

ANALYSIS

An ordinance amending Title 11 – Health and Safety of the Los Angeles County Code relating to Countywide efforts to prevent drownings by: (1) expanding lifeguard requirements to certain public and private swimming pools, public swimming areas, and other areas for swimming and recreative bathing; (2) requiring aquatics safety plans for public swimming pools which require lifeguard services; and (3) imposing additional reporting requirements on pool owners, operators and service technicians to report drownings, near-drownings, and other incidents. This ordinance is known as "Roxie's Swim Safe Ordinance."

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ORDINANCE NO. _____

An ordinance amending Title 11 – Health and Safety of the Los Angeles County Code relating to Countywide efforts to prevent drowning at certain public and private swimming pools.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 11.32 – Swimming Pools and Other Water Areas is hereby amended to read as follows:

Chapter 11.32	SWIMMING POOLS AND OTHER WATER AREAS
11.32.005	Title.
11.32.010	Applicability of eChapter pProvisions.
11.32.020	Definitions.
11.32.030	Public sSwimming aAreas—Water eQuality sStandards.
11.32.040	Public sSwimming aAreas—Lifesaving and fFirst aAid eEquipment.
11.32.050	Public sSwimming aAreas, <u>Public Swimming Pools, and Swimming Pools</u>—Lifeguards <u>and Aquatic Safety Plans</u>.
11.32.060	Public sSwimming aAreas—Dressing rRoom rRequirements.
11.32.070	Public sSwimming aAreas—Toilet fFacilities.
11.32.080	Health rRestrictions for eEmployees and eOther pPersons.
11.32.090	Drinking fFountains rRequired wWhere.
11.32.100	Wading pPools—Construction.
11.32.110	Wading pPools—Adult sSupervision rRequired.

11.32.120 Wading ~~p~~Pool—Disinfection.
11.32.130 Wading ~~p~~Pool—Water ~~e~~Clarity and ~~r~~Recirculation.
11.32.140 Water ~~s~~Supply.
11.32.150 Spray ~~p~~Pool ~~r~~Requirements.
11.32.160 Swimming ~~p~~Pool ~~e~~Equipment—~~Review and approval~~
~~required~~—~~Fees~~Requirements.

11.32.170 ~~Swimming pool equipment—Period of approval—~~
~~Reexamination~~Implementation Date of Amendments.

~~11.32.180—Swimming pool equipment—Exempt from fee payment~~
~~when.~~

SECTION 2. Section 11.32.005 is hereby added to read as follows:

11.32.005 Title.

The Ordinance codified in this chapter shall be known as "Roxie's Swim Safe Ordinance."

SECTION 3. Section 11.32.010 is hereby amended to read as follows:

11.32.010 Applicability of ~~e~~Chapter ~~p~~Provisions.

This chapter shall apply to all pools, as defined herein, except ~~private~~ pools ~~maintained by an individual for the use of his family and friends~~ located on the grounds of a private home. This chapter shall apply, but not be limited to, all public swimming pools, commercial pools, real estate and community pools, pools at hotels, motels, resorts, mobilehome parks, auto courts, apartment houses consisting of ~~five~~four (4) or more residential units, clubs, public and private schools, ~~and~~ gymnasias and health establishments, juvenile detention facilities, and children's camps. This chapter shall apply to all auxiliary structures and equipment thereof, such as locker rooms, showers

rooms and, dressing rooms; and toilet facilities; and filtration, pumping, piping, disinfecting, and safety equipment provided and maintained in connection with such facility.

SECTION 4. Section 11.32.020 is hereby amended to read as follows:

11.32.020 Definitions.

A. "Accredited lifeguard" means a person who ~~holds~~possesses a current ~~American Red Cross Senior Lifesaving Certificate or equivalent and from an American Red Cross or YMCA of the U.S.A. lifeguard training program, or has equivalent qualifications,~~ a current American Red Cross Standard First Aid ~~Certificate or equivalent, and complies with the requirements of California Health and Safety Code section 116028.~~ In addition, ~~he~~for public swimming areas, the lifeguard shall have had satisfactory experience as a beach an accredited lifeguard for at least one swimming season or ~~an equivalent record of performance~~ 100 hours of advanced open water training or equivalent qualifications.

B. ~~"Lifeguard in training" means a person who performs lifeguard duty under the direct supervision of an accredited lifeguard during a training program, preparatory to becoming an accredited lifeguard.~~ "Accredited lifeguard supervisor" means an accredited lifeguard who has the ability to monitor lifeguard performance as it relates to lifeguard and facility-specific training, including performing pre-service assessments; successful completion of a lifeguard supervisor training course; previous experience as an accredited lifeguard for at least three (3) months; knowledge of strategies to reduce risk and mitigate the health and safety hazards to both the patrons and the staff; and

knowledge of development and evaluation of zones of bather surveillance responsibility diagrams for an aquatic venue.

