

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 17

Bill No. 80-15

Mrs. Cathy Bevins, Chair
By Request of County Executive

By the County Council, October 19, 2015

A BILL
ENTITLED

AN ACT concerning

Public Swimming Pools and Bathing Beaches

FOR the purpose of providing for the appointment of certain members to the Review Committee for Public Swimming Pools and Bathing Beaches; moving certain functions of the Department of Environmental Protection and Sustainability and its Director to the Department of Health and the Health Officer; making certain corrections for style and certain technical corrections; providing for the construction and application of this Act; providing for the continuity of terms of certain officials, the status of certain transactions and employees, rights, titles, and interests, licenses, registrations, certifications, and permits; and generally relating to the public swimming pools and bathing beaches.

By repealing and reenacting, with amendments

Sections 3-3-1602(a), 3-3-1603, 3-3-1604, 3-16-1605(b), and 3-3-1606
Article 3. Administration.
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Sections 13-6-201(b), 13-6-202(a), (b)(1), and (e), 13-6-203(a), and (e)(1), 13-6-205(c),
13-6-206(b), 13-6-207, 13-6-208(c)

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.

Article 13. Public Health, Safety, and the Environment.
Baltimore County Code, 2003

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

3 Article 3. Administration.

4 § 3-3-1602.

5 (a) (1) The Review Committee for Public Swimming Pools and Bathing Beaches
6 consists of [eight] TEN members.

7 (2) The [eight] TEN members of the Committee shall include:

8 (i) A member of the Board of Health, approved by the Chairman of
9 the Board;

10 (ii) A representative of the State Department of Health and Mental
11 Hygiene; and

12 (iii) [Six] EIGHT members who shall be appointed by the [Director of
13 Environmental Protection and Sustainability] HEALTH OFFICER, including:

14 1. One representative of the Department of [Environmental
15 Protection and Sustainability] HEALTH;

16 2. One member of the American Red Cross or a similar
17 organization; [and]

18 3. Four members of the swimming pool industry, of whom:

19 A. Two must be actively engaged in the swimming
20 pool construction or swimming pool supply business; and

21 B. Two must be actively engaged in the ownership,
22 management, or operation of one or more public swimming pools; AND

23 4. TWO REPRESENTATIVES WHO MUST BE
24 ACTIVELY ENGAGED IN THE OWNERSHIP, MANAGEMENT OR OPERATION OF ONE
25 OR MORE PUBLIC BATHING BEACHES.

26 § 3-3-1603.

1 The representative from the Department of [Environmental Protection and Sustainability]
2 HEALTH shall be the secretary for the Review Committee for Public Swimming Pools and
3 Bathing Beaches.

4 § 3-3-1604.

5 [(1)] (A) The Review Committee for Public Swimming Pools and Bathing Beaches
6 shall meet:

7 [(i)] (1) Subject to [paragraph (2)] SUBSECTION (B) of this [subsection]
8 SECTION, at least one time each year; and

9 [(ii)] (2) When called by the secretary in accordance with the request of two
10 or more members of the Committee.

11 [(2)] (B) At least 30 days before the meeting, members of the Committee shall
12 receive a written notice of the annual meeting, which shall include the time and location of the
13 meeting.

14 § 3-3-1605.

15 (b) The Review Committee may submit recommendations for changes in the rules
16 and regulations for public swimming pools and bathing beaches to the [Director of
17 Environmental Protection and Sustainability] HEALTH OFFICER for the [Director] HEALTH
18 OFFICER's consideration.

19 § 3-3-1606.

20 The [Director of Environmental Protection and Sustainability] HEALTH OFFICER may
21 adopt by regulations adopted under Title 7 of this article any or all of the recommendations of
22 the Review Committee for Public Swimming Pools and Bathing Beaches.

23 Article 13. Public Health, Safety, and the Environment.
24

25 § 13-6-201.

26 (b) “Approving authority” means the [Director of Environmental Protection and
27 Sustainability] HEALTH OFFICER or the [Director] HEALTH OFFICER's designee.

28 § 13-6-202.

29 (a) (1) A person may not begin construction of or substantial alteration or
30 reconstruction of any public swimming pool or public bathing beach without first submitting
31 plans and specifications to the Department of [Environmental Protection and Sustainability]
32 HEALTH for review and approval.

1 (2) The plans shall be prepared and copies submitted to the Department of
2 [Environmental Protection and Sustainability] HEALTH for review and approval within a
3 reasonable time.

