



Legislation Details (With Text)

File #: 23-0266 **Version:** 1 **Name:** Swimming Pools Code Amendment
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File created: 8/31/2023 **In control:** City Council Legislative Session
On agenda: 9/13/2023 **Final action:** 9/13/2023
Title: Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 36, Swimming Pools, Article I, In General, Sec. 36-1 and Sec 36-10 to Waive the Requirement for Health Clubs to have Lifeguards on Duty Under Certain Circumstances.

Sponsors:

Indexes: DO NOT USE - 21 - Routine Administrative

Code sections:

Attachments: 1. Redline

Date	Ver.	Action By	Action	Result
9/13/2023	1	City Council Legislative Session	approved	Pass

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

PURPOSE/BACKGROUND:

It has come to staff's attention, that the City's Swimming Pools Ordinance, specifically the requirement for lifeguards, is out of line with the other localities in the region. No other locality in our region requires health clubs (also known as fitness clubs) to have a lifeguard on duty at all times for pools that are open to their membership and also meet the following limitations: less than 2,000 sq. ft. of water surface, a maximum depth of five feet, is only open to patrons 18 years of age or older, and has appropriate signage. The proposed ordinance would bring the City's ordinance in line with every other locality in our region. Dr. Dwamena and her staff at the Health Department are in agreement with this amendment.

Recommendation:

Approve the amendment.

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

Chapter 36 - SWIMMING POOLS

Article I - IN GENERAL

Sec. 36-1. - Definitions.

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

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Sec. 36-10. - Lifeguards.

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

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

(c) The operator or manager of any public swimming pool less than one thousand (1,000) square feet in area and a maximum depth five (5) feet or less shall not be required to provide a lifeguard. In lieu of a lifeguard signage must be provided in plain view of the public, in minimum four-inch letters, that states:

No Lifeguard on Duty

Swim at Your Own Risk

No Swimming Alone

No Children Under the Age of 14 Without an Adult Present

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

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

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