

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 386  
Second Edition Engrossed 3/29/89

Short Title: Public Swimming Pool Regulation.

(Public)

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Sponsors: Senators Smith; and Harris.

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Referred to: Human Resources.

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March 13, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO REGULATE PUBLIC SWIMMING POOLS.  
3 The General Assembly of North Carolina enacts:

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

6 **“PART 10. PUBLIC SWIMMING POOLS.**

7 **“§ 130A-280. Scope.**

8 This Article provides for the regulation of public swimming pools in the State as  
9 they may affect the public health and safety. As used in this Article, the term ‘public  
10 swimming pool’ means any structure, chamber, or tank containing an artificial body of  
11 water used by the public for swimming, diving, wading, recreation, or therapy, together  
12 with buildings, appurtenances, and equipment used in connection with the body of  
13 water, regardless of whether a fee is charged for its use. The term includes municipal,  
14 school, hotel, motel, apartment, boarding house, athletic club, or other membership  
15 facility pools and spas. This Article does not apply to a private pool serving a single  
16 family dwelling and used only by the residents of the dwelling and their guests. This  
17 Article also does not apply to therapeutic pools used in physical therapy programs  
18 operated by medical facilities licensed by the Department of Human Resources or  
19 operated by a licensed physical therapist.

20 **“§ 130A-281. Operation permit required.**

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

1 **"§ 130A-282. Commission to adopt rules.**

2 For protection of the public health and safety, the Commission shall adopt and the  
3 Department shall enforce rules concerning the construction and operation of public  
4 swimming pools. The Commission shall classify public swimming pools on the basis of  
5 size, usage, type, or any other appropriate factor and shall adopt requirements for each  
6 classification. The rules shall include requirements for:

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

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

10 (3) Inspection.

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

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

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

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