

**LYON COUNTY**

**PUBLIC HEALTH  
SWIMMING POOL ORDINANCE**

**ADOPTED** \_\_\_\_\_

# LYON COUNTY – PUBLIC HEALTH SWIMMING POOL ORDINANCE

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# **LYON COUNTY – PUBLIC HEALTH SWIMMING POOL ORDINANCE**

The County Board of Lyon County ordains:

## **SECTION I - - PURPOSE**

- 1.1 An Ordinance Providing for the Licensing and Inspection of public pools; regulating their design, construction, operation and maintenance and providing for the enforcement of this Ordinance and the fixing of penalties throughout the entirety of Lyon County, thereof be and thereby is established as follows:
  - A. This Ordinance shall be applicable to all public pools as defined in Minnesota Rules Chapter 4717.0150 – 4717.3975.
- 1.2 The purpose of this Ordinance is to establish standards for all public swimming pools and to protect the health, safety and general welfare of the residents of Lyon County, including the following general objectives:
  - A. Provide a minimum standard for the design, construction, operation and maintenance of public swimming pools;
  - B. Correct and prevent conditions that may adversely affect persons utilizing public swimming pools; and
  - C. Meet consumer expectations for the quality and safety of public swimming pools.
  - D. Comply with the delegation agreement that Southwest Health and Human Services has entered into with the Minnesota Department of Health.

## **SECTION II - - AUTHORITY**

- 2.1 This Ordinance is enacted pursuant to Minnesota Statutes 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 III - - DEFINITIONS**

- 3.1 Unless specifically defined in this section, words or phrases used in this Ordinance shall have the meaning given in Minnesota Rules, Chapter 4717.0150 – 4717.3975; or successor

rules, and Minnesota Statutes, Section 144.1222; or successors Statutes. The following definitions shall apply in the interpretation and the enforcement of this Ordinance.

- A. **COMMUNITY HEALTH BOARD:** Means the Southwest Health and Human Services Community Health Board or designee authorized by the County Board to carry out or enforce any provision of a County Public Health Ordinance; acting under the provisions of Minnesota Statute 145A.10, as the Board of Health.
- B. **COUNTY:** Means the County of Lyon.
- C. **COUNTY BOARD:** Means the Lyon County Board of Commissioners and their authorized representatives.
- D. **DEPARTMENT:** Means Southwest Health and Human Services and its Environmental Health Services Staff.
- E. **ENVIRONMENTAL HEALTH SPECIALIST:** Means the Southwest Health and Human Services Community Health Board's Environmental Health Specialist and any related staff acting under the Community Health Board's authority.
- F. **LICENSE:** Includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by County Public Health Ordinance of State law administered by the County for the operation of any business, service or facility.
- G. **LICENSEE:** Means the person who has been given the authority by the issuance of a license by the County to establish, operate and/or maintain a facility or activity regulated by County Public Health Ordinances.
- H. **PUBLIC POOL:** Means any pool, other than a private residential pool, that is: (1) open to the public generally, whether for a fee or free of charge; (2) and has the meaning given in Minnesota Statutes, section 144.1222, subdivision 4, paragraph (d) with the exception of swimming pools at family day care homes licensed under Minnesota Statute 245A.14, subdivision 11, paragraph (a).

#### **SECTION IV - - ADMINISTRATION**

- 4.1 This Ordinance shall provide for the licensing and inspection of all public swimming pools; regulation of the design, construction, operation and maintenance of such pools; and the enforcement of violations of this Ordinance.
- 4.2 This Ordinance shall be applicable to all public swimming pools as defined in Minnesota Rules Chapter 4717.0150 – 4717.3975.

- 4.3 The Department shall administer and interpret the provisions of this Ordinance. In addition to the duties set forth herein, the Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved, and other official actions.
- 4.4 The Department shall have all powers necessary to administer and enforce the provisions of this Ordinance. In addition to the other powers set forth herein, and without limitation, the Department shall be empowered to do the following:
- A. Prepare reports and recommendations regarding any additional measures that he/she deems necessary to affect the purpose of this Ordinance.
  - B. Obtain assistance and cooperation from other State and local health, legal, and law enforcement officials in the administration and enforcement of this Ordinance.
  - C. Cooperate with local and State personnel in the enforcement of this Ordinance and State regulations, rules, and requirements relating to public swimming pools.
  - D. Arrange for the enforcement of any and all rules, orders, permits, and other requirements established herein or issued pursuant to this Ordinance.
  - E. Enter upon the premises of any public swimming pool at any reasonable time for the purpose of administrating and enforcing this Ordinance.
  - F. The Department may impose additional requirements to protect against health hazards related to the conduct of the operation of a public swimming pool.
  - G. Interpret the provisions and intent of this Ordinance as may be necessary from time to time.

#### **SECTION V - - ADOPTION OF PUBLIC POOL STANDARDS**

- 5.1 The standards for Public Pools outlined in Minnesota Rules Chapter 4717.0150 through 4717.3975 and the Abigail Taylor Pool Safety Act; Minnesota Statutes Chapter 144.1222 are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4717 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.

**SECTION VI - - ADOPTION OF THE SAFE DRINKING WATER ACT  
AND STANDARDS OF THE PUBLIC WATER SUPPLIES**

- 6.1 The requirements of the Safe Drinking Water Act as outlined in Minnesota Statutes Chapter 144, Sections 144.381 to 144.387 and the standards for Public Water Supplies as outlined in Minnesota Rules Chapter 4720 for carrying out the authority to regulate transient water systems and for carrying out the authority related to wellhead protection are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4720 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.
- 6.2 Every pool shall obtain a safe, adequate supply of water from a public community water supply system, a public non-community water supply system, or a source of supply and system which is located, constructed, and operated in accordance with the provisions of Minnesota Rules Chapter 4725.