C. "Children's camp" has the same meaning as defined in Section 8.04.080.

D. "Children's day camp" has the same meaning as defined in Section 8.04.081.

E. "Children's overnight camp" has the same meaning as defined in Section 8.04.082.

F. "Department" means the Los Angeles County Department of Public Health.

G. "Direct fee" means a separately stated fee or charge for the use of a public swimming pool to the exclusion of any other service, facility, or amenity.

H. "Lazy river" means channeled flow of water of near constant depth in which the water is moved by pumps or other means of propulsion to provide a river like flow that transports bathers over a defined path. A lazy river may also be referred to as a tubing pool, leisure river, leisure pool, or a current channel.

I. "Lifeguard in training" means a person who performs lifeguard duty under the direct supervision of an accredited lifeguard during a training program or preparatory to becoming an accredited lifeguard.

J. "Lifeguard services" means the attendance at a public swimming pool, during periods of use, of one or more lifeguards who are accredited lifeguards and who are trained to administer first aid, including, but not limited to, cardiopulmonary resuscitation (CPR) as referenced in California Health and Safety Code

section 1797.182 and who have no duties to perform other than to supervise the safety of participants in water-contact activities.

~~€4K.~~ "Public swimming area" means any portion of a body of water owned, operated, or under the control of any person which is permitted to be used for swimming and bathing, except:

- ~~a~~1. A swimming pool;
- ~~b~~2. A wading pool;
- ~~c~~3. Any portion of the Pacific Ocean; and
- ~~d~~4. Swimming areas owned and controlled by a single family and used

only by that family and its guests.

~~2.~~For any body of water other than described in paragraphs ~~a, b, c, or d,~~1, 2, 3, or 4 above, swimming or recreative bathing shall be at the user's discretion, ~~is of such size, shape and depth that it can be used for swimming or recreative bathing, it shall be presumed that such is permitted therein unless it is clearly and plainly posted, in a manner acceptable to the director~~Department, warning that swimming or recreative bathing is prohibited.

~~3.~~If the ~~director~~Department finds that a body of water or any portion thereof is, in the normal course of events, used by such a small number of persons in relation to the area of such body of water or portion thereof, that those provisions of this ~~D~~division relating to public swimming areas are not necessary for the preservation of public peace, health or safety, such body of water or such portion thereof is not a "public swimming area."

L. "Public swimming pool" means any swimming pool, hot tub, spa, or non-portable wading pool, that is any of the following:

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; residents of an apartment building, apartment complex, residential real estate development, or other multifamily residential area, consisting of four (4) or more units; patrons of a hotel or other public accommodations facility; or campers participating in a children's camp.

3. Located on the premises of an athletic club, or public or private school.

4. Owned or operated by the state or any local government entity.

DM. "Spray pool" means any artificially constructed pool or basin, used or intended to be used by the public, which intercepts, but does not impound water sprayed over or onto it.

EN. "Swimming pool" and "pool" each means an artificial basin, chamber or tank constructed ~~or~~ prefabricated with impervious material, located outdoors or indoors, whether in-ground or above-ground, and used, or intended to be used, for swimming, diving, or recreative bathing. It does not include baths where the main purpose is the cleaning of the body, nor individual-type therapeutic tubs.

FO. "Wading pool" means any artificially constructed pool used or intended to be used for wading by the public, with a maximum depth of not more than eighteen (18) inches.

P. "Waterslide" means a slide that runs into a landing pool or runout through a fabricated channel with flowing water.

Q. "Wave pool" means a swimming pool designed for the purpose of producing breaking wave action in the water and that is not primarily designed for standup surfing, or bodyboarding.

SECTION 5. Section 11.32.030 is hereby amended to read as follows:

11.32.030 Public ~~s~~Swimming aAreas—Water qQuality sStandards.

The water used in a public swimming area shall meet the following:

- A. No sewage discharges shall exist in the immediate vicinity of, or immediately upstream from, bathing areas;
- B. Dilution and time of travel between point ~~of~~ sewage discharge and bathing area shall be sufficient to allow natural purification to occur so that the presence of harmful organisms of sewage origin is unlikely;
- C. The complete sanitary survey of the area is satisfactory; and
- D. The waters meet the following bacteriological standards:
 - 1. Of all the samples collected during any 30-day period, the average coliform index Most Probable Number (MPN) (confirmed test) shall not exceed five (5) coliform organisms per milliliter (500 per 100 ml.).
 - 2. ~~Not~~Not more than ~~40~~ten percent (10%) of the samples tested shall exceed a coliform index MPN (conformed test) of ten (10) coliform organisms per milliliter (1,000 per 100 ml.), provided further that no single sample, when verified by a

repeat sample taken within 48 hours, shall exceed 100 per milliliter (10,000 per 100 ml.).

3. The bacteriological standards shall be run in accordance with Standard Methods for the Examination of Water and Sewage, published by the American Public Health Association.

