

Sarasota County Code of Ordinances
Section 62-211-223, Article VII. Public Swimming Pools and Bathing Places

Sec. 62-211. Findings.

The Board of County Commissioners hereby makes the following findings:

- (1) It is recognized that in Sarasota County in recent years there has been rapid growth in tourist and resident populations with a resulting great increase in the number of recreational Facilities and their use in Sarasota County, including Public Swimming Pools, water attractions and bathing places.
- (2) Insufficient and inefficient planning and operation of sanitation and safety equipment in connection with Public Swimming Pools and bathing places in Sarasota County constitute a threat to the public health and safety. Therefore, it is deemed necessary by the Board of County Commissioners of Sarasota County to establish and enforce these regulations governing the construction and operation of Public Swimming Pools, water attractions and bathing places in Sarasota County.
- (3) Sarasota County and the municipalities within provide and maintain several gulf-water beaches for the enjoyment of vacationers and residents. There are no national or State standards for recreational gulf water quality.

(Ord. No. 89-064, § 1, 7-11-1989; Ord. No. 98-023, § 1, 3-17-1998)

Sec. 62-212. Definitions.

- (a) The following definitions shall apply in the interpretation and enforcement of this article:

Board: The Board of County Commissioners of Sarasota County, Florida.

Director: The Director of the Sarasota County Health Department or his authorized representative.

Facility: A Public Swimming Pool, bathing place or Marine-Water Beach as the context requires. **Health Department:** The Sarasota County Health Department. **Management:** Includes anyone who conducts, directs the affairs and carries out the operations of a Public Swimming Pool, either for his own interest or that of an owner, and includes those responsible for operation and supervision.

Marine-Water Beaches: Only those Marine-Water Beach areas provided, regulated and regularly maintained by Sarasota County or other municipality for recreational use by the general public. Public access strips less than 150 feet wide shall be exempt from the requirements of this article.

Private Pool or Bathing Place: Means a Facility used only by an individual person and his family or house guests and shall not include any type of cooperative housing or joint tenancy of five or more families. Any of such Facilities located at a motel, hotel, apartment house, condominium, mobile home park, camp or mobile home subdivision shall not be a private Facility for the purpose of this article.

Sarasota County Code of Ordinances

Section 62-211-223, Article VII. Public Swimming Pools and Bathing Places

Public Swimming Pool: A Public Swimming Pool or public pool shall mean a conventional pool, spa type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of fee, and includes but is not limited to pools operated by or serving camps, churches, cities, clubs, counties, health spas, institutions, parks, State agencies, schools, subdivisions, or cooperative living type projects of five or more living units, such as apartments, boardinghouses, condominiums, hotels, mobile home parks, motels, recreational vehicle parks and trailer parks. The inclusion in the definition of "Public Swimming Pool" of those pools serving five or more living units where the living units are predominantly of individual or family ownership and occupancy or group ownership (such as in a multiple-housing unit or a condominium) is for the protection of health and safety of the pool patrons under provisions of F.S. ch. 514, and shall not be construed to mean that such pools are open to use by the general public. However, Private Pools and water therapy Facilities connected with hospitals, medical doctors' offices and licensed physical therapy establishments shall be exempt from supervision.

(b) All other terms used in this article shall be construed as having the same meaning as that given such terms in F.S. ch. 514 and F.A.C. ch. 64E-9, as the same may be amended from time to time, unless otherwise provided herein.

(Ord. No. 89-064, § 2, 7-11-1989; Ord. No. 98-023, § 2, 3-17-1998) 11/17/03

Sec. 62-213. Construction and operation standards.

(a) Except to the extent that it is herein strengthened or extended by the other provisions of this article, F.A.C. ch. 64E-9 and F.S. ch. 514, as the same may be amended from time to time, are hereby adopted. Compliance with all provisions of said F.A.C. ch. 64E-9 and any amendments thereto is required hereby as if said chapter were herein set forth in full.

(b) The exemptions contained in F.S. § 514.0115(2) and (3), as they may be amended from time to time, relating to pools serving condominiums or cooperative living units, do not apply within Sarasota County.

(Ord. No. 89-064, § 3, 7-11-1989; Ord. No. 98-023, § 3, 3-17-1998) 11/17/03

Sec. 62-214. Public Swimming Pools, bathing places and Marine-Water Beaches; Health Department permits and approval.

No person shall operate a Public Swimming Pool, bathing place or Marine-Water Beach without first obtaining and maintaining a valid permit for such operation from the Health Department.

