

ORDINANCE 40
ST. LOUIS COUNTY HEALTH DEPARTMENT

AN ORDINANCE RELATING TO PUBLIC SWIMMING POOLS

Section 1, State Health Department Rules Adopted

This ordinance shall provide for the regulation and control of public swimming pools. Minnesota Department of Health Miscellaneous Environmental Health Rules pursuant to Minnesota Statute 144.05, Chapter 4717.0100 to 4717.3900 relating to public swimming pools and all rules and regulations amendatory thereof are hereby adopted by St. Louis County.

Section 2, Purpose

The purpose and intent of this ordinance is to provide a standard for the design, construction, operation and maintenance of public swimming pools so that health and safety hazards will be minimized.

Section 3, Definitions

- 3.1 Application. The following definitions shall apply in the interpretation and enforcement of parts 4717.0100 to 4717.3900. The word "shall" as used herein indicates a mandatory requirement.
- 3.2 Board shall mean the St. Louis County Board of Health.
- 3.3 Commissioner of Health shall mean the Minnesota Commissioner of Health.
- 3.4 Health Officer shall mean the St. Louis County Health Officer or his/her authorized representative.
- 3.5 Person means any person, firm, partnership, association, corporation, company, governmental agency, club or organization of any kind.
- 3.6 Private residential swimming pool means any swimming pool, located on private property under the control of the homeowner, the use of which is limited to swimming or bathing by members of his family or their invited guests. (The design, construction and operation of such pools are not subject to the provisions of Chapter 4717.0100 to 4717.3900.)
- 3.7 Public swimming pool means any swimming pool, other than a private residential swimming pool, intended to be used collectively by numbers of persons for swimming or bathing, operated by any person as defined herein, whether as an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is

- charged for such use.
- 3.8 Special purpose pool means treatment pools, therapeutic pools, special pools for water therapy, whirlpools, spas and cold plunges.
- 3.9 Swimming pool means any structure, basin, chamber or tank containing an artificial body of water for swimming, diving, relaxation or recreational bathing, including special purpose pools.
- 3.10 Wading pool means any pool used or designed to be used exclusively for wading or bathing and having a maximum depth of 24 inches.

Section 4, Licensure

- 4.1 The St. Louis County Health Officer is authorized to issue licenses for the operation of public swimming pools and such pools are required to be licensed prior to commencing operation in any calendar year. It shall be unlawful for any person to operate a public swimming pool within the jurisdiction of the St. Louis County Board of Health who does not possess a valid license issued by the Health Officer as required by this ordinance. Only a person who complies with the requirements of this ordinance and the standards of the St. Louis County Board of Health shall be entitled to receive and retain such a license.
- 4.2 Licenses issued pursuant to this ordinance expire on December 31 of each year. License renewal applications shall be filed prior to January 1 or the first day of operation in each calendar year. Every person, partnership, unit of government or corporation operating or seeking to operate a public swimming pool shall make application in writing to the Health Officer for a license to operate a public swimming pool. Such application shall be in such form and shall contain such information as the Health Officer may find necessary to determine that the pool will be operated and maintained in such a manner as to protect and preserve the health and safety of the persons using the pool. Where a person, partnership, unit of government or corporation operates or is seeking to operate more than one swimming pool, an additional license and fee shall be required.
- 4.3 If the Health Officer should determine from the application that the health and safety of the person using the pool will be properly safeguarded, approval of the license may be given prior to an actual inspection except for newly constructed or altered pools.

- 4.4 If the Health Officer should determine from the application or subsequent inspection that the health and safety of the persons in the pool will not be properly safeguarded, he/she may deny the application for licensure. Such applicant is then entitled to a hearing before the Board as outline in Section 5 of this ordinance.
- 4.5 The license shall be posted in a conspicuous place on the premises by the pool and is not transferable.

Section 5, Inspection, Compliance, Hearings and Appeals

- 5.1 It shall be the duty of the Health Officer to make at least one annual inspection of each public swimming pool. Access to the pool must be provided to the inspecting agency for the purpose of making such inspections during normal business hours. If, upon inspection, any of the conditions listed in Minn. Statute 144.05, Chapter 4717.3800 exist, the pool shall be immediately closed when so ordered by the Health Officer. If it is found that there is a failure to protect the health and safety of the persons using the pool, a failure to comply with the pool regulations and standards prescribed by the Board of Health, or for conditions not listed as immediate closure, the Health Officer shall give notice to the pool operator of such failure. This notice shall set forth the reason or reasons for such failure. The pool operator shall be given a reasonable time after receiving said notice in which to correct such failure and to comply with the requirements and standards.
- 5.2 Procedure for suspension or revocation. Any license granted hereunder shall be subject to revocation or suspension; provided, however, that the Health Officer shall first serve or cause to be served upon the licensee a written notice specifying the way or ways in which the licensee has failed to comply with this ordinance, or any compliance standards promulgated by the Board. Said notice shall direct the licensee to correct the condition specified in the notice within a period of time to be established by the Health Officer. If the licensee fails to comply with the terms and conditions of said notice within the time specified, the Health Officer, depending on the severity of the violation, may immediately suspend the license or require the licensee to appear for a hearing before the Health Officer. The Health Officer shall review the facts and make such determination as he deems necessary in the matter. If the licensee fails to comply with such determination, the Health Officer shall suspend or call for a hearing before the Board at which time the licensee shall show cause why the license should not be revoked. Such hearing shall be considered an appeal hearing and shall be held in accordance with the appeal process as covered by Section 5.4.

