

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 386  
Second Edition Engrossed 3/29/89  
House Committee Substitute Favorable 4/26/89

Short Title: Public Swimming Pool Regulation.

(Public)

Sponsors:

Referred to:

March 13, 1989

A BILL TO BE ENTITLED  
AN ACT TO REGULATE PUBLIC SWIMMING POOLS.

The General Assembly of North Carolina enacts:

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

**“PART 10. PUBLIC SWIMMING POOLS.**

**“§ 130A-280. Scope.**

This Article provides for the regulation of public swimming pools in the State as they may affect the public health and safety. As used in this Article, the term ‘public swimming pool’ means any structure, chamber, or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances, and equipment used in connection with the body of water, regardless of whether a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment, boarding house, athletic club, or other membership facility pools and spas. This Article does not apply to a private pool serving a single family dwelling and used only by the residents of the dwelling and their guests. This Article also does not apply to therapeutic pools used in physical therapy programs operated by medical facilities licensed by the Department of Human Resources or operated by a licensed physical therapist, nor to therapeutic chambers drained, cleaned, and refilled after each individual use.

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

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

4 **"§ 130A-282. Commission to adopt rules.**

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

- 10 (1) Submission and review of plans prior to construction.
- 11 (2) Application, review, expiration, renewal, and revocation or suspension  
12 of an operating permit.
- 13 (3) Inspection.
- 14 (4) Construction and operation including water source, water quality and  
15 testing, materials, depth and other dimensions, fencing, water  
16 treatment, chemical storage, toilet and bath facilities, measures to  
17 ensure the personal cleanliness of bathers, safety equipment and other  
18 safety measures, and sewage and other wastewater disposal."

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

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

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