

Washington County, Minnesota Ordinances

Ordinance No. 148 Public Pool Ordinance

Date Approved: 02/22/2000

Date Published: 03/01/2000

Table of Contents

- | | |
|---|---|
| <ul style="list-style-type: none">▪ Section 1 Purpose and Authority▪ Section 2 Scope▪ Section 3 Administration▪ Section 4 Definitions▪ Section 5 Licensing and Fees<ul style="list-style-type: none">▪ 5.1 License Required▪ 5.2 Transfer and Display of License▪ 5.3 License Fees▪ 5.4 Change or Transfer of Ownership▪ 5.5 License Validity▪ 5.6 Application▪ 5.7 Late Penalties▪ 5.8 Public Pool Out of Business▪ Section 6 Inspections<ul style="list-style-type: none">▪ 6.1 Frequency of Inspections▪ 6.2 Inspection Rights▪ 6.3 Inspection Prior to License Issuance▪ 6.4 Inspection Report▪ 6.5 Inspection Report Posting | <ul style="list-style-type: none">▪ Section 7 Standards for Health and Safety<ul style="list-style-type: none">▪ 7.1 Minnesota Pool Code▪ 7.2 Amendment to Adopted Rules▪ 7.3 Public Pool Construction Review▪ 7.4 Public Pool With Food/Lodging Establishment▪ Section 8 Variances<ul style="list-style-type: none">▪ 8.1 Variance From Ordinance▪ 8.2 Variance Procedures▪ Section 9 Enforcement<ul style="list-style-type: none">▪ 9.1 Misdemeanor▪ 9.2 Injunctive Relief▪ 9.3 Informal Hearing▪ 9.4 Citations▪ Section 10 Severability▪ Section 11 Effective Date |
|---|---|

Section 1. Purpose and Authority

1.1
The purpose of this Ordinance is to establish standards and authority to protect the public health, safety, and general welfare of the people of Washington County pursuant to powers granted under Minnesota Statutes Chapters 145A, 157, and 375.

1.2
This Ordinance establishes minimum standards, as defined in Minnesota State Rules Chapter 4717 and this Ordinance, for the design, construction, operation, and maintenance of Public Pools located in Washington

County so that health and safety hazards will be minimized. Whenever, and if, this Ordinance conflicts with other applicable laws, regulations and ordinances, the most restrictive shall prevail.

Section 2. Scope

2.1

This Ordinance shall be applicable to all Public Pools, as defined in Minnesota State Rules, Chapter 4717, including all facilities incident thereto, which are located in Washington County.

Section 3. Administration

3.1

This Ordinance shall be administered by the Washington County Department of Public Health and Environment hereinafter referred to as the "Department" or the "Health Authority."

3.2

All of the provisions of the Washington County Administrative Ordinance shall apply as if fully set forth herein.

Section 4. Definitions

4.1

For the purpose of this Ordinance, definitions of words, phrases and terms used in this Ordinance shall be those set forth in Minnesota Rules Chapter 4717. The following words shall have the following meanings:

(1) Approved

shall mean acceptable to the Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

(2) Change or Transfer of Ownership

shall mean a legal transaction whereby the ownership of a Public Pool is changed from one Person to another Person. This transaction can be by sale, exchange, repossession or other legal means.

(3) Clean

shall mean free from insects, vermin and debris and free from physical, chemical and microbial substances discernable by ordinary sight or touch, by ultraviolet light, or by artificial light.

(4) County

shall mean Washington County.

(5) County Board

shall mean the Washington County Board of Commissioners.

(6) Department

shall mean the Washington County Department of Public Health and Environment and shall be synonymous with the term "Health Authority."

(7) Health Authority

shall mean the Washington County Department of Public Health and Environment, its Director or other designated agent. The term Health Authority is synonymous with "Department."

(8) Imminent Health Hazard

shall mean a significant threat or danger to health that exists when there is evidence to show that a product, practice, circumstance or event creates a situation that requires immediate correction or cessation of operation.

