



Martin County Public Swimming Pool Ordinance

Adopted MARCH 4., 2014

Office of County Recorder
County of Martin, Minnesota
I hereby certify that the within
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Providing for the Regulation of Public Swimming Pools

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Statutes and Rules referenced in this Ordinance can be accessed to read or download at this website:

<https://www.revisor.mn.gov/pubs/>

An Ordinance Providing for the Licensing and Inspection of public pools regulating their design, construction, operation and maintenance and providing for the enforcement of this Ordinance and the fixing of penalties throughout the entirety of Martin County, hereby is established as follows:

This Ordinance shall be applicable to all public pools as defined in MN Rules Chapter 4717.

The Human Services of Faribault and Martin Counties Community Health Board pursuant to MN Statute Chapter 145, Section 145A.05, Subdivision 8 ordains:

SECTION 1: Purpose

The purpose and intent of this Ordinance is to provide a standard for the design, construction, operation and maintenance of public swimming pools so that public health and safety will be maintained.

SECTION 2: Scope

This Ordinance shall be applicable to all public swimming pools as defined in MN Rules Chapter 4717, and shall provide for the licensing and inspection of all public swimming pools, regulation of the design, construction, operation and maintenance of such pools and the enforcement of violations of this Ordinance.

SECTION 3: Authority

1. This Ordinance is enacted pursuant to MN Statute Chapter 145, Section 145A.05, Subdivision 8, which authorizes the Commissioner of Health to enter into an agreement to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of these sections.
2. The requirements contained in this Ordinance are intended to be comparable to the Minnesota Department of Health Rules and are intended to meet the minimum requirements set forth by the Minnesota Department of Health. Whenever the Minnesota Department of Health amends rules or adopts new rules setting more restrictive standards than the ones established in this Ordinance, the rules set by the Minnesota Department of Health shall govern and will be considered in the enforcement procedure as part of this Ordinance.

SECTION 4: Definitions

The following definitions shall apply in the interpretation and the enforcement of this Ordinance.

1. Appeals Board shall mean six (6) members of the Human Services of Faribault and Martin Counties Board such that a minimum of two (2) members from the Faribault County and two (2) members from Martin County are included. The Chairperson of the Human Services Board will be the Appeals Board Chairperson and will be included as one of the six (6) members.
2. Board shall mean the Human Services of Faribault and Martin Counties Community Health Board acting under the provisions of Minnesota Statute 145, Chapter 145A, subdivision.10, as the Board of Health.
3. Commissioner of Health shall mean the Minnesota Commissioner of Health.
4. Director shall mean the Executive Director of Human Services of Faribault and Martin Counties.
5. Health Authority shall mean the Human Services of Faribault and Martin Counties Community Health Services Program Manager, Public Health Sanitarian or designated staff.
6. Health Department shall mean Human Services of Faribault and Martin Counties Environmental Health Department or the authorized representative.

7. Private Residential swimming pool shall mean any swimming pool located on private property under the control of the homeowner, the use of which is limited to swimming or bathing by members of the homeowners or their invited guest. (The design, construction, and operation of such pools are not subject to the provisions of MN Rules Chapter 4717).
8. Public swimming pool shall mean any swimming pool, other than a private residential swimming pool, that is: (1) open to the public generally, whether for a fee or free of charge; (2) open exclusively to members of an organization and their guests; (3) open to residents of a multiunit apartment building, apartment complex, residential real estate development, or other multi-family residential area; (4) open to patrons of lodging establishment or other public accommodation facility; (5) operated by a person in a park, school, licensed child care facility, group home, motel, camp, resort, club, condominium, manufactured home park, or political subdivision with the exception of swimming pools at family day care homes licensed under MN Statute Chapter 245, Section 245A.14, subdivision 11, paragraph (a).
9. Sanitarian shall mean the Public Health Sanitarian of Human Services of Faribault and Martin Counties.
10. Special purpose pool shall mean treatment pools, therapeutic pools, and special pools for water therapy whirlpools, spas and cold plunge.
11. Wading pool shall mean any pool used or designed to be used exclusively for wading or bathing and a maximum depth of 24 inches.

