

## ORDINANCE NO. 4956

AN ORDINANCE to amend and reordain Section 11-11-5 of Article A (General Provisions) and add Section 11-11-143 of Article I (Exemptions and Alternate Provisions to the Aquatic Health Ordinance) of Chapter 11 (Swimming Pools, Spa Pools and Health Clubs) of Title 11 (Health, Environmental and Sanitary Regulations) of the City of Alexandria Code.

### THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-11-5 of the Code of the City of Alexandria be, and the same hereby is, amended by deleting the language in strikethrough and inserting new language in underline, as shown:

#### **Sec. 11-11-5 - Definitions.**

For the purposes of this chapter, the following words and terms shall have the following meaning, unless the context clearly indicates otherwise.

*Above-ground pool* means any pool having the pool tank above ground level.

*Activity pool* means a pool which features recreational water activities which may include, but is not limited to, one or more of the following: climbable bars, ropes, chutes, bubblers, fountains, anchored floating play components or other similar devices.

*ANSI* means American National Standards Institute.

*Aquatic facility* means a facility for water recreation or water therapy including, but not limited to, a public pool facility, spa pool facility, a waterpark facility, a limited access pool, or an interactive water feature facility.

*ASME* means American Society of Mechanical Engineers.

*ASTM* means American Society for Testing and Materials.

*Attendant* means a person at a waterpark facility trained to operate an attraction and control the patrons in a safe and orderly manner.

*Attraction or ride* means any of the specific types of features at waterpark facilities involving partial or total immersion of the patron.

*Backwashing* means the process of thoroughly cleaning the filter media or elements by reversing flow, dislodging the filter aid, and/or removing accumulated debris and discharging it to waste.

*Bathhouse facility* means the enclosed structure and related areas, used by patrons of an aquatic facility prior to entering the pool(s), which contain the dressing rooms, showers, toilets, lavatories, saunas, and steamrooms.

*Bed and Breakfast* is a transient lodging facility permitted by the director as defined by the City of Alexandria Zoning Ordinance.

*Breakpoint chlorination* means the addition of a sufficient amount of chlorine to water to destroy the combined chlorine present. Breakpoint chlorination is approximated by the addition of chlorine sufficient to obtain a total chlorine residual 10 times the original combined chlorine residual.

*Center line* means the path defined by geometric midpoints of a component or structure, generally used for consideration of the slide path in flume rides and the separation of diving boards or platforms in a diving area.

*Child care facility* means any child care home, day care center, or nursery school, as defined by the City of Alexandria Zoning Ordinance.

*Children's activity pool* means an activity pool, designed primarily for the use of children, having a maximum depth of 24 inches.

*Chute* means a structure which contains and directs the path of travel and rate of descent of a patron. A chute may be tubular, trough-like, curved or flat-bottomed. A chute generally uses water only as a lubricant.

*Combined residual disinfectant* means the amount of halogen or other approved disinfectant which has chemically combined with organic nitrogen compounds (e.g., combined chlorine).

*Competitive diving board* means any diving board recommended by the manufacturer for diving competition.

*Control fence* means a woven steel wire, chain link, picket, solid board type fence, wall or equivalent barrier capable of directing bathers through the appropriate entry onto the pool deck or to a specific location within the pool facility's perimeter fence.

*Cross-ventilation* means the movement of air from an outside source into and out of a filter/chemical storage room, sufficient to prevent the accumulation of chemical vapors or dust. The cross-ventilation shall be provided by a mechanical exhaust fan.

*Deck* means the smooth, impervious, non-slip walking surface located within the perimeter enclosure and around the aquatic facility.

*Director* means the health director of the Alexandria Health Department or his/her designee.

*Disinfectant* means an agent that disinfects by destroying, neutralizing, or inhibiting the growth of harmful organisms.

*Diving area* means the minimum dimensions of an area within the pool necessary to provide safe entry from a diving board or platform.

*Diving board* means the mechanism used for entering a swimming pool, consisting of a semi-rigid board, that derives its elasticity through the use of a fulcrum mounted below the board, and the stand that supports the semi-rigid board.

*Diving platform* means the raised rigid stage used for diving.

*Drop slide* means a sloped chute or flume exiting the user above the pool operating water level into a receiving pool.

*Filter* means a device that separates solid particles from water by circulating water through a porous substance, the filter media or element.

*FINA* means the Federation Internationale de Natation Amateur.

*Flume* means a trough-like or tubular structure which uses a significant volume of water to transport the user.

*Free available residual disinfectant* means the amount of disinfectant which is available to inactivate microorganisms and oxidize organic matter (e.g. free chlorine), and which has not reacted with organic nitrogen compounds or any other material in pool water.

*Foothold* means areas that are greater than one and three-quarter inches wide as measured horizontally that expose horizontal surfaces whose top planes are separated by a vertical distance that is less than 45 inches.

*GFCI* means ground fault circuit interrupter.

*Handhold* means the same as foothold.

*Hard-wired telephone* means a telephone that has a direct wire handset and connection to the main telephone system.

*Hydrojet* means a fitting which blends air and water creating a high velocity, turbulent stream of air enriched water.