4 (b) (1) The Department of [Environmental Protection and Sustainability]
5 HEALTH shall review plans in accordance with the standards set forth in [Design, Regulations,
6 and Criteria for Public Swimming Pools and Bathing Beaches in Baltimore County, as amended
7 from time to time] REGULATIONS ADOPTED BY THE HEALTH OFFICER.

8 (e) Unless changes have been submitted in writing to and approved by the
9 Department of [Environmental Protection and Sustainability] HEALTH, the public swimming
10 pool or public bathing beach facilities shall be built in accordance with the plans as approved.

11 § 13-6-203.

12 (a) A person may not operate or maintain a public swimming pool or public bathing
13 beach unless the person has obtained, in accordance with the approval of the Department of
14 [Environmental Protection and Sustainability] HEALTH, a permit to operate a public swimming
15 pool or public bathing beach from the Department of Permits, Approvals and Inspections.

16 (e) (1) The Department of [Environmental Protection and Sustainability]
17 HEALTH may recommend suspension or revocation of a permit because of the permit holder's
18 failure to comply with proper operational procedures as set forth in [Design, Regulations, and
19 Criteria for Public Swimming Pools and Bathing Beaches in Baltimore County]
20 REGULATIONS ADOPTED BY THE HEALTH OFFICER.

21 § 13-6-205.

22 (c) To qualify as a lifeguard under this section, the lifeguard shall show proof that the
23 lifeguard has been successfully certified by the current lifeguard test conducted by the American
24 Red Cross or an equivalent lifeguard test as designated by the [Director of Environmental
25 Protection and Sustainability] HEALTH OFFICER.

26 § 13-6-206.

27 (b) A public bathing beach:

28 (1) Is exempt from maintaining an adequate chlorine residual; but

29 (2) Shall comply with the bacteriological quality required by [Design,
30 Regulations and Criteria for Public Pools and Bathing Beaches in Baltimore County]
31 REGULATIONS ADOPTED BY THE HEALTH OFFICER.

32 § 13-6-207.

1 The Department of [Environmental Protection and Sustainability] HEALTH may conduct
2 inspections that it considers necessary to ensure compliance with all provisions of this subtitle
3 and may enter a public swimming pool or public bathing beach OR ANY OTHER AQUATIC
4 FACILITY OR VENUE at any time that it is open and operational.

5 § 13-6-208.

6 (c) The [Director] HEALTH OFFICER may revoke a Baltimore County swimming
7 pool and spa operator’s certificate if the certificate holder fails to comply with this subtitle.

8 SECTION 2. AND BE IT FURTHER ENACTED, that, except as expressly provided to
9 the contrary in this Act, any transaction or property interest affected by or flowing from any
10 change of nomenclature or any statute amended, repealed, or transferred by this Act and validly
11 entered into or existing before the effective date of this Act and every right, duty, or interest
12 flowing from the statute, remains valid after the effective date of this Act and may be terminated,
13 completed, consummated, or enforced as required or allowed by any statute amended, repealed,
14 or transferred by this Act as though the repeal, amendment, or transfer had not occurred. If the
15 change in nomenclature involves a change in name or designation of any County unit, the
16 successor unit shall be considered in all respects as having the powers and obligations granted
17 the former unit.

18 SECTION 3. AND BE IT FURTHER ENACTED, that except as expressly provided in
19 this Act, the continuity of every commission, office, department, agency, bureau, or other unit in
20 existence on the effective date of this Act is retained. The personnel, records, files, furniture,
21 fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of
22 each retained unit are continued as the personnel, records, files, furniture, fixtures, properties,
23 appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by
24 this Act.

25 SECTION 4. AND BE IT FURTHER ENACTED, that except as expressly provided to
26 the contrary in this Act, any person licensed, registered, certified, or issued a permit or certificate
27 by any commission, office, department, agency, bureau, or other unit established or continued by
28 any statute amended, repealed, or transferred by this Act is considered for all purposes to be
29 licensed, registered, certified, or issued a permit or certificate by the appropriate unit continued
30 under this Act for the duration of the term for which the license, registration, certification, or
31 permit was issued, and may renew that authorization in accordance with the appropriate renewal
32 provisions.

33 SECTION 5. AND BE IT FURTHER ENACTED, that this Act shall, having passed by
34 the affirmative vote of five members of the County Council, shall take effect on November 29,
35 2015.