**SECTION VII - - PLAN REVIEW OF FUTURE CONSTRUCTION**

- 7.1 General. When a public pool in Lyon County, licensed or to be licensed under the provisions of Minnesota Rules Chapter 4717.0150 through 4717.3950, is constructed, installed, or materially altered, complete plans and specifications shall be submitted to the Minnesota Department of Health as specified in Minnesota Rules 4717.0450, along with the required fee.

**SECTION VIII - - LICENSING AND COMPLIANCE PROCEDURES**

- 8.1 Licenses needed. It shall be unlawful for any person to operate a public pool within Lyon County who does not possess a valid license issued to them by the Department as required by this Ordinance. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person, or location to another establishment, person, or location. All licenses expire as of December 31<sup>st</sup> each year.
- 8.2 Application for License.
  - A. Any person desiring to operate a public pool shall make written application for a license on forms provided by the Department. Each application for a license shall be completed in full, and together with the appropriate license fee, as described herein, shall be submitted to the Department not later than January 31<sup>st</sup> each year, following expiration of the previous year's license, or in the case of a new pool, prior to the opening date of such pool. Any person, who operates a public pool without submitting

a license application and appropriate fee, shall be deemed to have violated this Ordinance and shall be subject to prosecution as provided for in this Ordinance.

- B. License renewals shall be obtained on an annual basis. License Renewal applications shall be submitted on forms provided by the Department no later than December 31<sup>st</sup>, of the year preceding the year for which application is made.
- C. Proprietors of any public pool shall pay an annual license fee at a rate specified by action of the Community Health Board. This annual license fee may be adjusted from time to time as the Community Health Board shall deem appropriate. A penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee, and paid by the proprietor if the annual license fee has not reached the Department by the dates specified in section 8.2A.
- D. From and after October 1 of each year, the license fee for new establishments or new operators shall be one-half of the appropriate annual license fees, plus any penalty which may be required.
- E. The fees prescribed by the Community Health Board shall apply to all licenses which become effective on or after January 1 of the licensing year.

## **SECTION IX - - INSPECTION AND CORRECTION**

- 9.1 Pursuant to Minnesota Rules, Chapter 4717.0375, the Department shall have the right to enter and have access to the Public Pool at any time during the conduct of business. No persons shall interfere with or hinder the Department in the performance of its duties, or refuse to permit the Department to make such inspections.
- 9.2 The person operating a public pool shall, upon request of the Department and after proper identification, permit access to all parts of the pool at any reasonable time for purpose of inspection, and shall exhibit, and allow, copying of any records necessary to ascertain compliance with the provisions of this Ordinance.
- 9.3 When any of the conditions in items A to F below are found, a public pool must be immediately closed to use when so ordered by the Department. The owner of the pool, or the owner's agent, must place a sign at the entrance to the pool indicating that the pool is closed. The pool must remain closed until the condition is corrected and approval to reopen is granted by the Department. A pool must be closed when:
  - A. The units of lifesaving equipment specified in Minnesota Rules 4717.1450 are not provided;
  - B. The water clarity standard specified in Minnesota Rules 4717.1750, subpart 7, is not met;

- C. The disinfection residual specified in Minnesota Rules 4717.1750 subpart 3, is not met;
  - D. The pool has been constructed or physically altered without approval of plans as required by Minnesota Rules 4717.0450; or
  - E. All drain covers are not properly secured using the screw or attachment recommended by the manufacturer;
  - F. There is any condition that endangers the health or safety of the public.
- 9.4 Whenever an inspection of a public pool is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the pool. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.
- 9.5 The inspection report form shall specify a specific and reasonable period of time for the correction of the violation(s). Correction of the violation(s) shall be accomplished within the period specified.

## **SECTION X - - ADMINISTRATIVE ORDINANCE**

- 10.1 The guidelines related to licensing, fees and enforcement of licensed establishments of the Lyon County Public Health Administrative Ordinance , as amended from time to time, are hereby incorporated in and made part of this Ordinance.

## **SECTION XI- - PENALTIES**

- 11.1 Penalties. Any person, firm, or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.
- 11.2 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 violations.

## **SECTION XII - - MINNESOTA DEPARTMENT OF HEALTH**

- 12.1 Minnesota Department of Health: The requirements contained in this Ordinance are intended to be comparable to the Minnesota Department of Health Rules, and are intended to meet the minimum requirements set forth by the Minnesota Department of Health. Whenever the Minnesota Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this Ordinance, the rules set by the Minnesota Department of Health shall govern and will be considered in the enforcement procedure as part of this Ordinance.

## **SECTION XIII - - SEVERABILITY**

- 13.1 If any provision of this Ordinance or the application thereof, to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and for this purpose, the provisions of this Ordinance are severable.

## **SECTION XIV- - REPEAL OF PREVIOUS ORDINANCE**

- 14.1 This Ordinance, adopted \_\_\_\_\_, hereby repeals and replaces in its entirety, the Lyon County Environmental Health Licensing Ordinance of July 6, 2010.

**SECTION XV - - EFFECTIVE DATE**

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

**Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.**

\_\_\_\_\_  
**Chairman  
Lyon County Board of Commissioners**

**Attest:**

\_\_\_\_\_  
**Lyon County Administrator**