*Hydrostatic pressure relief valve* means any valve which, when properly installed, will relieve underground water pressure caused by high water tables under and/or around the pool shell.

*Industry standards* mean the American National Standards Institute (ANSI), or similar national standards, as approved by the director.

*In-ground pool* means any pool constructed with the pool tank below ground level.

*Injury or illness report* means the written record of all facts regarding any death, near drowning, injury or illness associated with any regulated aquatic facility.

*Inner-tube ride* means an attraction where users ride inner tube-like floatation devices through a series of chutes, channels, flumes, and/or pools.

*Interactive water feature facility (IWFF)* means a structure or area designed to allow contact with water, but having standing water less than or equal to one inch, including but not limited to water sprays, dancing water jets, waterfalls, and dumping buckets

*Internal communication system* means any combination of devices permitting the immediate passage or exchange of messages between the personnel within the aquatic facility.

*Lifeguard* means an individual, 15 years of age or older, who is trained and certified in lifeguarding, first aid, and cardio-pulmonary resuscitation (CPR).

*Lifeguard stand* means an elevated lifeguard station, which complies with OSHA standards for elevated platforms, and includes a seat and platform. An umbrella emplacement sleeve or alternative shade producing structure is required for outdoor stands. The stand may be portable, and shall be located to allow full visual coverage of the lifeguard's assigned area of responsibility.

*Lifeguard station* means a lifeguard stand or other designated work station of a lifeguard.

*Light color* means any color which has a Munsell Value (V) notation of 6.5 or greater and a Munsell Chroma (C) notation of 7.0 or less.

*Limited access pool* means a pool that does not serve an apartment complex and (i) serves 65 or fewer members of a homeowners association or condominium association, (ii) only allows access to their facility to association members, their guests, families and/or owners' lessees, (iii) does not allow access by the general public, and (iv) determines annually, by a majority of voting members of the association, to be designated as a limited access pool for that year.

*MSDS* means material safety data sheets.

*Make-up water* means potable water which is added to a pool to bring the water level up to the waterline.

*Maximum facility load* means the maximum number of patrons permitted in any aquatic facility at any one time. The maximum facility load is limited by the sum total of the maximum individual swimming pool and individual spa pool bather loads, bathhouse plumbing fixture restrictions, or other restrictions imposed by the director.

*Maximum individual swimming pool bather load* means the maximum number of patrons permitted within the water of an individual pool at any one time.

*Maximum individual spa pool bather load* means the maximum number of patrons permitted within the water of an individual spa pool at any one time.

*NSF* means National Sanitation Foundation.

*ORP* means Oxidation Reduction Potential.

*OSHA* means the Occupational Safety and Health Administration.

*Overflow trough or gutter* means the surface water collection system designed to remove surface water through pool overflow.

*Owner* means any person, or legally authorized representative of any person, who owns or leases an aquatic facility and in whose name the owner's annual or seasonal permit is issued. The person in charge of the aquatic facility shall be deemed to be the designee of the owner.

*Person* means any and all entities, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or public or private corporations organized under the laws of this Commonwealth or any other state or country.

*Perimeter fence* means a closed-type vertical barrier which completely encloses and secures the pool area and prevents unauthorized entry.

*Pinch hazard* means any configuration of components that could pinch or entrap the fingers, toes or any other part of the human body.

*Plummet* means a line that is perpendicular to the water surface and extends vertically through a point located at the front edge of a diving board and on the centerline.

*Pool* means any man-made structure, basin, chamber or tank located either indoors, outdoors, or both, containing a body of water with sufficient depth for complete or partial immersion of the body.

*Pool area* means a pool and all decks, grounds, and other areas located within the perimeter enclosure.

*Pool facility* means any pool(s), together with the buildings, equipment and appurtenances pertaining to such a body of water including, but not limited to, all areas located within the perimeter enclosure.

*Pool management company* means any person, firm, corporation or association contracting to manage or operate an aquatic facility.

*Pool operator* means a person, 16 years of age or older, trained to conduct the operation of an aquatic facility.

*Pool operator's certificate* means the document issued to a person who has successfully passed a pool operator's exam recognized by the director and administered by an exam proctor that is approved by the director.

*ppm* means parts per million.

*psi* means pounds per square inch.

*Public pool* means any pool, other than a residential pool serving a single family dwelling or duplex residence that is not a bed and breakfast, ~~or~~ a child care facility, or a limited access pool which is intended to be used collectively by a number of persons for swimming, recreation, fitness, relaxation, or therapeutic purposes. Man-made structures such as plastic and/or inflatable wading pools designed for the temporary impoundment of uncirculated and/or undisinfected water will not be permitted as a public pool.

*Radius of curvature* means the radius arc which denotes the curved surface from the point of departure from the vertical sidewall (springline) of the pool to the pool bottom (e.g. coving).

*Receiving pool* means a pool located at the end of a water slide or drop slide that is designed to safely receive the rider of an attraction.

*Recessed stairs* means a step or series of steps that do not protrude beyond the pool wall. Recessed stairs extend down from the deck with the riser of the bottom step terminating at the pool wall and bottom.

