

SUBJECT: ORDINANCE #2004-2 (SWIMMING POOL REGULATION)

ADOPTED DATE: SEPTEMBER 7, 2004

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## REGULATIONS FOR OWNERS AND OPERATORS OF SWIMMING POOLS

### Section 1. Definitions.--

A. "Residential Pool": Any body of water in an artificial or semi-artificial receptacle or other container located at a private residence and used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it without payment of any fee.

B. "Health Department": Fargo Cass Public Health Department

C. "Person": Any person, firm, partnership, association, corporation, company or any organization of any kind.

D. "Public or Semi-Public Swimming Pool": Any body of water in an artificial or semi-artificial receptacle or other container whether located indoors or outdoors, exclusive of a residential pool as defined herein, which is used or intended to be used for public, semi-public or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon such adults or children, operated and maintained by any person as herein defined, whether they be an owner, lessee, operator, licensee or concessionaire. Public and semi-public swimming pools shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool. This includes all public swimming pools operated and maintained in conjunction with or by clubs, city parks, motels and hotels, and all semi-public pools operated and maintained in conjunction with or by apartments and community associations.

Section 2. Health department approval of construction plans.--Before work is commenced on the construction of a public or semi-public swimming pool or on any alteration, addition, remodeling or other improvement to a swimming pool, the plans and specifications shall have been approved by the health department. Residential swimming pools are exempt from these requirements but must meet fencing requirements set forth by the health department.

Section 3. Bathers with communicable diseases.--No person having any skin eruptions or abrasions, sore or infected eyes, a cold, nasal or ear discharge, or any communicable disease shall be permitted to use a public or semi-public swimming pool. Spitting, spouting water, or blowing the nose in the swimming pool shall be strictly prohibited. The operator of a public or semi-public swimming pool shall post suitable placards embodying such personal regulations and instructions.

Section 4. Sanitation of premises.--The buildings, grounds, dressing rooms and all other areas of public or semi-public swimming pool facilities shall be kept clean and in a sanitary condition and maintained free from garbage, trash and other refuse.

Section 5. Cleaning pool.--Visible dirt on the bottom of public or semi-public swimming pools and visible scum or floating matter on the surface of pools shall be removed at least once daily with an approved type vacuum cleaner or as often as necessary to maintain good sanitary conditions. All public or semi-public swimming pools shall be thoroughly cleansed at least once each week in a manner and by the use of such disinfecting agents or cleansing materials as may be required by the health department.

Section 6. Inspection by health department.--The health department may inspect or cause to be inspected all public or semi-public swimming pools within the county at such times as it may deem necessary to carry out the intent of this ordinance. Residential pools may be inspected for proper fencing. Residential pools may also be subject to inspection if it is determined the pool has been neglected or abandoned and may cause a health risk as described in this ordinance. The health department is hereby authorized to enter upon any premises, private or public, to take such samples of water from such pools at such times as it may deem necessary and to require the owner, proprietor or operator to comply with rules and regulations pertaining to swimming pools promulgated by the health department in accordance with this ordinance. In the event of the failure of compliance after due notice with the rules and regulations and requirements of the health department or the requirements of this ordinance, the health department shall have the power to abate or cause a suspension of the use of such public or semi-public swimming pools (or residential pools) until such time as the same is, in the opinion of the health department, no longer a menace or a hazard to health, safety or morals.

Section 7. Periodic inspection and testing by the health department.--All public or semi-public swimming pools in use shall be sampled and tested at intervals to be determined by the health department. Said periodic inspections shall include, but are not necessarily limited to, the following tests:

- A. Coliform test
- B. Standard plate count
- C. Chlorine residual
- D. Determination of pH

The allowable limits and frequency of such tests shall be as determined by the health department.

Section 8. Fees.--The fee for the periodic tests required in Section 7 shall be established by resolution of the Fargo Cass Public Health Department. Any fees for periodic inspection and testing shall be the expense of the pool operator.

Section 9. Severability--

A. With the passage of the ordinance, the entire county will be covered by a uniform swimming pool ordinance which will apply within the boundaries of Cass County, except that this ordinance will not supersede any ordinance of any political subdivision without its consent nor establish an ordinance in any incorporated political subdivision without its consent.

B. Should any section, provision or part of this ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

APPROVED:

ss/Robyn Sorum  
Robyn Sorum, Chair  
Board of Commissioners of the  
County of Cass

ATTEST:

ss/Michael Montplaisir  
Michael Montplaisir, County Auditor

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