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A BILL

22-696

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish standards, on a temporary basis, governing the presence of lifeguards at semi-public swimming pools; to exempt semi-public swimming pools from the requirement to provide shower facilities, toilet facilities, eye wash stations, and dressing rooms, if the facilities are restricted to residents and guests and are 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, 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 Temporary 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.

29 (4) "Lifeguard" means a person having the qualifications of and possessing a
30 current American Red Cross, YMCA, or other Lifeguard Certifications, current First Aid
31 Certificates, current CPR (which includes adult, child, and infant), Certificates issued by
32 nationally recognized aquatic training organizations, such as the International Lifeguard Training
33 Program, that are adopted and recognized by the Department of Health; and is responsible for
34 the safety of the users of a public swimming pool or spa pool.

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

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

41 Sec. 3. Lifeguards.

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

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

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

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

50 (4) A spa pool or sauna.

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

52 (1) A diving board;

53 A depth of at least 5 feet; provided, that the swimming pool is constructed after June 30,
54 2018; and

55 (3) An expected bather population of fifty percent or more children under the age
56 of 15.

57 Sec. 3. Facilities.

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

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

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

65 Sec. 4. Operations.

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

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

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

72 (3) New construction or alterations to a swimming pool beyond those required by
73 the Americans with Disabilities Act, approved July 26, 1990 (104 Stat. 327; 42 U.S.C. § 12183),
74 and 28 C.F.R § 36.401;

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

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

78 Sec. 5. Fiscal impact statement.

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

82 Sec. 6. Effective date.

83 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
84 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
85 as provided in section 602 (c)(1) of the District of Columbia Home Rule Act, approved
86 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the
87 District of Columbia Register.

88 (b) This act shall expire after 225 days of its having taken effect.