SECTION 6. Section 11.32.040 is hereby amended to read as follows:

**11.32.040 Public ~~s~~Swimming areas—Lifesaving and first aid
equipment.**

A. Every public swimming area shall be provided with a minimum of one ~~(1) approved lifering~~ life ring, buoy or equivalent ~~approximately~~ at least fifteen (15) inches in diameter and, where so required, one rescue pole at least twelve (12) feet long, with hook. Such ~~lifering~~ life rings, buoys or equivalent and rescue hook shall be readily accessible to each lifeguard, the location and spacing thereof to be determined by consideration of the area to be covered, configuration of water area and related factors, and approved by the ~~director~~ Department. Such ~~lifering~~ life rings, buoys, or equivalent shall have attached to them 75 feet of sound, 3/16-inch line, which shall be stored, when not in use, in such a way as to prevent kinking or fouling.

B. When, in the opinion of the ~~director~~ Department, any public swimming area is of such size that unaided swimming rescues by lifeguards do not, ~~in his opinion~~, offer sufficient protection to swimmers, one or more square-sterned boats equipped with oars, oarlocks, ~~lifering~~ life rings, or hollow-type paddle boards, as the ~~director~~ Department approves, shall be provided.

C. A standard, 24-unit or larger first aid kit shall be provided and properly maintained, and kept readily available at all public swimming areas.

SECTION 7. Section 11.32.050 is hereby amended to read as follows:

11.32.050 Public sSwimming aAreas, Public Swimming Pools and Swimming Pools—Lifeguards and Aquatic Safety Plans.

A. ~~One or more accredited lifeguards, having no other duty to perform at the time than to superintend the safety of the bathers, shall be on lifeguard duty at each public swimming area, as defined in Section 11.32.020, when it is open or in use. The following locations shall provide lifeguard services:~~

1. Public swimming pools located at or used by children's camps and schools.
2. Public swimming pools where a direct fee is charged.
3. Public swimming pools with an induced current or wave action, including but not limited to, wave pools.
4. Swimming pools located at or used by juvenile detention facilities.
5. Lazy rivers.
6. Waterslides.
7. Public swimming pools where alcohol is served.
8. Public swimming areas when open or in use.

B. ~~All lifeguards shall show their lifesaving certificates and first aid certificates to the director upon his request. For all other public swimming pools, lifeguard service shall be provided, or signs shall be erected clearly indicating that lifeguard service is not~~

provided. The lettering shall be legible and at least one (1) inch (25.4 mm or 36 point type) high, with a contrasting background.

C. All swimming pools requiring lifeguard services in this section shall create and implement an Aquatic Safety Plan as described below. The Aquatic Safety Plan shall include, but is not limited to, the following:

1. Pool areas staffing plan, which describes how pool staff will maintain the public swimming pool in a safe condition, including addressing health and safety hazards, water quality, staff training, facility rules and regulations, and responding to hazards and emergencies.

2. Accredited lifeguard plan, developed by an accredited lifeguard, which describes lifeguard responsibilities, including those responsibilities identified in the pool areas staffing plan and related activities.

3. Lifeguard staffing plan, which identifies the number of on-duty lifeguards needed to meet swimming pool safety and staffing requirements, and describes the duration and rotation of lifeguard tasks, staffing requirements, including any needed breaks and coverage, supervisor staffing and other staffing needs, and any additional lifeguard responsibilities.

4. Emergency Action Plan (EAP), which describes how the swimming pool staff will respond to emergency situations, including identifying responding staff, communications, equipment, and procedures.

5. Biohazard action plan, which describes the decontamination requirements should a swimming pool become contaminated, including access and

restriction by the public, cleaning and disinfection, and maintenance of a record of the details of the contamination, and disposal of contaminants.

6. Accidental chemical release plan, which describes the procedures to appropriately respond to a chemical release in a swimming pool, including necessary equipment and response and cleanup procedures.

D. The swimming pool owner/operator shall retain a copy of the Aquatic Safety Plan on file at the pool facility and shall make it available for inspection by the Department. The Aquatic Safety Plan must satisfactorily contain each of the elements provided in C. 1 – 6 of this Section. The owner/operator of a swimming pool shall review and update the Aquatic Safety Plan at least annually and shall make the Aquatic Safety Plan available to the Department upon request. If, after review of the Aquatic Safety Plan, the Department finds it deficient in the Department's opinion, the Department shall notify the owner/operator to correct and/or revise the Aquatic Safety Plan. Upon such notification, the owner/operator shall provide a revised Aquatic Safety Plan with corrections within fourteen (14) days to the Department.

E. The owner/operator shall maintain incident report records of all lifeguard rescues where the accredited lifeguards enter the water and activate the EAP. Such records shall be maintained by the owner/operator for a minimum of two (2) years from the date of incident.

F. All incidents of drowning and near-drowning which required emergency medical treatment and transportation to a health facility shall be reported by the

owner/operator of a public swimming pool or public swimming area to the Department within 24 hours of the incident.

SECTION 8. Section 11.32.060 is hereby amended to read as follows:

**11.32.060 Public ~~s~~Swimming ~~a~~Areas—Dressing ~~r~~Room
~~r~~Requirements.**

If dressing rooms are provided at a public swimming area, they shall comply with the following:

A. Public swimming areas used simultaneously by both sexes shall be provided with separate dressing rooms, with separate entrances to and exits from the dressing rooms.