(9) Licensee

shall mean the Person who has been given the authority by the issuance of a license by the County to establish, operate, manage, and/or maintain a facility or activity regulated by County ordinances or as otherwise designated in the County Ordinance. It shall also include the term "Permittee" in the Manufactured Home Park, Recreational Camping Areas and Youth Camp Ordinance.

(10) Operator

shall mean the individual designated by the owner as responsible to operate and maintain the Public Pool.

(11) Owner

shall mean the Person who owns the Public Pool.

(12) Person

shall mean an individual, corporation, firm, partnership, association, limited liability company, government agency, club or organization of any kind.

(13) Private Residential Pool

shall mean a pool connected with a single family residence or owner-occupied duplex, located on private property under the control of the homeowner, the use of which is limited to family members or the family's invited guests. A private residential pool is not a pool used as part of a business.

(14) Public Pool

shall mean any pool, other than a private residential pool, intended to be used collectively by numbers of persons, and operated by any Person, whether the Person be an owner, lessee, operator, or concessionaire, and regardless of whether a fee for use is charged. A Public Pool includes, but is not limited to, pools operated by a person in a park, school, licensed child care center, group home, hotel, motel, camp, resort, apartment building, club, condominium, manufactured home park or political subdivision.

(15) Seasonal

shall mean closed five (5) consecutive months of the year or more.

(16) Spa Pool

shall mean a hot water pool intended for seated recreational use with a water agitation system in addition to the recirculation system. Spa Pool is synonymous with the term "whirlpool."

(17) Special Purpose Pool

shall mean a pool intended to accommodate a use other than normal swimming, diving, or wading. A Special Purpose Pool includes, but is not limited to, spa pools, pools used for water therapy, dedicated plunge pools, flume water slides, and wave pools.

(18) Trained Operator

means an individual who meets the requirements of Minnesota Rules 4717.0650, subpart 5.

(19) Variance

shall mean a modification or variation to the requirements of this Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement this Ordinance would cause unnecessary hardship.

(20) Wading Pool

shall mean any pool with a maximum depth of 24 inches used or designed to be used exclusively for wading.

Section 5. Licensing and Fees

5.1

No Person shall operate a Public Pool, as defined in Minnesota Rules Chapter 4717.0250, or this Ordinance, unless a license for the current year of the applicable type shall have been obtained pursuant to this Ordinance from the Health Authority.

5.2

Only a Person who complies with the requirements of this Ordinance shall be entitled to receive a license. Licenses shall not be transferable as to Person or place. The original copy of all licenses obtained for a Public Pool shall be conspicuously located for public inspection.

5.3

Fees for licenses and other services shall be those established by the Washington County Board of Commissioners. Additional fees may be charged for each additional service which is separate, distinct or unique as determined by the Health Authority.

5.4

Public Pools that Change Ownership or otherwise begin operations at various times during the year shall have their license fees prorated as follows:

- (1) Seventy-five percent (75%) of the total required license fees for establishments beginning operations on or after April 1 but before July 1;

(2) Fifty percent (50%) of the total required license fees for establishments beginning operations on or after July 1, but before October 1;

(3) Twenty-five percent (25%) of the total required license fees for establishments beginning operations on or after October 1, but on or before December 31.

This proration of license fees is applicable only to the total required license fee. It does not include any required plan review fees or other fees which may be applicable. Proration of fees does not apply to Public Pools that operate on a Seasonal basis.

5.5

Licenses are valid through December 31 annually. License renewal applications shall be received by the Health Authority by December 1 of each year.

5.6

The application for licenses shall be made on forms furnished by the Health Authority and shall set forth the general nature of the business, the location, and other information as the Health Authority may require. The issuance of such licenses and their maintenance, termination and administration shall be in accordance with and subject to all conditions of the Washington County Administrative Ordinance relative to the general requirements for licenses in Washington County.

5.7

Late penalty fees for Public Pools shall be assessed as described in the Administrative Ordinance.

5.8

An existing Public Pool that has been out of business or closed for more than thirty (30) calendar days is considered a new establishment when re-opening with the same ownership and is subject to a pre-licensing inspection.

