

## **CHAPTER 515: SWIMMING POOLS, SPAS AND SIMILAR FACILITIES**

### **SECTION 515.010: SCOPE AND PURPOSE**

The provisions of this Chapter shall apply to all public and semi-private swimming pools, spas, hot tubs and whirlpool baths within the corporate limits of Kearney, Missouri. The purpose of this Chapter is to regulate the design, construction, equipment, operation and maintenance of such pools, spas, hot tubs or whirlpool baths so that hazards of health and safety shall be minimized. (Ord. No. 451-86 §1, 8-4-86)

### **SECTION 515.020: DEFINITIONS**

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

*DIRECTOR OF HEALTH OR HEALTH DIRECTOR:* The health officer appointed by the Mayor pursuant to Section 115.230 of this Code.

*PUBLIC:* Those pools, spas, hot tubs and whirlpool baths operated by a municipality, other political subdivision, any other governmental or quasi-governmental agency offered for use to the general public.

*SEMI-PUBLIC:* Pools, spas, hot tubs and whirlpool baths operated by entities such as hotels, motels, apartment houses, clubs, schools and camps which serve as adjuncts to the main facility or are generally made available to patronage of such establishments on a fee, membership or other compensatory basis. (Ord. No. 451-86 §2, 8-4-86)

### **SECTION 515.030: RULES AND REGULATIONS RELATING TO SWIMMING POOLS, SPAS AND SIMILAR FACILITIES**

The inspection of swimming pools, spas, hot tubs and whirlpool baths in addition to the regulatory requirements for the equipment, operation and maintenance shall be in accordance with the "Rules and Regulations Relating to Swimming Pools, Spas and Similar Facilities" of which three (3) certified copies shall be on file in the office of the City Clerk. (Ord. No. 451-86 §3, 8-4-86)

**SECTION 515.040: PERMIT TO OPERATE**

No person shall operate or maintain a public or semi-public swimming pool, spa or similar facility unless he/she has applied for and obtained a permit to operate such pool from the Director of Health. The permit shall be valid for one (1) year thereafter unless otherwise suspended or revoked for cause and it must be renewed annually. The permit shall be conspicuously posted on the pool premise. (Ord. No. 451-86 §4, 8-4-86)

**SECTION 515.050: APPLICATION FOR CONSTRUCTION PERMIT**

- A. Before any public or semi-public swimming pool, spa, hot tub or whirlpool shall be constructed after passage of this Chapter, application for a permit therefor shall be made to the Director of Health. Written plans and specifications shall accompany such application and conform to the requirements of the rules and regulations hereby adopted.
- B. Upon approval by the Director of Health, a permit to construct such installation shall be issued. Nothing in this Chapter shall be deemed to exempt any person from the requirements of the Building Code and any permits required thereunder or from any requirement of State or Federal law or regulation. (Ord. No. 451-86 §5, 8-4-86)

**SECTION 515.060: INSPECTION PRIOR TO OPERATION REQUIRED**

The Director of Health shall inspect a public or semi-public swimming pool, spa, hot tub or whirlpool before it is opened for operation, and before issuing a permit to operate, to ascertain that the construction and equipment complies with the requirements of the "rules and regulations" or with the plans and specifications submitted with the application for construction of a new facility. (Ord. No. 451-86 §6, 8-4-86)

**SECTION 515.070: AUTHORITY TO DENY, SUSPEND OR REVOKE PERMITS**

In the event of a failure to comply with the rules and regulations hereby adopted, after due notice, the Director of Health shall have the power to suspend or revoke any permit and/or prohibit the use of a swimming pool, spa, hot tub or whirlpool until such time as the same is, in the opinion of said officer, in compliance with the rules and regulations hereby adopted or no longer constitutes a health hazard. Such action by the Director of Health shall be in writing and delivered either by handing such notice to the person in charge of the facility or by certified mail to the last known address of the person in charge of such facility. (Ord. No. 451-86 §7, 8-4-86)

**SECTION 515.080: APPEAL PROCEDURE**

Any person notified of a decision of the Director of Health relative to swimming pools, spas, hot tubs or whirlpools may request a public hearing before the Board of Aldermen upon written request to the City Clerk within ten (10) days from the date of the Director's decision. Upon receiving such request, the Board shall set a date, time and place for hearing and notify the interested parties. After a full and fair hearing whereat, the Director shall first present his/her evidence and the person appealing shall have an opportunity to appear in person or by counsel, examine the witnesses and the evidence unfavorable to him/her, present evidence in his/her own behalf and make argument to the Board. The Board shall make its decision prior to adjournment of the hearing. (Ord. No. 451-86 §8, 8-4-86)

**SECTION 515.090: VIOLATION AND PENALTY**

Violation of the provisions of this Chapter shall constitute an ordinance violation and may be punished by a fine of up to five hundred dollars (\$500.00), a jail term of up to thirty (30) days, or both. Each day a violation hereof continues shall constitute a separate ordinance violation and may be punished as such. (Ord. No. 451-86 §9, 8-4-86)