B. All dressing room walls and partitions shall have smooth surfaces which are impervious to moisture and free from cracks or open joints. Walls of compartments within a dressing room shall be constructed in such a manner that there is a clear, intervening space of not less than eight (8) inches between the bottom of the partition and the floor, unless otherwise approved by the ~~director~~Department.

C. Floors in the dressing rooms, toilet rooms, and shower rooms shall be impervious and rough enough (but not abrasive to the feet) so as to be nonskid, similar to a "rough rotary, raised rubber, or wood float," finished, and shall be free from cracks or open joints. Floors shall pitch not less than one-fourth inch per foot to floor drains or surface-water disposal areas. All junctures of floors with walls and partitions shall be covered. Wood floors or wooden slats over concrete floors shall not be permitted.

D. When lockers are provided, they shall be kept clean and free from vermin, properly ventilated, and shall be fastened firmly to concrete islands, or shall be installed with at least a six (6)-inch-high clear space beneath to permit flushing of the floor.

E. All dressing rooms, shower rooms, toilets, ~~and~~ lavatory rooms, and all other rooms in a bathhouse, shall be adequately ventilated and lighted. A minimum light intensity of three foot-candles shall be provided in all parts of said rooms.

F. Toilets shall be provided in close proximity to any dressing rooms, in addition to requirements specified in Section 11.32.070.

SECTION 9. Section 11.32.070 is hereby amended to read as follows:

11.32.070 Public sSwimming aAreas—Toilet fFacilities.

A. Adequate toilets for each sex shall be provided and maintained not over 300 feet distant from any portion of public swimming areas.

B. All toilet facilities shall be maintained in a sanitary condition, well lighted and ventilated, and shall be kept supplied with toilet paper at all times.

C. The type and location for such existing toilets shall be acceptable to the ~~director~~Department and plans for new toilet facilities shall be approved by the ~~director~~Department prior to construction.

SECTION 10. Section 11.32.080 is hereby amended to read as follows:

11.32.080 Health rRestrictions fFor eEmployees and eOther pPersons.

~~A. No person having a communicable disease shall be employed in any capacity at any wading pool or public swimming area.~~

~~B. All persons known to be, or suspected by the director or the management of being afflicted with an infectious disease, or suffering from a cough, cold, fever, sores, or wearing bands or bandages, shall be excluded from the public swimming area or the wading pool, except on presentation of a written statement from a physician, of current date, acceptable to the director. Public pool employees and users must not present a health hazard to others using the public pool or ancillary facilities, pursuant to Title 22, California Code of Regulation section 65541, and the same provisions shall apply to employees and users of public swimming areas.~~

SECTION 11. Section 11.32.090 is hereby amended to read as follows:

11.32.090 Drinking ~~f~~Fountains ~~r~~Required ~~w~~Where.

At least one approved drinking fountain shall be installed and maintained in each wading pool area and each public swimming area for the use of the persons using the public swimming area or wading pool.

SECTION 12. Section 11.32.100 is hereby amended to read as follows:

11.32.100 Wading ~~p~~Pools—Construction.

A. The lining material of all wading pools shall be impervious to moisture and shall have a smooth finish, and the wading pool bottom shall be constructed to minimize slippage. There shall be a deck of not less than ~~four~~ (4) feet in width surrounding the wading pool; said deck shall be constructed of impervious material and shall have a smooth, nonslip finish.

B. Wading pools shall have a bottom slope of not less than one (1) inch to each ~~four~~ (4) feet, nor more than one (1) inch per foot, toward the drains. There shall

be no raised drains, steps or other obstructions on which children may fall or become injured in the wading pool.

C. The wading pool shall be equipped with a drain at its lowest point. The drain shall not be connected directly to any part of a sewage disposal system.

~~A chlorine residual of at least 0.3 ppm shall be maintained at all times the wading pool is in use. The wading pool shall be maintained in an alkaline condition as indicated on the Sorenson Scale of at least 7.2. A testing kit shall be maintained at the wading pool for this purpose.~~

SECTION 13. Section 11.32.110 is hereby amended to read as follows:

11.32.110 Wading pPools—Adult sSupervision rRequired.

Every person maintaining a wading pool which is open to the public shall supply constant adult supervision at all times when such wading pool is open to the public.

SECTION 14. Section 11.32.120 is hereby amended to read as follows:

11.32.120 Wading pPools—Disinfection.

A chlorine residual of at least 0.3 ppm and a pH in the range of 7.2 – 7.8 shall be maintained at all times the wading pool is in use. A testing kit shall be maintained at the wading pool for this purpose.

SECTION 15. Section 11.32.130 is hereby amended to read as follows:

11.32.130 Wading pPool—Water eClarity and rRecirculation.

The water of all wading pools shall be kept sufficiently clear that the bottom of the wading pool will be visible at all times. A recirculating system shall be provided for each wading pool constructed subsequent to July 1, 1964. In lieu of a recirculating system,

existing wading pools may be emptied and refilled at least every two hours during the time the wading pool is open for use.

