



Legislation Text

---

File #: 14-5315, Version: 1

---

City of Alexandria, Virginia

---

MEMORANDUM

**DATE:** MAY 4, 2016

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

**FROM:** MARK B. JINKS, CITY MANAGER /s/

**DOCKET TITLE:**

Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Title 11, Chapter 11 of the City Code to Keep Current With the Latest Aquatic Health Science Technologies. [ROLL-CALL VOTE]

---

**ISSUE:** The City Aquatic Health Ordinance was adopted in its current format in March 2010. Since that time, no changes have been made to keep the Ordinance current with latest aquatic health science and technologies. It is time to update the Ordinance.

**RECOMMENDATION:** That City Council hold the public hearing on May 14, 2016 and pass the attached ordinance to amend the 2010 City of Alexandria Aquatic Health Ordinance.

**BACKGROUND:** The current City of Alexandria Aquatic Health Ordinance was adopted on March 13, 2010. Since that time, the Center for Disease Control (CDC) in conjunction with stakeholders designed the Model Aquatic Health Code (MAHC) based on the latest science and technologies. The MAHC, released in 2014, was used as the basis for discussion with stakeholders and the Aquatic Health Advisory Council (comprised of the City Department of Recreation, Parks and Cultural Activities, pool management companies, pool owners, and members from the National Swimming. Pool Foundation as well as the Association of Pool and Spa Facilities). Stakeholders and the Aquatic Health Advisory Council noted that many of the provisions in the City's Ordinance were outdated and made pool management more difficult without benefit to user's safety and public health.

A series of meetings were held in the fall and winter of 2014 and 2015 to update the City's Ordinance based on the latest science available, and ensure that measures in the Ordinance truly protected the health and safety of Alexandria residents and pool users.

Key changes to the Ordinance include:

Updating Definitions

A number of the definitions in the Ordinance have changed over time, or new definitions were required. One such area of concern was Interactive Water Features. The Advisory Council felt that the definition required further clarification to help ensure that features were not unnecessarily regulated. Other changes included changing terms to those more commonly used today to define aspects of pool

construction and safety, for example the term "Slow River" has been replaced by "Lazy River".

#### Notification of Modification or Remodeling

During 2015, the Health Department saw an increase in the number of aquatic facilities that were being remodeled and refurbished as part of the City's general growth. These changes were not being adequately communicated to the Health Department by construction companies, requiring pool management companies to file paperwork retrospectively. This places unnecessary burden on pool owners and management companies. A new provision is being proposed in the Ordinance to create a requirement that all pool construction changes and remodels are communicated to the Health Department 10 days prior to the commencement of work.

#### Reference Updates

A number of the American National Standards Institute (ANSI)/Association of Pool and Spa Professionals (APSP) references quoted in the 2010 Ordinance are now outdated and have been replaced/repealed. All references have been checked and updated as required.

#### Technology Advances

The proposed changes cover advances in technology that would allow construction companies to embrace the latest design methodologies and remain in compliance with the Ordinance. Currently LED lights are not permitted under the Ordinance; these changes would allow this technology to be utilized by companies, increasing the design possibilities available to architects and designers. In addition to this, pools are now being designed without the need for main drains. This completely eliminates entrapment issues, and represents significant progress in the industry; however, the current Ordinance does not allow construction companies to use the technology.

#### Chlorine Gas

It is being proposed that the option to use chlorine gas as a disinfectant be removed from the Ordinance. There are currently no operators using this technology, so there is no fiscal impact to owners or operators; however, the technology is old and if incorrectly applied, creates a risk of explosion and fire. The removal of this section ensures that future operators use the safest disinfection method possible, and protects our City from this unnecessary risk.

#### Barriers and Fences

Pool owners are seeking ways to better utilize their space. Currently space immediately surrounding indoor pools and space inside of the enclosed area is not usable unless a lifeguard is present. Owners have requested that an option to create a physical, moveable barrier around the actual pool be adopted, allowing the remaining space to be utilized by its members. This change would allow owners to increase the range of facilities they are able to offer to their residents without excessive cost or risk to safety.

#### Main Drain Technology

In 2008 the Virginia Graeme Baker Pool and Spa Safety Act was enacted at federal level to reduce the risk of entrapment and evisceration through main drains. The Ordinance would allow continued use of existing technologies in pools constructed prior to the Ordinance (with approval from the Health Director or designee). New pools that are constructed would be required to use dual drains or single drains designed specifically to prevent entrapment and evisceration. This approach has no fiscal impact to existing pool owners.

**DISCUSSION:** The Alexandria Health Department has met with the Aquatic Health Advisory Council for Alexandria City throughout the fall and winter of 2014 and 2015 to work collaboratively on these proposed changes. The Aquatic Health Advisory Council is comprised of stakeholders from the City's Department of Recreation, Parks and Cultural Activities, pool management companies, pool owners and members from the National Swimming Pool Foundation and the Association of Pool and Spa Facilities. This proposal has the support of each of those groups. In addition, all pool management companies and owners were invited to participate in two public presentations of the proposal, the first in June 2015, and the second in December 2015.

Training for all stakeholders will be provided to assist industry in implementing the new Ordinance requirements.

**FISCAL IMPACT:** Implementation of the proposed Ordinance changes will have no fiscal impact.

#### **ATTACHMENTS:**

Attachment 1: Ordinance Cover

Attachment 2: Ordinance

Attachment 3: 2016 First Aid Kit List as per Section 11-11-64(2)

Attachment 4: Letter of Support for Ordinance from Premiere Aquatics

Attachment 5: Letter of Support for Ordinance from Guardian Aquatics

**STAFF:**

Stephen A. Haering, MD, MPH, FACPM, Health Director, Alexandria Health Department

Rachel Stradling, Environmental Health Manager, Alexandria Health Department

Mary O'Donnell, Assistant City Attorney