SECTION 5: Adoption of Public Pool Standards

The standards for Public Pools outlined in MN Rules Chapter 4717 and the Abigail Taylor Pool Safety Act; MN Statute Chapter 144, Section 144.1222 and any subsequent amendments thereto are hereby incorporated in and made part of this Ordinance. Wherein MN Rules Chapter 4717 refers to the Commissioner, Commissioner shall mean the Human Services of Faribault and Martin Counties Community Health Board and its designated Health Department staff.

SECTION 6: Review of Construction Plans

When a public pool in Martin County is licensed or to be licensed under the provisions of MN Rules Chapter 4717 is constructed, installed or materially altered, complete plans and specifications shall be submitted to the Minnesota Department of Health as specified in Minnesota Rules Chapter 4717, Part 4717.0450, along with the required fee.

SECTION 7: Licensure

1. The Health Department is authorized to issue licenses for the operation of public swimming pool and such pools are required to be licensed prior to commencing operation in any calendar year. It shall be unlawful for any person to operate a Public pool within Martin County who does not possess a valid license issued to them by the Health Department as required by this Ordinance. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a license.

2. Licenses issued pursuant to this Ordinance expire on December 31, of each year. License renewal applications shall be filed prior to January 31 or the first day of operation in each calendar year. Licenses shall become overdue and subject to a penalty if received after January 31 or 30 days after the first day of operation in each calendar year. Every person seeking to operate a public swimming pool shall make application in writing to the Health Department. Such application shall include: the applicant's full name and address and whether such applicant is an individual, firm, partnership or corporation, the location, as well as the signature of the applicant or applicants. Such application shall be provided by the Health Department. When a person is seeking to operate more than one swimming pool, an additional license and fee shall be required.
3. Applicants for license shall pay an annual license fee at a rate specified by the Board. This annual license fee may be adjusted as the Board shall deem appropriate. A penalty fee at a rate specified by the Board shall be added to the amount of the license fee and paid by the applicant if the annual license fee has not reached the office of the Health Department by the dates specified. Licenses shall not be transferable from one establishment, person or location to another establishment, person or location. When opening after October 1, and before January 1, a new business or new operator is required only to pay ½ of the normal annual fee.
4. If the Health Department should determine from the application that the health and safety of the public will be properly safeguarded, approval of the license may be given except for a newly constructed or altered pool.
5. If the Health Department should determine from the application or subsequent inspection that the health and safety of the public in the pool will not be properly safeguarded, the Health Department may deny the application for licensure. Such applicant is entitled to a hearing before the Appeals Board as outlined in Section 11 of this Ordinance.

SECTION 8: Inspection

1. Pursuant to MN Rules, Chapter 4717, Part 4717.0375, the Health Authority shall have the right to enter and have access to the Public Pool at any time during the conduct of business. No persons shall interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make such inspections.
2. The person operating a public pool shall, upon request of the Health Department and after proper identification, permit access to all parts of the pool at any reasonable time for purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain compliance with the provisions of this Ordinance.
3. When any of the conditions in the following items listed as A to F are found, a public pool must be immediately closed to use when so ordered by the Health Department. The owner of the pool or the owner's agent must place a sign at the entrance to the pool indicating that the pool is closed. The pool must remain closed until the condition is corrected and approval to reopen is granted by the Health Department. A pool must be closed when:
 - A. The units of lifesaving equipment specified in MN Rules Chapter 4717, Part 4717.1450 are not provided;
 - B. The water clarity standard specified in MN Rules Chapter 4717, Part 4717.1750, subpart 7, is not met;

- C. The disinfectant residual specified in MN Rules Chapter 4717, Part 4717.1750 subpart 3, is not met;
 - D. The pool has been constructed or physically altered without approval of plans as required by MN Rules Chapter 4717, Part 4717.0450;
 - E. All pool drain equipment does not meet the requirements of MN Statute Chapter 144, Section 144.1222 Subdivisions 1, b, c, and d and any subsequent amendments thereto.
 - F. There is any condition that endangers the health or safety of the public.
4. All findings of an inspection of a public pool shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.
 5. The inspection report form shall specify a specific and reasonable period of time for the correction of the violations. Correction of the violations shall be accomplished within the period specified.