SECTION 16. Section 11.32.140 is hereby amended to read as follows:

11.32.140 Water sSupply.

A. All water supplied to a wading pool or spray pool shall be from a source approved by the ~~director~~Department.

B. The water supply for all showers, toilets, lavatories, and drinking facilities provided or maintained in connection with public swimming areas, spray pools and wading pools shall be adequate in quantity and shall meet the ~~director's~~Department's requirements for drinking water.

SECTION 17. Section 11.32.150 is hereby amended to read as follows:

11.32.150 Spray pPool rRequirements.

A.—Spray pools shall be constructed in such a manner that all sprayed water falls into the pool or basin and runs to a drain which discharges into an approved disposal system. No obstructions, such as raised drains or steps which might cause injury to children in such pools, shall be permitted.

~~B.—Spray pools shall comply with the provisions of Section 11.36.100 of this chapter.~~

SECTION 18. Section 11.32.160 is hereby amended to read as follows:

11.32.160 Swimming pPool eEquipment—~~Review and approval required~~—FeesRequirements.

~~A. All recirculation and purification equipment shall be subject to review and~~

~~approval by the director before installation in connection with a swimming pool. All swimming pool equipment shall comply with the requirements of the California Building Code, Title 24, section 3123B.~~

B. All recirculation and purification equipment shall be subject to review and approval by the Department before installation in connection with a swimming pool.

BC. It is unlawful for any person to install any recirculation and purification equipment related to a swimming pool unless such equipment has first been reviewed and approved by the ~~director~~Department.

~~C. Any person desiring to have recirculation or purification equipment reviewed shall submit said equipment to the director and pay the following fees, which are collected by the county health officer prior to the time of submission of each piece of equipment:~~

~~1. Filters.~~

~~a. First basic individual unit of each manufacturer \$50.00
or of series of similar design~~

~~b. Each additional unit of the same make of 10.00
different filter area in a series for which the fee
required in a subparagraph was paid~~

~~2. Chlorinators—for each make unit of the same 30.00
general design regardless of capacity~~

~~3. Hypochlorinators—for each type unit of each 20.00
manufacturer~~

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|--|----------------------------|-------|
| 4. Surface skimmers— | for each type unit of each | 50.00 |
| manufacturer | | |
| 5. Rate of flow indicators— | for each series of | 45.00 |
| similar units of each manufacturer | | |
| 6. Test kits for chlorine or other approved | | 20.00 |
| disinfectant and pH | | |
| 7. Pumps. | | |
| a. First basic individual unit of each series of | | 25.00 |
| each manufacturer | | |
| b. Each additional unit of same series but | | 5.00 |
| different horsepower | | |
| 8. Separation Tanks. | | |
| a. First basic individual unit of each series of | | 20.00 |
| each manufacturer | | |
| b. Each additional unit of the same design but | | 5.00. |
| different volume | | |

SECTION 19. Section 11.32.170 is hereby amended to read as follows:

11.32.170 ~~Swimming pool equipment—Period of approval—~~

~~Reexamination.~~ Implementation Date of Amendments.

~~11.32.170~~ A. ~~Swimming pool equipment which the director determines to acceptably perform the function for which intended shall be approved for a period not to exceed three years, after which it shall be submitted for reexamination. The fees for~~

~~such reexaminations shall be 50 percent of the fees listed in Section 11.32.160. Upon the expiration of the approval period granted for any device, it shall be unlawful to install any such device in a swimming pool until after an application has been submitted, the device has been found acceptable, and a new period of approval has been established by the director.~~

~~B.—— Periods of approval shall be subject to review by the director at any time, should there be evidence of failure or inadequate performance of the device. If, after investigation and hearing, it is found that the unit is unsatisfactory to perform the function for which intended, approval may be immediately withdrawn. Amendments made to this chapter and adopted in 2022 are effective on January 1, 2023.~~

SECTION 20. Section 11.32.180 is hereby deleted in its entirety:

11.32.180 ~~**Swimming pool equipment—Exempt from fee payment**~~
when.

~~Any swimming pool equipment which has been approved by the National Sanitation Foundation, or other national testing agency found by the director to apply equivalent standards, which is currently listed by said foundation or agency as equipment permitted to carry its seal of approval or equivalent and which conforms to all applicable state and local requirements, shall be exempt from payment of the above fees.~~

SECTION 21. Chapter 11.34 – Swimming Pool Services is hereby amended to read as follows:

Chapter 11.34 SWIMMING POOL SERVICES

- 11.34.010** Definitions.
- 11.34.030** Swimming pPool sService tTechnician—Certification rRequirements.
- 11.34.040** Swimming pPool sService tTechnician—Activities aAuthorized fFollowing eCertification.
- 11.34.050** Swimming pPool sService tTechnician aApprentice—Activities aAuthorized fFollowing eCertification.
- 11.34.060** Certification—Application and fFees—Penalty for lLate aApplication.
- 11.34.070** Examination for sSwimming pPool sService tTechnician.
- 11.34.080** Examination for sSwimming pPool sService tTechnician aApprentice.
- 11.34.090** Certificate—Display rRequirements.
- 11.34.100** Failure to eObtain eCertification—Actions to rRecover fFees aAuthorized wWhen.
- 11.34.110** Certification—Period of vValidity—Renewal.
- 11.34.120** Certification—New aApplication fFollowing fFailure to rRenew.
- 11.34.130** Certification—Duplicates—Fee.
- 11.34.140** Certification—Transfer pProhibited.
- 11.34.141** Performance sStandards.