Section 6. Inspections

6.1

The Health Authority shall inspect licensed Public Pools as frequently as necessary to ensure compliance with this Ordinance, but not less often than annually.

6.2

Pursuant to Minnesota Rules, Chapter 4717.0375, the Health Authority shall have the right to enter and have access to the Public Pool at any time during the conduct of business. No persons shall interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make such inspections.

6.3

The Health Authority shall inspect each public Pool Prior to issuing a license for a new establishment or Change of Ownership. A license shall not be issued until the corrections required by the State Commissioner of Health or the Health Authority as a result of the pre-licensing inspection have been made to the satisfaction of the Health Authority.

6.4

Each inspection report may be posted by the Health Authority, not in a public area, and such inspection report shall not be defaced or removed by any person except the Health Authority. The posting of the inspection report shall constitute service of an official notification by the Health Authority. The Health Authority may, in lieu of posting such reports, deliver it in person to the Licensee or his authorized agent, or deliver by certified or registered mail. A copy of the inspection report shall be filed with the records of the Health Authority with the name of the operator and owner.

6.5

All Licensees, owners or operators of Public Pools having a report posted or having received a report giving notification of one or more violations of this Ordinance shall correct or remove each violation in a reasonable length of time determined by the Health Authority. The length of time for the correction or removal of each such violation shall be noted on the inspection report. The failure to remove or correct each such violation within the time period noted on the inspection report shall constitute a separate violation of this Ordinance.

Section 7. Standards for Health and Safety

7.1

Minnesota Rules Chapter 4717, except Part 4717.0310 and 4717.0450, in effect on the date of this Ordinance adoption and any future revisions thereof, are hereby adopted by reference and made a part of this Ordinance.

7.2

The above adopted rules are hereby amended as follows:

- (1) Whenever the terms "state board of health" or "commissioners of health" appear in these adopted rules, they shall mean the "Department."

7.3

Whenever a Public Pool which would be licensed under the provisions of this Ordinance is constructed or remodeled, properly prepared plans and specifications for each construction or remodeling shall be submitted to the State Commissioner of Health and shall be reviewed and approved by the State Commissioner of Health prior to the time that construction or remodeling is begun. The Public Pool shall be constructed and finished in accordance with the approved plans.

7.4

Public Pools with a food establishment, lodging establishment, Manufactured Home Park, Recreational Camping Area or Youth Camp shall also comply with the Washington County Food Code Ordinance, the Lodging Ordinance and the Manufactured Home Parks, Recreational Camping Areas and Youth Camp Ordinance.

Section 8. Variances

8.1

A Variance from this Ordinance may be granted if it is deemed that the strict enforcement of any provision of

the standards of the Ordinance would cause unnecessary hardship or that strict conformity with the standards would be unreasonable, impractical, or not feasible under the circumstances. The Department may permit a Variance upon such conditions as it may prescribe for management consistent with the general purposes and intent of the applicable Ordinance and all other applicable state and local regulations and laws.

8.2

Variations will be granted in accordance with the procedures defined in the Washington County Administrative Ordinance.

Section 9. Enforcement

9.1

Any Person who violates a provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

9.2

In the event of a violation or a threat of violation of this Ordinance, the County Attorney may take appropriate action to enforce this ordinance, including application of injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct or abate such violations or threatened violations.

9.3

The Department of Public Health and Environment may, in lieu of, or in addition to issuance of a citation, order the Licensee, owner or operator to appear for an informal hearing at the Washington County Government Center, located at 14949 62nd Street North, Sillwater, Minnesota, at a time and date prescribe by the Department. The Licensee, owner or operator must be given written notice at least 24 hours in advance of the informal hearing and such notice shall specify the Ordinance violations to be discussed. Failure to appear shall constitute a violation of this Ordinance.

9.4

Citations may be issued by the Department and the Department may suspend, summary suspend and revoke licenses in accordance with the Washington County Administrative Ordinance.

Section 10. Severability

10.1

If any provision or application of any provision of this Ordinance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance.

Section 11. Effective Date

11.1

This Ordinance shall be effective upon passage by the Washington County Board of Commissioners and publication according to law.