SECTION 9: Suspension of License

1. Licenses may be suspended temporarily by the Health Authority at any time for failure by the holder to comply with the requirements of this Ordinance. Whenever a license holder or operator has failed to comply with any notice requiring corrective action, issued under the provisions of this Ordinance, that license holder or operator may be notified in writing that the license upon service of notice is immediately suspended and that an opportunity for a hearing before the Appeals Board will be provided if a written request for appeal is filed within ten (10) days with the Health Authority by the license holder.
2. Any person whose license or permit has been suspended may at any time make application for a re-inspection for the purpose of reinstatement of the license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in their opinion the condition(s) causing suspension of the license has/have been corrected, the Sanitarian shall make a re-inspection. If the applicant is in compliance with the requirements of this Ordinance the license shall be reinstated.

SECTION 10: Revocation of License.

For serious or repeated violations of any of the requirements of this Ordinance, MN Rules Chapter 4717 or MN Statute Chapter 144, Section 144.1222, the license may be permanently revoked after an opportunity for a hearing before the Appeals Board has been provided. Prior to such action, the Health Authority shall notify the license holder in writing, advising that the license shall be permanently revoked at the end of a five (5) day period.

SECTION 11: Appeals Procedure

Appeals shall be heard by the Appeals Board, which shall consist of six (6) members of the Human Services of Faribault and Martin Counties Board such that a minimum of two (2) members from Faribault County and two (2) members from Martin County are included. The Chairperson of the Human Services Board will be the Appeals Board Chairperson and will be included as one of the six (6) members.

1. Request for Hearing. Any person affected by a notice of closure, suspension, or revocation shall be granted a hearing on the matter before the Appeals Board upon filing in the office of the Director, written petition requesting such a hearing and setting forth a brief statement on the grounds therefore. Said petition shall be filed within ten (10) days after the notice was served.
2. Date of Hearing. The hearing requested shall be held not more than ten (10) days after the date on which the petition was filed. The Chairperson of the Appeals Board may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if in the judgment of the Chairperson a good and reasonable reason exists for such postponement.
3. Notice of Hearing. The Health Authority shall cause five (5) days written notice of the hearing to be given to the petitioner or petitioners by personal service or by mailing to the petitioner's last known address.
4. Proceedings. At such hearing the petitioner, their agent or attorney shall be given an opportunity to be heard and to show cause why the notice of closure, suspension, or revocation issued by the Health Authority should be modified or withdrawn. The Health Authority shall present a detailed written statement of their findings and recommendation(s) to the Appeals Board at the time of the hearing.
5. Decisions of the Appeals Board. The Appeals Board, within three (3) days after such hearing, shall sustain, modify or withdraw the notice of closure, suspension, or revocation depending upon its findings. A copy of the decision of the Appeals Board shall be served by mail to the petitioner or petitioners. Any person aggrieved by the decision of the Appeals Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the state.
6. Record of Proceedings. The proceedings of each hearing held before the Appeals Board pursuant to petition, including the findings and the recommendation(s) of the Health Authority shall be recorded and reduced to writing and entered as a public record in the office of the Director. Such record shall include a copy of every notice or order or writing issued in connection with the matter.
7. Notices not appealed. Any notice served pursuant to the provisions of this Ordinance shall automatically become final if a written petition for a hearing is not filed with the Director within ten (10) days after the notice is served.

SECTION 12: Severability.

The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase or portion of this Ordinance be declared invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

SECTION 13: Penalties.

Any person, firm, or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed the maximum allowed under the Misdemeanor Statutes or by imprisonment not to exceed the maximum allowed under the Misdemeanor Statutes or both. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.

SECTION 14: Effective Date

This Ordinance, adopted this 4th day of MARCH, 2014 shall be in full force and effect upon publication.

Signature: *Don Schmitz*
Chairperson, Martin County Board of Commissioners

Attest: *[Signature]*
Clerk of Board of Martin County Coordinator

