

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2020, Legislative Day No. 5

Bill No. 11-20

Mrs. Cathy Bevins, Councilwoman

By the County Council, March 2, 2020

A BILL
ENTITLED

AN ACT concerning

Swimming Pools

FOR the purpose of requiring a minimum enclosure height for a semi-public swimming pool; defining the term “Semi-Public Swimming Pool;” providing for its applicability; providing for required signage at a semi-public swimming pool; and generally relating to swimming pools.

BY repealing and re-enacting, with amendments
Sections 13-6-101(b), 13-6-201 and 13-6-204(c)
Article 13 – Public Health, Safety, and the Environment
Title 6 – Swimming Pools and Bathing Beaches
Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 ARTICLE 13 – PUBLIC HEALTH, SAFETY, AND THE ENVIRONMENT

2 Title 6 – Swimming Pools and Bathing Beaches

3
4 § 13-6-101. - Swimming Pool Enclosure.

5
6 (b) Height. A swimming pool enclosure, including gates, may not be less than
7 4 feet above the underlying ground, EXCEPT THAT FOR A SEMI-PUBLIC SWIMMING
8 POOL LOCATED OUTDOORS WITHOUT A LIFEGUARD ON DUTY, THE ENCLOSURE,
9 INCLUDING GATES, MAY NOT BE LESS THAN 5 FEET ABOVE THE UNDERLYING
10 GROUND AND MAY NOT HAVE MORE THAN A TWO INCH GAP FROM THE
11 GROUND TO THE BOTTOM OF THE FENCE.

12
13 § 13-6-201. Definitions.

14 (a) *In general.* In this subtitle, the following words have the meanings indicated.

15 (b) “Approving Authority” means the Health Officer or the Health Officer’s designee.

16 (c) *Private swimming pool.* “Private swimming pool” means a swimming pool located on a
17 private residential property under the control of a single resident, the use of which is limited to
18 members of the resident’s family and invited guests.

19 (d) *Public bathing beach.*

20 (1) “Public bathing beach” means a natural bathing beach together with any buildings,
21 appurtenances, or other improvements, at a pond, lake, quarry, stream, or bay, intended to be used
22 collectively by numbers of individuals for swimming or recreational bathing, regardless of whether
23 a fee is charged for use.

24 (2) “Public bathing beach” includes a bathing beach at a private club.

25 (e) *Public swimming pool.*

1 (1) (i) "Public swimming pool" means a swimming pool intended to be used
2 collectively by numbers of individuals for swimming or bathing, operated by any person including
3 an owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for
4 use.

5 (ii) "Public swimming pool" includes a swimming pool at a private club.

6 (2) "Public swimming pool" does not include a ~~SEMI-PUBLIC SWIMMING POOL OR~~
7 ~~A~~ private swimming pool.

8 (F) SEMI-PUBLIC SWIMMING POOL.

9 (1) "SEMI-PUBLIC SWIMMING POOL" MEANS A SWIMMING POOL WITH A
10 WATER SURFACE AREA OF UNDER 2,500 SQUARE FEET AND A MAXIMUM DEPTH
11 OF FIVE FEET THAT IS LOCATED ~~AT~~ WITHIN OR OUTSIDE OF A FACILITY WHICH IS;

12 (I) A TEMPORARY OR TRANSIENT DWELLING, INCLUDING A HOTEL,
13 MOTEL, OR SIMILAR TEMPORARY DWELLING, ~~FOR USE BY GUESTS~~ WHEN IT IS
14 USED BY ITS REGISTERED GUESTS AT THE FACILITY; ~~OR;~~

15 (II) A SPA OR HEALTH CLUB WHEN IT IS USED BY ITS MEMBERS AND
16 GUESTS WHO ARE AT LEAST 16 YEARS OLD.

17 (2) NOTWITHSTANDING THE EXCEPTION SET FORTH IN § 13-6-204(C)(3) OF
18 THIS SUBTITLE, A SEMI-PUBLIC SWIMMING POOL SHALL COMPLY WITH ALL
19 OTHER PROVISIONS OF THIS SUBTITLE, POLICIES, AND REGULATIONS IN THE
20 SAME MANNER AS A PUBLIC SWIMMING POOL.

21 [(f)] (G) *Swimming pool.*

22 (1) "Swimming pool" means an artificial structure, basin, chamber, or tank containing a
23 body of water for the primary purpose of swimming, diving, or recreational bathing.

24 (2) "Swimming pool" includes a wading pool.

1 [(g)] (H) *Wading pool*. “Wading pool” means a swimming pool not normally in excess of 2
2 feet deep at its maximum depth and usually reserved for use by small children.

3

4 § 13-6-204. Health and Safety Requirements.

5 (c) *Lifeguards*.

6 (1) In this subsection, a “competent lifeguard” is a lifeguard who holds a current
7 American Red Cross senior lifesaving certificate or its equivalent.

8 (2) During all swimming periods, the operator of a public swimming pool or public
9 bathing beach shall provide:

10 (i) A minimum of one competent lifeguard; and

11 (ii) An adequate number of additional competent lifeguards as required by the
12 approving authority.

13 (3) (I) THE OPERATOR OF A SEMI-PUBLIC SWIMMING POOL MAY BUT
14 IS NOT REQUIRED TO PROVIDE A LIFEGUARD DURING ALL SWIMMING PERIODS.

15 (II) A SEMI-PUBLIC SWIMMING POOL THAT DOES NOT PROVIDE A
16 LIFEGUARD ON DUTY SHALL CONSPICUOUSLY POST A SIGN AT EACH ENTRANCE
17 TO THE POOL AND A SIGN WITHIN THE POOL AREA THAT READS: “WARNING; NO
18 LIFEGUARD ON DUTY. **SWIM AT YOUR OWN RISK.** DO NOT SWIM ALONE.
19 CHILDREN UNDER 18 ~~SHOULD~~ MAY NOT USE THE POOL WITHOUT ADULT
20 SUPERVISION.”

21

22 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
23 the affirmative vote of five members of the County Council, shall take effect on April 20, 2020.