11.34.150	Certification—Suspension e <u>C</u> onditions.
11.34.160	Certification—Reinstatement f <u>E</u> llowing s <u>S</u> suspension— Conditions.
11.34.170	Certification—Hearing f <u>E</u> llowing s <u>S</u> suspension.
11.34.180	Hearings—Notice r <u>R</u> equirements.
11.34.190	Hearings—Conducted by d <u>D</u> irector or r <u>R</u> eferee.
11.34.200	Hearings—Referee q <u>Q</u> ualifications and e <u>C</u> ompensation.
11.34.210	Hearings—Procedures g <u>G</u> enerally.
11.34.220	Hearings—Decision d <u>D</u> etermination.
11.34.230	Hearings—Notice of d <u>D</u> ecision.
<u>11.34.235</u>	<u>Hearing Procedures.</u>
...	
<u>11.34.250</u>	<u>Implementation Date of Amendments.</u>

SECTION 22. Section 11.34.010 is hereby amended to read as follows:

11.34.010 Definitions.

A. "Director" means the dDirector of pPublic hHealth of the eCounty of Los Angeles, or hisa duly authorized representative, as provided for in Section 2.77.050 of this code.

B. "Swimming pool" and "pool" ~~means an artificial basin, chamber or tank used, or intended to be used, for swimming, diving, or recreational bathing, but does not include baths where the main purpose is the cleaning of the body, nor individual therapeutic tubs. This chapter applies to all public and private pools and includes all types of swimming pools, spa pools, wading pools, specially used pools and temporary~~

~~training pools, facilities or appurtenances thereof.~~ shall have the same meaning as defined in Section 11.32.020.

C. "Swimming pool service technician" means any individual engaged in the business or occupation of treating or disinfecting swimming pool waters, or cleaning, servicing, or maintaining swimming pools ~~or facilities and appurtenances thereof.~~

D. "Swimming pool service technician apprentice" means any individual ~~employed by and working under the direct and immediate supervision of a certified swimming pool service technician~~ engaged in the business or occupation of treating or disinfecting swimming pool waters, or cleaning, servicing, or maintaining swimming pools or facilities and appurtenances thereof.

This chapter does not apply to an individual who maintains ~~his or her~~ their own swimming pool or a manager or owner of a residential structure of three units or less who maintains or services the pool or pools exclusively at said structure.

SECTION 23. Section 11.34.030 is hereby amended to read as follows:

**11.34.030 Swimming pPool sService tTechnician—cCertification
rRequirements.**

A. Every swimming pool service technician and swimming pool service technician apprentice must be certified pursuant to the requirements of this chapter

B. Persons certified hereunder may lawfully engage in said business or occupation only to the extent permitted pursuant to said certification.

C. Every person required to be certified by the terms hereof, and before

engaging in the business or activity, shall make application thereof and shall, within time limitations established by rules of the ~~director~~Department, become certified.

SECTION 24. Section 11.34.040 is hereby amended to read as follows:

**11.34.040 Swimming ~~p~~Pool ~~s~~Service ~~t~~Technician—Activities
~~a~~Authorized ~~f~~Following ~~e~~Certification.**

A person certified pursuant to this chapter as a swimming pool service technician may engage in the occupation or business of treating or disinfecting swimming pool waters or cleaning, servicing, or maintaining swimming pools or facilities and appurtenances thereof. Swimming pool service technicians shall report all incidents of drowning and near-drowning at public swimming pools to the Department within 24 hours of becoming aware of the incident.

SECTION 25 Section 11.34.050 is hereby amended to read as follows:

**11.34.050 Swimming ~~p~~Pool ~~s~~Service ~~t~~Technician ~~a~~Apprentice—
Activities ~~a~~Authorized ~~f~~Following ~~e~~Certification.**

A person certified pursuant to this chapter as a swimming pool service technician apprentice may perform the same activities as a swimming pool service technician but only under the direct and immediate supervision and employment of a certified swimming pool service technician. Upon application for certification and on any annual renewal thereto, the apprentice must identify the swimming pool service technician supervising same.

SECTION 26. Section 11.34.060 is hereby amended to read as follows:

11.34.060 Certification—Application and Fees—Penalty For Late Application.

A. Every person desiring certification as a swimming pool service technician or as a swimming pool service technician apprentice shall file with the ~~director~~Department an application for certification, and shall then pay all applicable application fees, as provided for in Section 8.04.728 of Title 8, to cover the cost of giving the examination and processing the application. No portion of said fee is refundable. The applicant shall pay a penalty equal to twenty-five ~~(25)~~percent (25%) of the fee if application is not made within ~~thirty-one (31)~~ days after commencement of the activity. A new application fee shall be paid each time the applicant takes the examination.