- 5.3 Where a license has been suspended by the Health Officer, it shall be reinstated upon compliance with the requirements and standards of the Board of Health.
- 5.4 Appeal. An appeal may be taken by any person aggrieved by the issuance or denial of any license, order, interpretation or other official action made pursuant to the provisions of this ordinance. All appeals shall be to the Board within 45 days of receipt of notice by appellant from the administrator of any order, requirement, decision or determination made by the Health Officer. An appeal stays all proceedings in furtherance of the action appealed from unless the Board certifies that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. On appeal, the Board shall conduct a public hearing at which all interested parties shall be given opportunities to present relevant information and to examine personnel of the Department in order to determine the basis for any action taken. Notice of said hearing, unless otherwise provided herein, shall be submitted to the affected owner and other interested persons at least 15 days in advance of said hearing. At the conclusion of said hearing, the Board shall, as appropriate, make a determination respecting the appeal and prepare written findings of fact and recommendations in respect thereto. Such hearings shall be conducted according to applicable Minnesota Statutes and to the rules of procedure of the Board.
- 5.5 Decisions. Decisions by the Board shall be made within 15 days of the date a public hearing is closed. The Board shall keep a written record of its proceedings showing the vote, absence, or failure of each member to vote on each question. The Board shall render its decisions in writing, stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing, and according to the criteria contained in this ordinance.
- 5.6 Where a license has been revoked by the Board, the licensee, prior to relicensing, must submit to the Health Officer a new application along with the appropriate fee and any other relevant information as may be required.

Section 6, Compliance Standards

The St. Louis County Board of Health is authorized to adopt and enforce such reasonable compliance standards in addition to Chapters 4717.0100 to 4717.3900 as it determines necessary to protect the health and safety of persons using a public swimming pool. Such compliance standards may be altered, revised or rescinded from time to time as the Board deems necessary.

Section 7, Waiver of Standards

The Health Officer may grant a temporary waiver of certain specific requirements of the compliance standards if, in the opinion of the Health Officer, such waiver will not compromise the health and safety of the persons using the pool and will comply with the intent of this ordinance.

Section 8, Compliance With Other Laws, Ordinances and Regulations

Any facility licensed as a public swimming pool in St. Louis County must be in compliance with all other federal, state and local laws, ordinances and regulations as they pertain to such facility.

Section 9, Fees

The Board of Health shall be empowered to set, revise or rescind and collect such fees as it deems necessary for the administration of this ordinance. Fees may include, but are not limited to, those charged for permits and licenses. The Board may establish a late fee for any or all categories.

Section 10, Construction and Submission of Plans and Specifications

No swimming pool used or intended for use by the public or by any school, club, organization or institution shall be constructed, nor shall any such swimming pool, now or hereafter existing, used or intended for such use, be materially altered until complete plans and specifications therefor, together with such further information as the State Health Department may require, shall have been submitted in duplicate and approved by the Minnesota Department of Health so far as sanitary and safety features are concerned. After such plans have been approved by the State Health Department, no modification affecting the sanitary or safety features thereof shall be made without approval of the state.

The pool and facilities shall be built in accordance with the plans as approved unless approval of changes has been given in writing by the State Health Department. The owner or his agent shall notify the Health Officer at the time of completion of the pool to permit adequate inspection of the pool and related equipment. The pool shall not be placed in operation until such inspection shows compliance with the provisions of Chapters 4717.0100 to 4717.3900.

Section 11, Penalty

Any person violating any of the provisions of this act or of the regulations or standards promulgated hereunder shall be guilty of a misdemeanor.

Section 12, Effective Date

Public hearing held by the St. Louis County Board of Commissioners on 9-8-86.

Commissioner Krueger moved the adoption of this Ordinance and Commissioner Kron duly seconded the motion and it was declared adopted upon the following vote:

Yeas - Commissioners Krueger, Kron, Shannon, Janezich, and Chairman Lamppa - 5

Nays - None

Absent - Commissioners Doty and Cerkvenik - 2

This Ordinance was declared adopted by the St. Louis County Board of Commissioners on the 8th day of September, 1986 with the effective date being the same.

Herbert R. Lamppa, Chairman
St. Louis County Board of Commissioners

ATTEST Certified as a complete and accurate
copy of Ordinance # 40

Karen Erickson Russell Petersen
Clerk of County Board County Auditor

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