

House Bill 219

By: Representatives Jones of the 167<sup>th</sup>, Atwood of the 179<sup>th</sup>, and Werkheiser of the 157<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 45 of Title 31 of the Official Code of Georgia Annotated, relating to  
2 health and public swimming pools, so as to exempt certain privately owned swimming pools  
3 from inspection and licensing requirements; to authorize inspection requests to board of  
4 health by residents or owners; to provide for related matters; to repeal conflicting laws; and  
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 45 of Title 31 of the Official Code of Georgia Annotated, relating to health and  
9 public swimming pools, is amended by revising Code Section 31-45-3, relating to  
10 definitions, as follows:

11 "31-45-3.

12 As used in this chapter, the term 'public swimming pool,' 'swimming pool,' or 'pool' means  
13 any structure, chamber, or tank containing an artificial body of water used by the public for  
14 swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances,  
15 and equipment used in connection with the body of water, regardless of whether a fee is  
16 charged for its use. The term includes municipal, school, hotel, or motel pools and any  
17 pool to which access is granted in exchange for payment of a daily fee. This chapter shall  
18 not apply to a private pool or hot tub serving a single-family dwelling and used only by the  
19 residents of the dwelling and their guests. This chapter also shall not apply to pools serving  
20 an apartment complex pools, country club pools, subdivision pools, condominium  
21 association, or time-share which are open only to residents or members of the subdivision  
22 thereof and their guests, therapeutic pools used in physical therapy programs operated by  
23 medical facilities licensed by the department or operated by a licensed physical therapist,  
24 therapeutic chambers drained, cleaned, and refilled after each individual use, or to religious  
25 ritual baths used solely for religious purposes."

26 **SECTION 2.**

27 Said chapter is further amended by revising Code Section 31-45-12, relating to inspection  
28 of unregulated pools, as follows:

29 "31-45-12.

30 Notwithstanding any provision of Code Section 31-45-13 regarding the applicability of this  
31 chapter to the contrary, a resident, member, or owner of an apartment complex, country  
32 club, subdivision, condominium association, or time-share that is not subject to regulation  
33 under this chapter or local ordinance may request that the county board of health inspect  
34 a community pool at such apartment complex located therein. Upon receipt of such a  
35 request, the county board of health shall have the authority to inspect such pool at any  
36 reasonable time and in a reasonable manner and issue a report on the condition of such  
37 pool."

38 **SECTION 3.**

39 Said chapter is further amended by revising Code Section 31-45-13, relating to applicability,  
40 as follows:

41 "31-45-13.

42 The provisions of this chapter shall apply only in those counties where local rules and  
43 regulations governing public swimming pools are not in effect on December 31, 2000.  
44 Nothing in this chapter shall be construed to limit the authority of a county to adopt an  
45 ordinance or resolution regarding public swimming pools that applies to apartment  
46 complex, country club, subdivision, condominium association, or time-share pools."

47 **SECTION 4.**

48 All laws and parts of laws in conflict with this Act are repealed.