



Legislation Details (With Text)

File #: 14-4114 **Name:**

Type: Ordinance **Status:** Agenda Ready

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Title: Introduction and First Reading. Consideration. Passage on Final Reading of an Ordinance to Amend the City Code 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. (Lifeguard and Pool Operator Exemption Ordinance.)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 14-4114 _Ordinance Cover Lifeguards and Operator Exemption Ordinance Cover, 2. 14-4114 _Ordinance Lifeguard and Operator Exemption Ordinance, 3. 14-4114 _Health Department Memo to Council - Lifeguard Exemption - 2015-05-29, 4. 14-4114 _After Items

Date	Ver.	Action By	Action	Result
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City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 3, 2015

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK JINKS, CITY MANAGER /s/

DOCKET TITLE:

Introduction and First Reading. Consideration. Passage on Final Reading of an Ordinance to Amend the City Code 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. (Lifeguard and Pool Operator Exemption Ordinance.)

ISSUE: City Council consideration of an amendment to Section 11-11-5 of Article A (General Provisions) and addition of 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 Code of the City of Alexandria, Virginia, 1981, as amended.

RECOMMENDATION: That City Council consider the proposed amendments on the first reading on Wednesday, June 10, 2015 and set it for public hearing, second reading and possible final passage on Saturday, June 13, 2015.

DISCUSSION: City Councilmen Paul Smedberg and Justin Wilson requested that staff draft an Ordinance to eliminate the requirement for lifeguards for certain private pools to reduce regulatory requirements for pools with fewer members.

In an attempt to balance the risks of not having a lifeguard or an on-site pool operator against the costs of providing one, the proposed Ordinance reflects a compromise which would exempt certain pools from having a lifeguard or having an on-site pool operator to check the water quality multiple times per day when a pool is open. Private pools with less than 65 members in their homeowner's association would be exempted and fall under a new definition called a "limited access pool". No City agency keeps records of the number of members in the homeowner's associations that own pools. However, staff believes that this new definition could apply to three of the 147 pools currently regulated by the Alexandria Health Department. Specifically, the pools which could apply for this newly created exemption would be:

Old Town Gardens at 715 S Washington
The Oronoco at 601 N Fairfax
Princess Street Homeowners Association at 415 N Fairfax

Owners of limited access pools would still have to apply for an annual permit to operate a pool and the construction of these pools would still be approved by the Health Department. However, these pools would no longer be required to have a lifeguard present at all times when the pool is open nor a pool operator present to check the water quality several times per day. A pool operator would need to check the water daily, and be on call in the event of a visible water quality emergency. Signs would need to be posted that state: "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."

For the most part, neighboring jurisdictions do not have these kinds of exemptions. Arlington and Fairfax County, as well as Prince George's and Montgomery County require lifeguards to be present at any public pool serving more than a single family. Prince William County allows a waiver of the lifeguard requirement for adult only pools or regulated tourist establishments. Loudoun County allows pools with a capacity limit of not more than 40 people to utilize a "reliable and competent person" as a lifeguard but do not require certified lifeguards for those pools.

The Health Department does not support this Ordinance change and their comments are included as an attachment to this Memo.

FISCAL IMPACT: It is not expected that there will be a significant fiscal impact associated with these amendments.

ATTACHMENTS:

Attachment 1: Ordinance Cover

Attachment 2: Ordinance

Attachment 3: Comments by Dr. Stephen Haering, Health Director, Alexandria Health Dept.

STAFF: Stephen Haering, MD, MPH, FACPM, Health Director, Alexandria Health Dept.
Mary O'Donnell, Assistant City Attorney