(1) All Facilities that choose to be exempt from State operating requirements under F.S. § 514.0115(2) and (3) will obtain a County operating permit. The County operating permit shall be issued for a period of one year. Thereafter, the owner, operator or agent shall apply for renewal annually during the month prior to the anniversary of the permit. The Health Department shall renew the permit if the Facility continues to meet the standards of this article. Facilities that hold a valid State operating permit and are subject to regulation under this article

Sarasota County Code of Ordinances

Section 62-211-223, Article VII. Public Swimming Pools and Bathing Places

shall not be required to obtain a County operating permit but will be required to pay an annual County inspection fee. Public Marine-Water Beaches shall be issued a County operating permit by the Health Department. These beaches shall be subject to an initial sanitary survey, annual permit renewal, and monthly bacteriological water quality sampling. The operating permit shall be posted on the premises in a conspicuous place. Permits shall not be transferable from one person, firm or corporation to another, or from one physical location to another physical location.

(2) The fee for such regulation shall cover the administrative cost of permitting, inspections and the cost of maintaining a bacteriological sampling program.

(3) It shall be unlawful for any person to begin construction, alteration or modification of any Public Swimming Pool without first having received written approval from the Health Department.

(Ord. No. 89-064, § 4, 7-11-1989; Ord. No. 98-023, § 4, 3-17-1998)

Sec. 62-215. Testing and water quality.

(a) Water samples for testing to show the bacteriological and chemical quality of the water in Public Swimming Pools shall be collected by the Health Department during each calendar quarter or more often if deemed necessary.

(b) Water samples for testing to show the bacteriological quality of water at public bathing places and Marine-

Water Beaches shall be collected by the Health Department during each month or more often if deemed necessary.

(c) Bacteriological standards.

(1) Public pools. Public pool water shall be free of coliform bacteria contamination.

(2) Public bathing places. Public bathing place water shall meet the standards of F.A.C. 64E-9.013(4).

(3) Marine-Water Beaches. The waters at Marine-Water Beaches shall meet the following standards:

a. Total coliform counts per 100 ml. shall not exceed 1,000 in more than 20 percent of the samples examined during any month, or exceed 2,400 in any single sample.

b. Fecal coliform counts per 100 ml. shall not exceed a monthly average of 200, nor exceed 400 in ten percent of the samples, nor exceed 800 in any single sample.

(d) Chemical standards.

(1) Public pools. Public pool water shall meet the requirements of F.A.C. 64E-9.004 (1).

(2) Public bathing places. Public bathing place water shall meet the requirements of F.A.C. 64E-9.013 (3)(b).

(Ord. No. 89-064, § 5, 7-11-1989; Ord. No. 98-023, § 5, 3-17-1998) 11/17/03

Sarasota County Code of Ordinances
Section 62-211-223, Article VII. Public Swimming Pools and Bathing Places

Sec. 62-216. Operating certification for pool operators and pool service contractors.

- (a) All Public Swimming Pools must be maintained by a certified operator. In order to maintain acceptable sanitary conditions in the operation of a Public Swimming Pool and to minimize the possibility of a waterborne disease outbreak, an employee, resident, owner, or pool service employee, who is directly responsible for pool operation, shall be required to complete a course not to exceed 16 hours of instruction and training, conducted or approved by the Health Department, in basic pool water chemistry, filter system operation and maintenance, and Department shall administer a written examination following the completion of such course, and if the trainee shall successfully pass such written examination, the Director shall issue a certificate of competency, which shall be valid for a three-year period or until suspended or revoked. Upon expiration of the three-year effective period of the certificate of competency, each holder thereof shall be required to complete a refresher course not to exceed six hours. Upon the completion of the refresher course and the successful passing of a written examination, a new certificate of competency shall be issued for a succeeding three-year period. The fee for such a course shall be as authorized and required by the Board.
- (b) All licensed commercial pool service contractors and their employees actively engaged in Public Swimming Pool operation and maintenance are required to obtain operator certification.
- (c) The person directly responsible for pool operations shall have the certification, or a copy thereof, posted in full public view at the pool site.
- (d) This course will be offered a minimum of four times each year by the Health Department.
- (e) An active certificate of competency can be suspended or revoked by the Director after due process under County Ordinance No. 93-06 (Special Master) (Chapter 2, Article VIII of this Code).

(Ord. No. 89-064, § 6, 7-11-1989; Ord. No. 98-023, § 6, 3-17-1998)

Sec. 62-217. Administration and enforcement procedure.

