

# Ordinance

Board of

## *Ramsey County Commissioners*

Presented By: Commissioner Parker Date: November 16, 2010 No. 2010-384

Attention: Department of Public Health  
Budgeting and Accounting

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WHEREAS, The Minnesota Department of Health (MDH) and Ramsey County have entered into a Delegation Agreement for Environmental Health functions, which includes the regulation of public swimming pools; and

WHEREAS, The Ramsey County Board of Commissioners adopted the Public Swimming Pool Ordinance on July 25, 1995 (Resolution #95-332); and

WHEREAS, Amendments to the Public Swimming Pool Ordinance are necessary to ensure that the Public Swimming Pool Ordinance is consistent with State statutes, rules and the Delegation Agreement with MDH; and

WHEREAS, Section 5.02 of the Ramsey County Home Rule Charter requires that every proposed ordinance and amendment receive two full readings: the first at the time the amendment is presented and the second at the time of the public hearing; and

WHEREAS, Section 5.02 of the Ramsey County Home Rule Charter further provides that the full reading may be waived if a copy of the ordinance or amendment is supplied to each member of the County Board prior to its introduction; and

WHEREAS, On October 12, 2010, the Ramsey County Board of Commissioners waived the first reading of the proposed amendments to the Ramsey County Public Swimming Pool Ordinance; and

WHEREAS, On November 2, 2010, the Ramsey County Board of Commissioners waived the second reading of the proposed amendments to the Ramsey County Public Swimming Pool Ordinance; Now, Therefore, Be It

ORDAINED, That the Ramsey County Board of Commissioners hereby approves the Ramsey County Public Swimming Pool Ordinance as amended:

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough			Absent
Rafael Ortega			Absent
Jan Parker	X		
Janice Rettman	X		
Victoria Reinhardt	X		

Victoria Reinhardt, Chair

By: \_\_\_\_\_  
Bonnie C. Jackelen  
Chief Clerk – County Board

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### 1.00 - PURPOSE AND AUTHORITY

The purpose of this ordinance is to establish standards to protect and promote the health, safety and the general welfare of the people of Ramsey County pursuant to the authority granted to Ramsey County by Minnesota Statutes Sections 375.51 through 375.55 and 145A.05, Subdivision 8.

This ordinance establishes minimum standards for public swimming pools which shall supplement existing applicable laws and codes pertaining to public swimming pools. Whenever this ordinance conflicts with other applicable laws, regulations, and ordinances, the most restrictive shall prevail.

### 2.00 – SCOPE

**2.01** This ordinance shall be applicable to all public swimming pools, as defined in Minnesota Rules Part 4717.0250, subpart 8, which are located in Ramsey County, Minnesota.

**2.02** When a public swimming pool is located in a statutory or home rule charter city which maintains a delegation of authority agreement with the Minnesota Department of Health to regulate food, beverage and lodging establishments pursuant to Minnesota Statutes 145A.07, the provisions contained in Sections 3.00 and 5.00 of this ordinance shall not apply.

### 3.00 - GENERAL PROVISIONS

**3.01** Administrative Procedures. All of the provisions of the Ramsey County Administrative Ordinance shall apply as if fully set forth herein.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough			Absent
Rafael Ortega			Absent
Jan Parker	X		
Janice Rettman	X		
Victoria Reinhardt	X		

Victoria Reinhardt, Chair

By: \_\_\_\_\_  
Bonnie C. Jackelen  
Chief Clerk – County Board

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**3.02 Administration.** This ordinance shall be administered by the Ramsey County Department of Public Health. The term "Department" where used in this ordinance and the Ramsey County Administrative Ordinance, shall mean the Ramsey County Department of Public Health.

**3.03 Definitions.** Definitions of words, phrases, and terms used in this ordinance shall be those set forth in Minnesota Rules Chapter 4717, Minnesota Statutes Section 144.1222, the Ramsey County Administrative Ordinance, and subsection 3.02 above.

### **4.00 - STANDARDS FOR HEALTH, SAFETY, AND NUISANCE PREVENTION**

**4.01 Standards Adopted.** Minnesota Rules Parts 4717.0150 through 4717.3975, and Minnesota Statutes Section 144.1222, Subd. 1, 1b., 1c., 1d., 2, 2a., 2b., 2c., 2d., 4 and 5, and any future revisions thereof, are hereby adopted by reference and made a part of this ordinance except where they are specifically amended by this ordinance.

