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A BILL
22-511

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish standards governing the presence of lifeguards at semi-public swimming pools, to exempt an operator of a semi-public swimming pool from the requirement to provide shower facilities, toilet facilities, eye wash stations, and dressing rooms, where use of the semi-public swimming pool is restricted to use by residents and guests and the semi-public swimming pool is located within 300 feet of a dwelling unit, and to exempt cooperatives, condominiums, and apartment buildings operating semi-public swimming pools from requirements to provide a pool operator, water quality and safety logs, new construction of, or alterations to, a semi-public swimming pool beyond those required by the Americans with Disabilities Act and 28 C.F.R Part 36, Subpart D, a fence around rooftop swimming pools, a safety line, or a facility license.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

act may be cited as the “Pools Without Penalties Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Bather” means any person using a swimming pool or spa pool and adjoining deck area for the purpose of water sports, recreation therapy, or related activities.

(2) “Class C, semi-public swimming pool” or “swimming pool” means any swimming pool operated solely for and in conjunction with lodgings such as hotels, motels, cooperatives, apartments, and condominiums.

30 (3) “Diving board” means a recreational mechanism for entering a swimming
31 pool, consisting of a semi-rigid board that derives its elasticity through the use of a fulcrum
32 mounted below the board.

33 (4) “Lifeguard” means a person having the qualifications for and possessing a
34 current American Red Cross, Young Men’s Christian Association, or other lifeguard
35 certification, current first aid certificate, and current cardiopulmonary resuscitation certificate
36 issued by nationally recognized aquatic training organizations, such as the International
37 Lifeguard Training Program, that are adopted and recognized by the Department of Health, and
38 who is responsible for the safety of the users of a swimming pool or spa pool.

39 (5) “Sauna” means an aquatic feature including but not limited to the application
40 of water vapor from hot water facilities such as Jacuzzis, hot tubs, and steam baths.

41 (6) “Spa pool” means a structure intended for either warm or cold water where
42 prolonged exposure in not intended. Spa structures are intended to be used for bathing or other
43 recreational uses and are not usually drained and refilled after each use. It may include, but is not
44 limited to, hydrotherapy, air induction bubbles, and recirculation.

45 Sec. 3. Lifeguards.

46 (a) Except as provided in subsection (b) of this section, a lifeguard shall not be required
47 for a Class C, semi-public swimming pool that is:

48 (1) Open for use only to persons who hold membership or other paid association

49 in the facility where the swimming pool is located;

50 (2) Open for use only to persons who are permanent or temporary residents or
51 guests of residents at the facility where the swimming pool is located;

52 (3) Open for use to persons who are lodging for a fee at the facility where the
53 swimming pool is located; or

54 (4) A spa pool or sauna.

55 (b) A lifeguard shall be required for a Class C, semi-public swimming pool that has:

56 (1) A diving board;

57 (2) A depth greater than 5 feet; provided, that the swimming pool is constructed
58 after June 30, 2018; and

59 (3) An expected bather population that is 50 % or more children under 15 years of
60 age.

61 Sec. 4. Facilities.

62 An operator of a Class C, semi-public swimming pool shall not be required to provide
63 shower facilities, toilet facilities, eye wash stations, and dressing rooms for swimming pool users
64 where:

65 (1) Use of the swimming pool is restricted to residents and guests; and

66 (2) The farthest dwelling unit in the hotel, motel, cooperative, condominium, or
67 apartment building is less than 300 feet from the swimming pool area, as measured along

68 walkways provided for access by residents and guests to the swimming pool area.

69 Sec. 5. Operations.

70 A cooperative, condominium, or apartment building operating a Class C, semi-public
71 swimming pool shall not be required to provide:

72 (1) A swimming pool operator pursuant to section 300.1 of Title 25-C of the
73 District of Columbia Municipal Regulations (25-C DCMR § 300.1);

74 (2) The information required pursuant to section 412 of Title 25-C of the District
75 of Columbia Municipal Regulations (25-C DCMR § 412 *et seq.*);

76 (3) New construction of, or alterations to, a swimming pool beyond those required
77 by section 303 of Title III of the Americans with Disabilities Act, approved July 26, 1990 (104
78 Stat. 327; 42 U.S.C. § 12183), and 28 C.F.R Part 36, Subpart D;

79 (4) A fence around a rooftop swimming pool;

80 (5) A safety line pursuant to section 505.4 of Title 25-C of the District of
81 Columbia Municipal Regulations (25-C DCMR § 505.4); or

82 (6) A facility license pursuant to section 700.1 of Title 25-C of the District of
83 Columbia Municipal Regulations (25-C DCMR § 700.1).

84 Sec. 6. Fiscal impact statement.

85 The Council adopts the fiscal impact statement in the committee report as the fiscal
86 impact statement required by section 4a of the General Legislative Procedures Act of 1975,

ENGROSSED ORIGINAL

87 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

88 Sec. 7. Effective date.

89 This act shall take effect after approval by the Mayor (or in the event of a veto by the
90 Mayor, override of the veto by the Council, a 30-day period of Congressional review as provided
91 in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973
92 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia
93 Register.