

## **ORDINANCE #2019-4, PUBLIC SWIMMING POOL ORDINANCE, AS AMENDED**

### **SECTION 1 PURPOSE AND APPLICABILITY**

- 1.1 This ordinance is enacted to establish standards to protect and promote the health and safety of the people within Anoka County.
- 1.2 This ordinance establishes minimum standards for public swimming pools that supplement existing applicable laws and codes pertaining to public swimming pools.
  - 1.2.1 Whenever this ordinance conflicts with other applicable laws, regulations, and ordinances, the most restrictive shall prevail.
- 1.3 This ordinance shall apply to all public swimming pools, as defined in Minnesota Rules Part 4717.0250, subpart 8, that are located within Anoka County, Minnesota.

### **SECTION 2 PROHIBITED ACTIVITY**

- 2.1 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 Anoka County has issued a valid license for the pool that is in full force and effect.

### **SECTION 3 LICENSE REQUIRED**

- 3.1 Each public swimming pool located within Anoka County must be licensed under this ordinance.
- 3.2 Where property has more than one pool located upon it, a separate license shall be obtained for each public swimming pool.

### **SECTION 4 DEFINITIONS**

For purposes of this ordinance, the following definitions apply:

- 4.1 The definitions in Minnesota Rules Part 4717.0250 are adopted by reference for terms, words, and phrases used in this ordinance.
- 4.2 **Department** means the Anoka County Public Health and Environmental Services Department.

### **SECTION 5 ADMINISTRATION**

- 5.1 This ordinance will be administered by the Department.
- 5.2 The provisions of the Anoka County Administrative Procedures Ordinance as amended, apply to the administration and enforcement of this ordinance, unless otherwise expressly provided for in this ordinance.

### **SECTION 6 LICENSE PROCEDURES**

- 6.1 All applications, new and renewal, for licenses must be made on forms furnished by the Department.
- 6.2 Upon payment of the applicable license fee, the Department will review the application.
  - 6.2.1 The Department will issue a license if the Department based on the requirements and conditions specified in this ordinance approves the application.

- 6.3 Each license application must describe the location, written proof that the local city or township has considered the establishment of the business and the results of that consideration, and any other information deemed necessary by the Department.
- 6.3.1 As part of the application for a new public swimming pool license, the owner or operator must submit to the Department a plan in sufficient detail to ascertain compliance with the requirements and conditions specified in this ordinance.
- 6.4 License applications for renewal shall be filed with the Department prior to March 1 of each year.
- 6.4.1 Licenses issued pursuant to this ordinance expire on the last day of March each year.
- 6.5 A license for an outdoor public swimming pool may not be issued until the pool has been inspected and approved to operate by the Department.
- 6.6 Only a person who complies with the provision of this ordinance and any applicable ordinances of the city in which the public swimming pool is located is entitled to receive a license under this ordinance.
- 6.6.1 A license is not transferable.
- 6.7 A valid license must be predominantly displayed onsite.

#### SECTION 7 MINNESOTA CLEAN INDOOR AIR ACT

- 7.1 The licensee of every public swimming pool must make adequate provisions to meet Minnesota Clean Indoor Air Act requirements.

#### SECTION 8 INSPECTIONS

- 8.1 The Department will inspect each public swimming pool before initially issuing a license; as part of a complaint investigation; and as frequently as deemed necessary to ensure compliance with this ordinance.
- 8.1.1 The Department shall have right of entry, at any reasonable hour, to the pool and its areas for this purpose.
- 8.1.2 The operator must, upon request by Department personnel and after proper identification, permit access to all parts of the pool operation at any reasonable time, for the purpose of inspection.
- 8.1.3 No person may interfere with or hinder the Department in the performance of its duties, or refuse to permit the Department to make such inspections.
- 8.2 The operator(s) must correct or remove each violation upon receipt of an inspection report giving notification of one or more violations of this ordinance in a reasonable length of time as determined by the Department.
- 8.2.1 The length of time for the correction or removal of each violation will be noted on the inspection report.
- 8.2.2 Failure to remove or correct each violation within the time period noted on the inspection report constitutes a separate violation of this ordinance.

#### SECTION 9 STANDARDS FOR HEALTH AND SAFETY

- 9.1 Minnesota Rules Parts 4717.0150 through 4717.3975 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.

9.2 The above adopted rules are amended as follows:

9.2.1 The terms “commissioner” or “commissioner of health” mean the Department, except in Minnesota Rules Parts 4717.0310 and 4717.0450 where the terms shall remain unchanged.

9.3 Minnesota Statutes § 144.1222, subparts 1b through 1d, are adopted by reference and made a part of this ordinance as if fully set forth.

#### SECTION 10 FEES

10.1 Fees for licenses will be established from time to time by the Anoka County Board of Commissioners.

10.2 License late fees also may be charged in accordance with the Anoka County Administrative Procedures Ordinance, as amended.

#### SECTION 11 SEPARABILITY

11.1 If any provision or application of this ordinance is held invalid, the invalidity will not affect other provisions or applications of this ordinance.

#### SECTION 12 VIOLATIONS

12.1 Any person who violates or fails to comply with any provision of this ordinance is guilty of a misdemeanor.

12.1.1 A separate offense is deemed committed on each day during, or on which, a violation occurs or continues.

12.2 Any person who permits a violation of any provision of this ordinance to exist on the premises under the person’s control is guilty of a misdemeanor.

12.3 Any person who fails to take corrective action to abate the existence of any violation(s) within the specified time period when ordered to do so by the Department is guilty of a misdemeanor.

12.4 The Department, in consultation with the county attorney, may institute appropriate civil actions or proceedings, including injunctive relief to prevent, restrain, correct, or abate a violation or threatened violation of this ordinance.

#### SECTION 13 AMENDING AND REPEALING PRIOR ORDINANCES; EFFECTIVE DATE

13.1 This ordinance amends and restates all previous ordinances relating to the authority to issue citations, thereby repealing said prior ordinances, and shall be in full force and effect from and after the time of its passage by the Anoka County Board of Commissioners and publication as required by law.

Ordinance #04-1 adopted October 26, 2004

Ordinance #09-1 adopted February 24, 2009

Ordinance #2018-13 adopted October 18, 2018.

Adopted by the Board of Commissioners of Anoka County, Minnesota, the 23rd day of April, 2019.