**4.02 Standards Amended.** The above adopted rules are hereby amended as follows:

A. Whenever the terms "commissioner" or "commissioner of health" appear in these adopted rules, they shall be held to mean the Ramsey County Department of Public Health except in Minnesota Rules Parts 4717.0310 and 4717.0450 where it shall remain unchanged.

B. Minnesota Rules 4717.2450, subpart 1 is amended to read as follows: "Depth Markings and Lines. The depth of the water in the pool must be plainly marked in numbers and letters, be in a color contrasting with the background, and specify the water depth and units in feet and inches. Numerals must be at least four inches high. The water depth must be indicated on the edge of the deck next to the pool on all sides and, when feasible, on the swimming pool wall above the water surface on all sides:

1. at the maximum and minimum depths;
2. at the points of changes of slope between deep and shallow portions; and

Ramsey County Board of Commissioners

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Tony Bennett	X		
Toni Carter	X		
Jim McDonough			Absent
Rafael Ortega			Absent
Jan Parker	X		
Janice Rettman	X		
Victoria Reinhardt	X		

Victoria Reinhardt, Chair

By: \_\_\_\_\_  
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- 3. at intermediate increments of depth, spaced at not more than 25-foot intervals."

### **5.00 LICENSE AND ADMINISTRATION**

**5.01 License Required.** It is unlawful for any person to operate or permit swimming in a public swimming pool, regardless of whether a fee is charged for such use, unless the County has issued a valid license therefore which is in full force and effect. Licensing of swimming pools shall be pursuant to the Ramsey County Administrative Ordinance. Where property has more than one pool located upon it, a separate license shall be obtained for each pool. Only a person who complies with the provision of this ordinance and ordinances applicable thereto of the city or cities in which the public swimming pool is located shall be entitled to receive a license.

**5.02 License Fees.** Fees for licenses issued hereunder shall be those established from time to time by resolution of the County Board of Commissioners.

**5.03 License Expiration.** Licenses issued pursuant to this ordinance expire on the last day of April each year. License applications shall be filed with the Department prior to April 1 of each year.

**5.04 Inspection Required.** A license for an outdoor public swimming pool shall not be issued until the pool has been inspected and approved to operate by the Department.

### **6.00 INSPECTION OF PUBLIC SWIMMING POOLS**

The Department shall inspect every public swimming pool as frequently as deemed necessary to ensure compliance with this ordinance, and shall have right of entry, at any reasonable hour, to the pool and its areas for this purpose.

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Tony Bennett	X		
Toni Carter	X		
Jim McDonough			Absent
Rafael Ortega			Absent
Jan Parker	X		
Janice Rettman	X		
Victoria Reinhardt	X		

Victoria Reinhardt, Chair

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### 7.00 MINNESOTA CLEAN INDOOR AIR ACT (MCIAA)

The licensee of every public swimming pool shall make adequate provisions to meet the requirements of the Minnesota Clean Indoor Air Act and the Minnesota regulations pertaining thereto.

### 8.00 PENALTY

Any person who violates this ordinance, or who permits a violation to exist on the premises under his/her control, or fails to take action to abate the existence of the violation within the specified time period when ordered or notified to do so by the Department, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by law.

### 9.00 EFFECTIVE DATE

After passage by the Ramsey County Board of Commissioners, this ordinance shall be effective thirty (30) days after publication.

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Rafael Ortega			Absent
Jan Parker	X		
Janice Rettman	X		
Victoria Reinhardt	X		

Victoria Reinhardt, Chair

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Tony Bennett	X		
Toni Carter	X		
Jim McDonough			Absent
Rafael Ortega			Absent
Jan Parker	X		
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Victoria Reinhardt	X		

Victoria Reinhardt, Chair

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Tony Bennett	X		
Toni Carter	X		
Jim McDonough			Absent
Rafael Ortega			Absent
Jan Parker	X		
Janice Rettman	X		
Victoria Reinhardt	X		

Victoria Reinhardt, Chair

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