

The Senate Committee on Agriculture and Consumer Affairs offered 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 pools that are part of a condominium  
3 association or townhome from certain regulatory requirements; to authorize inspection  
4 requests to the county board of health by residents or owners; to allow those pools which are  
5 part of a condominium association or townhome to be governed in accordance with state law  
6 rather than local ordinances; to provide for related matters; to repeal conflicting laws; and  
7 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, or townhome which are open only to residents or  
26 members thereof and their guests, therapeutic pools used in physical therapy programs

27 operated by medical facilities licensed by the department or operated by a licensed physical  
 28 therapist, therapeutic chambers drained, cleaned, and refilled after each individual use, or  
 29 to religious ritual baths used solely for religious purposes; provided, however, that such  
 30 term shall include such pools serving a country club, subdivision, condominium  
 31 association, or townhome for purposes of regulations promulgated pursuant to this chapter  
 32 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, or townhome that is not subject to regulation  
 40 under this chapter or local ordinance may request that the county board of health inspect  
 41 a pool at such apartment complex common area pool located therein. Upon receipt of such  
 42 a request, the county board of health shall have the authority to inspect such pool at any  
 43 reasonable time and in a reasonable manner and issue a report on the condition of such pool  
 44 to such owner and to the requesting party, if other than such owner; provided, however,  
 45 that such report shall be for informational purposes only and no fines, fees, charges, or  
 46 other penalties, monetary or otherwise, shall be assessed with regard to the inspection or  
 47 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, or townhome lying  
 58 within a county generally exempted from this chapter under subsection (a) of this Code  
 59 section which is part of a complex containing a common area pool with a bather or load  
 60 capacity of 75 people or fewer may instead elect to be governed solely under the  
 61 provisions of this chapter by providing written notice to the department and the county

62 board of health; provided, however, that no such election shall be made for any  
 63 condominium association or townhome complex unless such condominium association  
 64 or townhome complex is controlled by the owners of the individual dwelling units  
 65 therein.

66 (2)(A) Any such country club, subdivision, condominium association, or townhome  
 67 complex that so elects under paragraph (1) of this subsection shall have all common  
 68 area pools located therein inspected by the applicable county board of health once each  
 69 year; provided, however, that the inspection shall occur no more than 30 days prior to  
 70 the seasonal opening for any such common area pool that is not operated continuously  
 71 throughout the year.

72 (B) The inspection shall be limited to issues relating to:

73 (i) Compliance with federal law regarding suction outlet covers;

74 (ii) Availability of lifesaving and rescue equipment, to the extent required by local  
 75 ordinance;

76 (iii) Security of access to such common area pool;

77 (iv) Water quality; and

78 (v) Adequacy of electrical systems.

79 (C) If any common area pool fails to meet the inspection standards set forth in  
 80 subparagraph (B) of this paragraph, the department shall suspend operations thereof  
 81 until a follow-up inspection confirms that such standards are met; provided, however,  
 82 that any such follow-up inspection shall be limited to review of those matters detailed  
 83 in the initial inspection as having failed to meet such standards. In addition, such notice  
 84 shall be posted in a conspicuous location at such common area pool until operations  
 85 resume.

86 (D) The county board of health may charge an inspection fee not to exceed the usual  
 87 and customary rate, and such fee may be charged for any follow-up inspection.

88 (3) Such election shall be effective until the department and county board of health  
 89 receive written notice of rescission from such country club, subdivision, condominium  
 90 association or townhome complex; provided, however, that each such election or  
 91 rescission shall be effective for not less than one year. Upon rescission, the country club,  
 92 subdivision, condominium association, or townhome complex shall be governed by  
 93 applicable local ordinances.

94 (4) The department shall promulgate rules and regulations necessary to administer and  
 95 enforce this subsection in an efficient and effective manner."

96 **SECTION 4.**

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