- (a) It shall be the responsibility of the Director to enforce the provisions of this article within Sarasota County. The Health Department shall inspect all Public Swimming Pools and bathing places within Sarasota County, and if a violation of any provision of this article, F.S. ch. 514 or F.A.C. ch. 64E-9, as they may be amended from time to time, is determined to exist, the Director shall give the operator of such Facility a reasonable time following the receipt of written notice thereof within which to correct such violations. Should the violation(s) continue beyond the time specified for correction by the official notice, enforcement procedures shall be as specified in County Ordinance No. 93-06 (Special Master) (Chapter 2, Article VIII of this Code).
- (b) If, in the opinion of the Director, based upon competent substantial evidence, conditions of a Public Swimming Pool or bathing place represent a clear and present danger or an immediate threat to the life or health of the patrons, guests or employees, the Facility shall be ordered closed by the Director. The operator shall post a sign advising that the Public Swimming Pool or bathing place is closed. Should the operator refuse to post the said pool or bathing place as closed, the Department shall have the authority to so post the Facility. The Public Swimming Pool or bathing place shall remain closed for use until, in the opinion of the Director, the

Sarasota County Code of Ordinances

Section 62-211-223, Article VII. Public Swimming Pools and Bathing Places

dangerous condition has been removed and the Facility fully complies with all of the provisions of this article.

(c) Any Public Swimming Pool that has been posted due to unsatisfactory water quality or a safety hazard shall remain closed until authorization to reopen said pool has been obtained from the Director.

(d) If a violation(s) is not corrected or the Public Swimming Pool or bathing place continues to operate without a valid permit after proper notification, as specified in subsection (a) of this section, the Director may apply for an injunction to require compliance with this article, seek appropriate criminal sanctions as provided herein, or both.

(Ord. No. 89-064, § 7, 7-11-1989; Ord. No. 98-023, § 7, 3-17-1998) Cross references: Administration, ch. 2.

Sec. 62-218. Penalties.

The violation of this article shall be treated as a misdemeanor, and any person found guilty of violating same shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 and/or by imprisonment in the County jail not to exceed 60 days. Each day or fraction thereof that the violation continues shall be considered as a separate offense.

(Ord. No. 89-064, § 8, 7-11-1989; Ord. No. 98-023, § 8, 3-17-1998)

Sec. 62-219. Applicability.

This article shall be applicable in both the unincorporated and incorporated areas of Sarasota County to the extent that such municipality has not enacted an ordinance which conflicts with any of the provisions of this article. Should any section of this article conflict with any municipal ordinance on the same subject, the municipal ordinance shall control, provided that the remaining sections of this article shall remain in full force and effect in the municipality. The provisions of this article shall not apply to private swimming pools, Private Bathing Places or private beaches.

(Ord. No. 89-064, § 9, 7-11-1989; Ord. No. 98-023, § 9, 3-17-1998)

Sec. 62-220. Variances.

(a) Procedures. The Board may grant a variance from the terms of these regulations when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in extreme hardship on the applicant. Such variance shall not be granted by the Board unless and until:

(1) A written application for a variance shall be submitted to the appropriate department in three copies, together with a processing fee as required by the Board of County Commissioners (check made payable to the Sarasota County Public Health Unit) and demonstrating:

- a. That the hardship was not the result of any intentional action by the applicant.
- b. That the variance shall not be in conflict with any other applicable ordinance or State law.

Sarasota County Code of Ordinances

Section 62-211-223, Article VII. Public Swimming Pools and Bathing Places

- c. That the variance will not adversely affect the environment.
- d. That the variance will pose no threat to public health.

(b) Approval by the Board of County Commissioners. The Board shall consider the variance during a regularly scheduled meeting and said variance shall be listed as an agenda or worklist item. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made in part of the terms under which the variance is granted, shall be deemed a violation of these regulations.

(Ord. No. 90-007, § 1, 1-2-1990)

Sec. 62-221. Severability.

If any provision of this article is for any reason held invalid and or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

(Ord. No. 89-064, § 10, 7-11-1989; Ord. No. 98-023, § 10, 3-17-1998) 11/17/03

Sec. 62-222. Fees.

The Board may, from time to time, establish by resolution a schedule of fees to include, but not to be limited to: license fee, permit fee, inspection and reinspection fees, pool operator course fee, and plan review fee.

(Ord. No. 89-064, § 11, 7-11-1989; Ord. No. 98-023, § 11, 3-17-1998)

Sec. 62-223. Sunset provision.

This article shall be automatically repealed on February 3, 2005, unless otherwise amended or ratified by the Board of County Commissioners of Sarasota County, Florida.

(Ord. No. 89-064, § 12, 7-11-1989; Ord. No. 98-023, § 12, 3-17-1998)

Secs. 62-224--62-250. Reserved. 11/17/03