

House Bill 219 (COMMITTEE SUBSTITUTE)

By: Representatives Jones of the 167th, Atwood of the 179th, and Werkheiser of the 157th

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 pools that are part of a condominium
3 association, townhome, or timeshare from certain regulatory requirements; to authorize
4 inspection requests to the county board of health by residents or owners; to allow those pools
5 which are part of a condominium association, townhome, or timeshare to be governed in
6 accordance with state law rather than local ordinances; to provide for related matters; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "31-45-3.

14 As used in this chapter, the term 'public swimming pool,' 'swimming pool,' or 'pool' means
15 any structure, chamber, or tank containing an artificial body of water ~~used by the~~ open to
16 the general public for swimming, diving, wading, recreation, or therapy, together with
17 buildings, appurtenances, and equipment used in connection with the body of water,
18 regardless of whether a fee is charged for its use. The term includes municipal, school,
19 hotel, or motel pools and any pool to which access is granted in exchange for payment of
20 a daily fee. ~~This chapter shall not apply to~~ The term shall not include a private pool or hot
21 tub serving a single-family dwelling and used only by the residents of the dwelling and
22 their guests. ~~This chapter also shall not apply to apartment complex pools, country club~~
23 ~~pools, subdivision pools which are open only to residents of the subdivision and their~~
24 ~~guests~~ The term shall also not include pools serving a country club, subdivision, apartment
25 complex, condominium association, townhome, or timeshare which are open only to
26 residents or members thereof and their guests, therapeutic pools used in physical therapy

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27 programs operated by medical facilities licensed by the department or operated by a
 28 licensed physical therapist, therapeutic chambers drained, cleaned, and refilled after each
 29 individual use, or to religious ritual baths used solely for religious purposes; provided,
 30 however, that such term shall include such pools serving a country club, subdivision,
 31 condominium association, townhome, or timeshare for purposes of regulations promulgated
 32 pursuant to this chapter relating to minimum construction standards."

33 SECTION 2.

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

36 "31-45-12.

37 Notwithstanding any provision of Code Section 31-45-13 regarding the applicability of this
 38 chapter to the contrary, a resident, member, or owner of an apartment complex, country
 39 club, subdivision, condominium association, townhome, or timeshare that is not subject to
 40 regulation under this chapter or local ordinance may request that the county board of health
 41 inspect a pool at such apartment complex common area pool located therein. Upon receipt
 42 of such a request, the county board of health shall have the authority to inspect such pool
 43 at any reasonable time and in a reasonable manner and issue a report on the condition of
 44 such pool to such owner and to the requesting party, if other than such owner; provided,
 45 however, that such report shall be for informational purposes only and no fines, fees,
 46 charges, or other penalties, monetary or otherwise, shall be assessed with regard to the
 47 inspection or report."

48 SECTION 3.

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

51 "31-45-13.

52 (a) ~~The~~ Except as provided in subsection (b) of this Code section, the provisions of this
 53 chapter shall not apply only in those counties where local rules and regulations governing
 54 public swimming pools ~~are not~~ were in effect on December 31, 2000. Nothing in this
 55 chapter shall be construed to limit the authority of a county to adopt an ordinance or
 56 resolution regarding public swimming pools that applies to apartment complex pools.

57 (b)(1) Any country club, subdivision, condominium association, townhome, or timeshare
 58 within a county generally exempted from this chapter under subsection (a) of this Code
 59 section may instead elect to be governed solely under the provisions of this chapter by
 60 providing written notice to the department and the county board of health.

61 (2) Such election shall be effective until the department and county board of health
62 receive written notice of rescission from such country club, subdivision, condominium
63 association, townhome, or timeshare; provided, however, that each such election or
64 rescission shall be effective for not less than one year. Upon rescission, the country club,
65 subdivision, condominium association, townhome, or timeshare shall be governed by
66 applicable local ordinances.

67 (3) The department shall promulgate rules and regulations necessary to administer and
68 enforce this subsection in an efficient and effective manner."

69 **SECTION 4.**

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