

1 **Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by**
2 **Amending Chapter 36, Swimming Pools, Article I, In General, Sec. 36-1 and Sec 36-**
3 **10 to Waive the Requirement for Health Clubs to have Lifeguards on Duty Under**
4 **Certain Circumstances.**

5
6 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Section 36-1
7 and Section 36-10 of Article I, Chapter 36 of the City Code of the City of Hampton, Virginia
8 be amended to read as follows:

9
10 **Chapter 36 – SWIMMING POOLS**

11 **Article I – IN GENERAL**

12
13 **Sec. 36-1. - Definitions.**

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15 . . .

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17 *Health club. Any person, firm, corporation, organization, club or association whose*
18 *primary purpose is to engage in the sale of memberships in a program consisting primarily*
19 *of physical exercise with exercise machines or devices, or whose primary purpose is to*
20 *engage in the sale of the right or privilege to use exercise machines or devices.*

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22 . . .

23
24 **Sec. 36-10. - Lifeguards.**

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26 (a) The operator or manager of any public swimming pool two thousand (2,000)
27 square feet or more in area shall have on duty and within the pool area at all times while
28 the pool is in use, at least one (1) person who shall possess a current certification for
29 meeting the standards recommended by the American Red Cross, Y.M.C.A. or a program
30 shown to be the equivalent thereof to the director of public health, as a certified lifeguard
31 and two (2) or more certified lifeguards for pools having four thousand (4,000) square feet
32 or more of water surface. The ratio of certified lifeguards to bathers at a public swimming
33 pool shall be one (1) certified lifeguard on duty for the first seventy-five (75) bathers and
34 one (1) additional certified lifeguard for every additional fifty (50) bathers or fraction
35 thereof.

36
37 (b) The operator or manager of any public swimming pool one thousand (1,000) to two
38 thousand (2,000) square feet in area and a maximum depth of five (5) feet or less shall
39 have on duty and within the pool area at all times while the pool is in use, at least one (1)
40 lifeguard, defined as a competent adult, eighteen (18) years or older with current
41 certification in CPR and first aid.

42
43 (c) The operator or manager of any public swimming pool less than one thousand
44 (1,000) square feet in area and a maximum depth five (5) feet or less shall not be required

45 to provide a lifeguard. In lieu of a lifeguard signage must be provided in plain view of the
46 public, in minimum four-inch letters, that states:
47 No Lifeguard on Duty

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49

Swim at Your Own Risk

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51

No Swimming Alone

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53

No Children Under the Age of 14 Without an Adult Present

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55 (d) The provisions of this section regarding certified lifeguards or lifeguards shall not
56 apply to condominium or homeowner association pools which are not open to the general
57 public, provided the pool has less than two thousand (2,000) square feet of water surface
58 and is not equipped with a diving board, and a sign as required in section 36-10(c) is
59 provided.

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61 (e) The provisions of this section regarding certified lifeguards or lifeguards shall not
62 apply to pools contained within the members only area of health clubs, provided the pool
63 has less than two thousand (2,000) square feet of water surface, has a maximum depth
64 of five (5) feet, is open to patrons eighteen (18) years of age or older, and a sign as
65 required in section 36-10(c) is provided, except that such sign shall provide "No Patrons
66 Under the Age of 18" in the place of "No Children Under the Age of 14 Without an Adult
67 Present."

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