for the exclusive use of its registered guests if:

- 54 (1) the hotel is properly licensed under Chapter 54; and
- 55 (2) [the hotel posts warning signs that meet the following:] the owner
- 56 complies with subsection (f) of this subtitle and all other provisions
- 57 under Code of Maryland Regulations (COMAR) 10.17.01, Public
- 58 Swimming Pools and Spas.

59 (g) **[[f]]** *Safety Signs Required; Emergency Alert System.*

- 60 (1) An owner of a public spa, health club, or hotel must post warning
- 61 signs that meet the following:
- 62 (A) the size, color, design, application, symbol, and visual
- 63 layout of a safety sign is in compliance with the ANSI Z-535
- 64 series of standards for Safety Signs and Colors as referenced
- 65 in American National Standard for Public Spas;
- 66 (B) a safety sign is posted in a permanent location adjacent to a
- 67 health club or hotel in compliance with the American
- 68 National Standard for Public Spas;
- 69 (C) the safety sign includes the user load of the pool;
- 70 (D) a chemical warning sign is posted at the entrance door to a
- 71 chemical storage area and includes the text "Caution!
- 72 Chemical Storage Area";
- 73 (E) a chemical vat, feeder, pump, and line is labeled to identify
- 74 the chemical in use;
- 75 (F) a chlorine gas warning sign reading "Danger—Chlorine
- 76 Gas" is posted at the entrance to a chlorine gas feed room
- 77 and storage area;
- 78 (G) other warning, health advisory, and safety signs are posted,
- 79 as required by Executive Regulation, if necessary to protect
- 80 the public health and safety; and

81 (H) a pool that does not have a lifeguard on duty has a
 82 conspicuous sign posted adjacent to entrances to the pool
 83 reading “Warning: No lifeguard on duty. SWIM AT YOUR
 84 OWN RISK. Children under the age of [15] 16 are not
 85 permitted to use the pool without adult supervision”; and

86 (2) [(3)] the pool area has a functional and visible emergency alert
 87 system approved by the Director of the Department of Health and
 88 Human Services that:

89 (A) connects directly to 9-1-1; and


90 (B) notifies an employee of the health club or hotel when
 91 activated; and

92 (3) [(4)] the health club or hotel has an employee with a valid
 93 infant/child/adult cardiopulmonary resuscitation (CPR) certificate
 94 from the American Red Cross, the American Heart Association,
 95 the National Safety Council, or a comparable program approved
 96 by the state Department of Health and Mental Hygiene, on the
 97 premises of the health club or hotel when the pool is open for use
 98 and no lifeguard is on duty[.] ; and

99 (4) the owner of the health club must have an employee who regularly
 100 inspects the swimming pool area to ensure the well-being and
 101 safety of its members and guests.

102 **Sec. 2. Transition.** Following the effective date of this Act, the Department of
 103 Health and Human Services, is allotted up to 120 days, to prepare and plan an
 104 educational training program that provides an overview of COMCOR 51.00.02,
 105 Manual on Public Swimming Pool Operation, other related materials, and
 106 technical assistance for applicable health clubs exempt from the lifeguard
 107 requirement under Section 51-10(d), as amended.

Approved:



Tom Hucker, President, County Council 7/28/2021
Date

Approved:



Marc Elrich, County Executive 8/6/21
Date

This is a correct copy of Council action.



Selena Mendy Singleton, Esq., Clerk of the Council 8/10/2021
Date