

# AITKIN COUNTY POOL ORDINANCE

## SECTION 1.00 PURPOSE AND INTENT.

**1.01 Purpose.** The purpose of this ordinance is to establish standards for pools in order to protect the health, safety and general welfare of the people of Aitkin County.

**1.02 Intent.** The intent of this ordinance is to prevent illnesses; to correct and prevent conditions that may adversely affect the health and safety of persons utilizing public pools of establishments; to provide minimum standards for the design, construction, operation, and maintenance of these pools while meeting consumer expectations for quality and safety.

## SECTION 2.00 SCOPE.

This ordinance shall provide for the licensing and inspection of all establishments providing public pools; regulation of the design, construction, operation and maintenance of such facilities; and the enforcement of violations of the ordinances.

This ordinance hereby adopts by reference regulations for pools as outlined in Minn. State Rules, Chapter 4717.0100 – 4717.3975 and 144.1222.

## SECTION 3.00 AUTHORITY

This ordinance is enacted pursuant to Minnesota Statutes Chapter 157 which establishes the authority for the State to license public pools and Chapter 145A, Section 145A.05, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of Section 145A.05 to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of these sections.

## SECTION 4.00 DEFINITIONS.

For the purpose of this ordinance, the following words shall have the following meanings:

**4.01 County Board.** "County Board" shall mean the Aitkin County Board of Commissioners and its authorized representatives.

**4.02 Department.** "Department" shall mean the Aitkin County Environmental Services Department and its authorized representatives.

**4.03 Establishment.** "Establishment" shall mean the licensed operation in its entirety and include a buildings, grounds, and equipment used in conjunction with operations.

**4.04 Facility.** "Facility" shall mean a particular area within a licensed establishment such as a kitchen, the pool area, rented rooms, etc.

**4.05 Licensee.** "Licensee" shall mean any individual, firm, partnership, public or private corporation, municipality or other organization, receiver, trustee, assignee or agent, and with respect to acts prohibited or required herein, shall include employees or licensees.

**4.06 Private Residential Pool.** "Private Residential Pool" shall mean a pool connected with a single family residence or owner-occupied duplex, located on private property under control of the homeowner, and the use of which is limited to family members or their invited guests. A private residential pool is not a pool use as part of a business.

**4.07 Public Pool.** "Public Pool" shall mean any pool or spa other than a residential pool intended to be used collectively by numbers of people and operated by any person whether a fee is charged or not charged. A public pool includes, but is not limited to, pools and spas operated by a person in a park, school, licensed child care center, group home, hotel, camp, resort, apartment building, club, condominium, manufactured home park, recreational camping area or political subdivision.

**4.08 Spa Pool.** "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".

**4.09 Special Purpose Pool.** "Special Purpose Pool" shall mean a pool intended to accommodate a use other than normal swimming, diving, or wading. It includes, but is not limited to, spas (whirlpools), pools used for water therapy, dedicated plunge pools, flume water slides, and wave pools.

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

## **SECTION 5.00 LICENSING**

**5.01 License Required.** No person shall operate a public pool within Aitkin County unless a license for the current year has been obtained pursuant to this ordinance.

**5.02 Application.** License application shall be made on forms furnished by the Department and shall set forth the general nature of the business, the location, and other information as the County Board may require. The issuance, maintenance, termination and administration of such licenses shall be in accordance with and subject to all conditions of the *Aitkin*

*County Administrative Ordinance* relative to the general requirements for licenses in Aitkin County.

**5.03 License Fees.** Fees for licenses issued hereunder shall be those established by resolution of the County Board.

**5.04 Transfer and Display of License.** 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. All licenses obtained for pools shall be conspicuously displayed in public areas of said establishment.

## **SECTION 6.00 INSPECTION**

**6.01 Access to premises.** The person operating the pool(s) shall, upon request of the Department and after proper identification, permit access to all parts of the establishment at any reasonable time for the purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain compliance. No persons shall interfere with or hinder the Department in the performance of their duties, or refuse to permit the Department to make such inspections.

**6.02 Inspection Prior to Approval of Application.** Prior to approval of a license an establishment that has not previously been licensed by Aitkin County or the Minnesota Department of Health; the facility shall be inspected to determine compliance with the requirements of this ordinance.

**6.03 Inspection Frequency.** Pools are high risk as given the meaning to them in Minn. Stat. Section 157.20. The Department shall inspect every high risk establishment at least once every year.

**6.04 Notification of Inspection results.** The Department shall notify the licensee in writing regarding the results of each inspection. The inspection report shall be delivered to the licensee or his authorized agent in person or by certified or registered mail. A copy of the inspection report shall be filed with the records of the Department and the Licensee shall maintain a copy for at least three (3) years of the date of the last inspection.

**6.05 Removal and Correction of Violations.** All licensees, owners, or operators of establishments 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 Department. 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 7.00 CONSTRUCTIONS - PLAN REVIEW ANNUAL INSPECTIONS.**

**7.01 Plan Review.** All persons who hereafter construct a new pool or modify an existing one shall submit a complete set of plans, certified by a professional engineer registered in the state of MN, and specifications to the MDH Environmental Health Pool Section in St. Paul. The plans and specifications shall show the layout; arrangement; mechanical, plumbing and electrical specifications; construction materials of work areas; and location, size and type of equipment and facilities. The plans must be drawn to scale and must be legible and complete in all details. Plumbing specifications also must be submitted to the Minnesota Department of Labor and Industry.

**7.02 Construction Inspection.** The MDH in St. Paul shall perform initial inspection for new pools. Aitkin County Environmental Services shall perform annual inspections after that or as frequently as it may deem necessary to ensure conformance with this ordinance

**7.03 Closure.** If following an on-site inspection the Department determines that closure of a public pool is required in order to protect public health, the Department shall order immediate closure in writing. The order shall identify the establishment, describe the specific grounds upon which the closure is based, direct the immediate closure of the facility, and vacating the facility by consumers, list the corrective actions necessary to re-open, and state that a hearing on the emergency closure may be requested by the licensee. The order shall be served in person to the owner, manager, or person in charge.

**7.031** The person receiving the order shall immediately close the facility and require all persons to vacate. The establishment shall remain closed until the Department rescinds the order for emergency closure. Failure to close the facility or keep it closed is a misdemeanor.

**7.032** In the event the person receiving the order fails to close the facility, the Department may order all persons to vacate the premises. Failure to leave upon said orders is a misdemeanor. If a person fails to vacate the premises as ordered by the Department, the Aitkin County Sheriff or local police may be summoned to assist in vacating the premises and issuing such citations or making such arrests as may be necessary to comply with this Ordinance.

**7.04 Hearing** The licensee may request, in writing, a hearing on the emergency closure order, and the conditions for reopening the facility. The

hearing shall be held within two (2) business days following the request. The hearing shall be before The Environmental Services Director who shall render a written decision within two (2) business days after the conclusion of the hearing. The decision of the Department may be appealed to the County Board as provided in the *Aitkin County Administrative Procedures Ordinance*.

**7.05 Re-opening.** Whenever an establishment is required under the provisions of this Ordinance to cease facility operations, it shall not resume operations until it is shown on re-inspection that conditions responsible for the order to cease operation no longer exist. Opportunity for re-inspection shall be offered within a reasonable time.

## **SECTION 8.00 ENFORCEMENT.**

**8.01 Misdemeanor.** Any person who violates a provision of this County ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished therefor as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**8.02 Equitable relief.** 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 violation.

## **SECTION 9.00 SEVERABILITY.**

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

## **SECTION 10.00 EFFECTIVITY.**

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

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