B. The applicant shall designate ~~upon his~~on the application, by address, the principal office of the applicant which is located within the County of Los Angeles, State of California, and if the applicant has no office within the County of Los Angeles, then ~~he~~the applicant shall designate ~~upon his~~on the application ~~his~~the applicant's principal office, wherever located.

SECTION 27. Section 11.34.070 is hereby amended to read as follows:

11.34.070 Examination For Swimming Pool Service Technician.

The examination given by the ~~director~~Department shall be for the purpose of determining that:

A. The applicant fully understands the technical aspects of swimming pool water purification and equipment, and materials used in connection therewith;

B. The applicant is fully competent to service, clean, operate, and maintain swimming pools and incidental appurtenances;

C. The applicant has a thorough knowledge of the following: the chemicals used in swimming pool water and their effects, testing procedures for determination of pH and of chlorine and bromine content of water and related applied water chemistry, and pool operation and cleaning methods; and

D. The applicant has a general knowledge of filters, flow rates, pumps, motors, heaters and chemical feeders, and of local laws, ordinances, rules, and regulations applicable to swimming pools.

SECTION 28. Section 11.34.080 is hereby amended to read as follows:

11.34.080 Examination for Swimming Pool Service Technician Apprentice.

The examination given by the ~~director~~Department shall not be as broad in scope as the examination for the swimming pool service technician and shall be for the purpose of determining that:

A. The applicant understands the basic concepts of swimming pool water purification and equipment and materials used in connection therewith;

B. The applicant is competent to clean, service and maintain swimming pools;

C. The applicant has a basic knowledge of the common chemicals used in swimming pool waters and their effects, testing procedures of the determination of pH and of chlorine residual, ~~and~~ pool operation, and cleaning methods; and

D. The applicant has a basic knowledge of filters, pumps, motors, and chemical feeders, and of local laws, ordinances, rules, and regulations applicable to swimming pools.

SECTION 29. Section 11.34.090 is hereby amended to read as follows:

11.34.090 Certificate—Display ~~r~~Requirements.

Every person certified pursuant to this chapter as a swimming pool service technician or swimming pool service technician apprentice, while performing the functions for which ~~he~~ certification is required ~~to be certified~~, shall carry upon ~~his~~ one's person and shall display to the ~~director~~ Department upon ~~his~~ request such certificate or other written evidence of certification as is issued by the ~~director~~ Department.

SECTION 30. Section 11.34.100 is hereby amended to read as follows:

11.34.100 Failure ~~t~~To ~~e~~Obtain ~~e~~Certification—Actions ~~t~~To ~~r~~Recover ~~f~~Fees ~~a~~Authorized ~~w~~When.

The ~~director~~ County Counsel is authorized, in the name of the ~~e~~ County of Los Angeles as plaintiff, to bring suit for the recovery of certification fees against any person required to have this certification, who carries on, or attempts to engage in, such business, occupation or activity without first being certified.

SECTION 31. Section 11.34.110 is hereby amended to read as follows:

11.34.110 Certification—Period of ~~v~~Validity—Renewal.

Certification as a swimming pool service technician and certification as a swimming pool service technician apprentice are each effective from July 1st through June 30th of each year. Every person desiring to renew such certification shall pay a renewal fee for renewal before July 31st in the amount as provided for in Section 8.04.728 of Title 8 for each certificate for the following fiscal year. A penalty equal to ~~25~~-twenty-five percent (25%) of the renewal fee shall be submitted on or after July 31st for the renewal of the annual certification.

SECTION 32. Section 11.34.120 is hereby amended to read as follows:

**11.34.120 Certification—New ~~a~~Application ~~f~~Following ~~f~~Failure ~~t~~To
rRenew.**

Any person failing to renew hisa certification within two years of the expiration date shall be required to make a new application, therefore, and retake the examination in order to become recertified.

SECTION 33. Section 11.34.130 is hereby amended to read as follows:

11.34.130 Certification—Duplicates—Fee.

If the written evidence of certification issued by the ~~director~~Department is lost or destroyed, a duplicate thereof shall be obtained from the ~~director~~Department. A fee of \$10.00 shall be paid when filing applications for such duplicate. Said fee is charged to cover the cost of issuance of the duplicate, and no portion thereof is refundable.

SECTION 34. Section 11.34.140 is hereby amended to read as follows:

11.34.140 Certification—Transfer ~~p~~rohibited.

No certification made pursuant to this chapter shall be transferable to another person.

SECTION 35. Section 11.34.141 is hereby amended to read as follows:

11.34.141 Performance ~~s~~tandards.

Every certified swimming pool service technician or swimming pool service technician apprentice shall perform to those standards contained in this chapter or as prescribed by the ~~director~~Department.

SECTION 36. Section 11.34.150 is hereby amended to read as follows:

11.34.150 Certification—Suspension ~~e~~Conditions.

The ~~director~~Department may suspend certification of a swimming pool service technician or of a swimming pool service technician apprentice if the work of such person permitted by ~~his~~the certification is performed in such manner as to create an unsanitary, unsafe, or unhealthful condition. Any person whose certification has been suspended shall surrender ~~his~~the written evidence of certification to the ~~director~~Department upon request.

SECTION 37. Section 11.34.160 is hereby amended to read as follows:

**11.34.160 Certification—Reinstatement ~~f~~ollowing ~~s~~suspension—
Conditions.**

When a certification has been suspended, an application may be made for reinstatement. Such application shall include a verified statement declaring that the

bases for suspension of certification have been eliminated. If, upon investigation, which the ~~director~~Department shall make upon receipt of said application, it is determined that all bases for suspension have been eliminated and that all provisions of this chapter have been complied with, then the ~~director~~Department shall reinstate said certification.

SECTION 38. Section 11.34.170 is hereby amended to read as follows:

11.34.170 Certification—Hearing ~~f~~Following ~~s~~Suspension.

Any person who has applied for reinstatement of certification and has been denied said reinstatement may make a written request to the ~~director~~Department for a hearing thereon. Upon receipt of such written request, the ~~director~~Department shall set a time and place for the hearing.

SECTION 39. Section 11.34.180 is hereby amended to read as follows:

11.34.180 Hearings—Notice ~~r~~Requirements.

Notice of any hearings pursuant to any of the provisions of this chapter shall be given not less than five (5) days prior to the day scheduled therefor by the ~~director~~Department. Such notice shall specify the time and place of the hearing, the subject matter thereof, and the bases, grounds, and reasons therefor. Notice may be given either by registered mail, postage prepaid, directed to the person notified at such place as ~~he designates~~is designated in ~~his~~the application for certification as ~~his~~the principal office within the County of Los Angeles, or at such place as ~~he designates~~is designated as ~~his~~the principal office wherever located, or in the manner provided for the service of summons in civil actions.

SECTION 40. Section 11.34.190 is hereby amended to read as follows:

11.34.190 Hearings—Conducted by dDirector or rReferee.

In cases where hearings are provided for herein, such hearings shall be conducted either by the dDirector ~~himself~~ or by a referee appointed by the dDirector to perform such function. Such referee shall take testimony and report ~~his~~the findings and recommendations to the dDirector.

SECTION 41. Section 11.34.200 is hereby amended to read as follows:

11.34.200 Hearings—Referee qQualifications and eCompensation.

Any referee appointed by the director shall be an employee of the eCounty, not an officer thereof, ~~and shall be a person who regularly performs his employment duties for the department of public health of the county.~~ Any such person so appointed as referee shall serve without any additional compensation, and all time spent as referee shall be considered to have been spent by such person in performing the regular employment duties ~~of his other position.~~

SECTION 42. Section 11.34.210 is hereby amended to read as follows:

11.34.210 Hearings—Procedures gGenerally.

A. At any hearing, the dDirector or referee shall hear evidence from and on behalf of any person certified hereunder which may tend to show that ~~his~~the certification should not be suspended or revoked. The Director may also take evidence from or on behalf of other persons which may tend to show the existence of grounds for suspension or revocation of the certification. The burden of proof shall be upon ~~him~~the Director or referee proposing suspension or revocation of certification.

B. A full, true and correct record of all oral testimony adduced at such hearings shall be kept by shorthand, stenotype, recording device or otherwise.

SECTION 43. Section 11.34.220 is hereby amended to read as follows:

11.34.220 Hearings—Decision ~~d~~Determination.

At the close of the hearing or at any time within thirty days thereafter, the ~~d~~Director shall determine from the facts adduced at said hearing, whether or not certification should be revoked or suspension continued. If suspension is continued, the ~~d~~Director shall state the conditions necessary to reinstate said certification. When it is determined that all bases for suspension have been eliminated and that all provisions of this chapter have been complied with, the ~~d~~Director shall reinstate said certification. If it is the decision of the ~~d~~Director to revoke the certification, the certification may be revoked up to a period of one year from the date of suspension. After this period of time the individual may reapply for certification.

SECTION 44. Section 11.34.230 is hereby amended to read as follows:

11.34.230 Hearings—Notice of ~~d~~Decision.

Unless the ~~d~~Director should announce ~~his~~the Director's decision immediately following termination of the hearing, ~~he~~the Director shall notify the certified person of such decision in writing by mail.

SECTION 45. Section 11.34.235 is hereby added to read as follows:

11.34.235 Hearing Procedures.

The Department may elect to conduct a hearing in accordance with this chapter, or in accordance with the provisions of Chapter 1.25.

SECTION 46. Section 11.34.250 is hereby added to read as follows:

11.34.250 Implementation Date of Amendments.

Amendments made to this chapter and adopted in 2022 shall be effective
January 1, 2023.

[CH1132MACC]