*Recreational diving board* means any diving board that is not recommended by the manufacturer for diving competition.

*Remodel* means to change, rearrange, or modify an aquatic facility's structure, circulation system and/or appurtenances, such that the design, configuration and/or operating characteristics are different from the original design, configuration, and/or operating characteristics. The term "remodel" does not include normal maintenance and repair.

*Repair* means the replacement of existing construction with equivalent materials for the purpose of maintenance and the replacement of a previously approved piece of equipment with an equivalent unit having the same specifications, operating characteristics, and certifications.

*Skimmer* means a mechanical device connected to the pool water recirculation piping which is used to drain the pool water surface and is equipped with a weir, a flow adjustment device, and a removable and cleanable basket designed to trap small solids.

*Slide* means a drop slide or waterslide as defined herein.

*Slow river* means a circuitous stream of pool water, moved by booster pumps or other means, providing a continuous current in which patrons are transported by flotation devices or other means.

*Spa pool* means any pool intended to be used for recreational or therapeutic use which may include a water jet and/or aeration system, may be heated or cooled, and is not drained, cleaned or refilled after each individual use. The term includes, but is not limited to, units designed for hydrojet recirculation, hot water, cold water, mineral bath, air induction bubbles, or any combination thereof. Common terminology for a spa pool includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, and hot tub. The term spa pool excludes spa pools used by or under the direct supervision and control of licensed medical personnel located in a medical facility and spa pools serving a single family dwelling or duplex residence that is not a bed and breakfast or a child care facility.

*Springline* means the point from which the pool wall breaks from vertical and begins its arc in the radius of curvature to the pool bottom.

*Superchlorinate* means to achieve a rapid increase in the chlorine residual within the pool water to oxidize organic impurities, destroy algae and/or achieve breakpoint chlorination.

*Swimming pool* means any pool intended to be used for public recreational swimming and/or public recreational diving, and means the same as public pool.

*Total residual disinfectant* means the arithmetic sum of free available residual disinfectant and combined residual disinfectant.

*Turnover time or period* means the time required to recirculate the equivalent of the total volume of pool water through the filter system.

*UL* means Underwriters Laboratory.

*VUSBC* means the Virginia Uniform Statewide Building Code.

*Wading pool* means a swimming pool designed primarily for use by small children which is separate from any other swimming pool within a pool area. A wading pool shall have a depth greater than one inch but not exceeding 18 inches.

*Waterline* means the midpoint of the operating range of the skimmers when there are no users in the pool. For overflow systems, the waterline is defined as the top of the overflow rim.

*Waterpark facility* means a water contact facility with design and operational features which provide recreational activities that are different from those associated with a conventional swimming pool and purposefully involve the immersion of the body either partially or totally in the water. Such recreational activities include, but are not limited to: water chutes, water flumes, slow rivers, activity pools, receiving pools, sprinklers, fountains, decorative showers, and wave pools.

*Water slide* means a chute or flume that discharges the user at or below the pool operating water level.

*Wave pool* means a pool producing waves which usually begin at the deep end and proceed toward and dissipate at the shallow end. (Ord. No. 4649, 3/13/10, Sec. 1)

Section 2. That Section 11-11-143 of the Code of the City of Alexandria be, and the same hereby is, added, as shown:

**Sec. 11-11-143 - Exemption for limited access pools**

A limited access pool shall be exempt from Sections 11-11-10 (pool operator requirements) and 11-11-63 (lifeguards and pool operators) of this chapter provided that the limited access pool:

(a) \_\_\_\_\_ Notifies the health director annually in writing that they wish to be exempt from Sections 11-11-10 and 11-11-63, providing documentation of their valid existence as a homeowners or condominium association, and of their annual vote to be deemed a limited



access pool. The eligible homeowner's or condominium association shall notify the health director of the days and hours of operation of the pool in order to enable efficient health department inspections;

(b) Posts a clearly legible sign of a durable, waterproof material at the aquatic facility so that it will be clearly visible to patrons using the facility that says, with a minimum of 2 (two) inch lettering, "No lifeguard on duty. Swim at your own risk. No persons under age 18 are allowed to swim without responsible adult supervision. No one should swim alone."; and

(c) Owners of a limited access pool shall (i) require a pool operator to follow the monitoring, reporting and record keeping requirements of Sec 11-11-58, with the exception that monitoring and recording shall be performed no less than twice daily, if the pool is open, and maintain records of all tests associated with such twice daily inspection at the site of the pool, to be provided to the director or his designee upon demand; (ii) provide signage, in durable, waterproof material, stating the name and on-call phone number of the pool operator such that it is clearly visible to patrons; (iii) assure that the pool operator shall possess a valid pool operator's certificate accepted by the Director; (iv) assure that the pool operator shall be available on-call, and the pool operator be present at the facility within thirty (30) minutes of being called; and (iv) provide the Director with the name, address and on-call phone number of the pool operator at the time of their application under Sec 11-11-7.

Section 3. That this ordinance shall become effective on the date and at the time of its final passage.

WILLIAM D. EUILLE  
Mayor

Final Passage: June 13, 2015