

The House Committee on State Planning and Community Affairs offers the following substitute to HB 219:

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 exclusions; to provide for related matters; to  
5 repeal conflicting laws; and 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~~ open to  
14 the general public for swimming, diving, wading, recreation, or therapy, together with  
15 buildings, appurtenances, and equipment used in connection with the body of water,  
16 regardless of whether a fee is charged for its use. The term includes municipal, school,  
17 hotel, or motel pools and any pool to which access is granted in exchange for payment of  
18 a daily fee. ~~This chapter shall not apply to a private pool or hot tub serving a single-family~~  
19 ~~dwelling and used only by the residents of the dwelling and their guests. This chapter also~~  
20 ~~shall not apply to apartment complex pools, country club pools, subdivision pools which~~  
21 ~~are open only to residents of the subdivision and their guests, therapeutic pools used in~~  
22 ~~physical therapy programs operated by medical facilities licensed by the department or~~  
23 ~~operated by a licensed physical therapist, therapeutic chambers drained, cleaned, and~~  
24 ~~refilled after each individual use, or to religious ritual baths used solely for religious~~  
25 ~~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, town home, or time-share that is not subject  
 33 to regulation under this chapter or local ordinance may request that the county board of  
 34 health inspect a community pool at such apartment complex located therein. Upon receipt  
 35 of such a request, the county board of health shall have the authority to inspect such pool  
 36 at any reasonable time and in a reasonable manner and issue a report on the condition of  
 37 such pool; provided, however, that such report shall be for informational purposes only and  
 38 no fines, fees, charges, or other penalties, monetary or otherwise, shall be assessed with  
 39 regard to the inspection or report."

40 **SECTION 3.**

41 Said chapter is further amended by revising Code Section 31-45-13, relating to applicability  
 42 of the chapter, as follows:

43 "31-45-13.

44 (a) The provisions of this chapter shall apply only in those counties where local rules and  
 45 regulations governing public swimming pools are not in effect on December 31, 2000.  
 46 Nothing in this chapter shall be construed to limit the authority of a county to adopt an  
 47 ordinance or resolution regarding public swimming pools that applies to apartment  
 48 complex pools.

49 (b) Notwithstanding subsection (a) of this Code section, no county, municipality, or  
 50 consolidated government shall adopt or enforce any ordinance, rule, regulation, or  
 51 resolution regulating:

52 (1) Private pools or hot tubs serving a single-family dwelling and used only by the  
 53 residents of the dwelling and their guests;

54 (2) Pools serving a country club, subdivision, apartment complex, condominium  
 55 association, town home, or time-share which are open only to residents or members  
 56 thereof and their guests;

57 (3) Therapeutic pools used in physical therapy programs operated by medical facilities  
 58 licensed by the department or operated by a licensed physical therapist;

59 (4) Therapeutic chambers drained, cleaned, and refilled after each individual use; or

60 (5) Religious ritual baths used solely for religious purposes.

61 (c) Nothing in this Code section shall prohibit or impair the power of any county,  
62 municipality, or consolidated government to adopt or enforce any land use or zoning  
63 ordinance or make any other zoning decision."

64 **SECTION 4.**

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