

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish, on an emergency basis, 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, or a safety line.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Pools Without Penalties Emergency 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.

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

(4) “Lifeguard” means a person having the qualifications of and possessing current American Red Cross, Young Men's Christian Association, or other Lifeguard Certifications, current First Aid Certificates, and current cardiopulmonary resuscitation (which includes adult, child, and infant) certificates issued by nationally recognized aquatic training organizations, such as the International Lifeguard Training Program, that are adopted and recognized by the Department of Health, and who is responsible for the safety of the users of a swimming pool or spa pool.

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

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

Sec. 3. Lifeguards.

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

(1) Open for use only to persons who hold membership or other paid association in the facility where the swimming pool is located;

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

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

(4) A spa pool or sauna.

(b) A lifeguard shall be required for a swimming pool that has:

(1) A diving board;

(2) A depth of at least 5 feet; provided, that the swimming pool is constructed after June 30, 2018; and

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

Sec. 4. Facilities.

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

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

(2) The farthest dwelling unit in the hotel, motel, cooperative, condominium, or apartment building is less than 300 feet from the swimming pool area, as measured along walkways provided for access by residents and guests to the swimming pool area.

Sec. 5. Operations.

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

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

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

(3) New construction of, or alterations to, a swimming pool beyond those required by the Americans with Disabilities Act, approved July 26, 1990 (104 Stat. 327; 42 U.S.C. § 12101 *et seq.*), and 28 C.F.R Part 36, Subpart D;

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

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

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia