# ARTICLE 33-29
# POOL FACILITIES

Chapter
33-29-01 Pool Facilities in North Dakota

## CHAPTER 33-29-01
## POOL FACILITIES IN NORTH DAKOTA

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### 33-29-01-01. Definitions.

The following definitions apply as used in this chapter:

1. "Appurtenances" means all filtration systems, chlorination systems, pumps, valves, meters, bathhouses or other devices, walkways, or buildings utilized for the proper supervision, operation, and maintenance of a pool facility.

2. "Bather" means any person using the pool and adjoining deck areas for the purpose of water sports or related activities.

3. "Maximum contaminant level" means the maximum permissible number of organisms as indicated on the standard plate count, membrane filter, or in the fermentation tube test.

4. "Pool facility" means a public, semipublic, special use pool, or spa.

5. "Premises" means the area enclosed by a barrier and any adjacent support facilities such as bathhouses, clubhouses, shower rooms, equipment rooms, etc., including the office of operational and maintenance personnel.

6. "Private" means a pool or spa which is located on private property under the control of the homeowner, the use of which is limited to swimming or bathing by members of the owner's family or their invited guests.

7. "Public" means a pool or spa intended to be used collectively by the general public for swimming or bathing, regardless of whether a fee is charged for such use.

8. "Semipublic" means a pool or spa on the premises of, or part of, a motel, mobile home park, apartment, condominium, subdivision, club, camp, institution, school, or similar establishments where the primary business of the establishment is not the operation of a pool or spa and

where admission to the use of the pool or spa is included in the fee, or consideration paid or given for the primary use of the premises to such groups and their invited guests.

9. "Spa" means a pool used exclusively in conjunction with high velocity air or high velocity water recirculation systems utilizing hot, cold, or ambient temperature water including all appurtenances used in connection with the spa.

10. "Special use" means a pool or spa used exclusively for a particular purpose, including but not limited to treatment pools, therapeutic pools, and special pools for water therapy.

11. "Swimming pool" means any indoor or outdoor structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, wading, or recreative bathing including all appurtenances used in connection with the swimming pool.

**History:** Effective January 1, 1985; amended effective April 1, 1993.
**General Authority:** NDCC 23-01-03
**Law Implemented:** NDCC 23-01-03

**33-29-01-02. Designated responsible individuals.**

Repealed effective April 1, 1993.

**33-29-01-03. Certified laboratories and analytical procedures.**

Repealed effective April 1, 1993.

**33-29-01-04. Maximum contaminant level.**

The maximum contaminant level for pool facility water may not exceed two hundred bacteria colonies per one milliliter of sample on a standard plate count or show the presence of organisms of the coliform group in a fermentation tube test or membrane filter test.

**History:** Effective January 1, 1985.
**General Authority:** NDCC 23-01-03
**Law Implemented:** NDCC 23-01-03

**33-29-01-05. Microbiological contaminant sampling frequency and analysis.**

Repealed effective April 1, 1993.

**33-29-01-06. Turbidity/clarity requirements.**

Swimming pool water must have sufficient clarity at all times such that the main drain or drains located at the deep end of the pool are clearly visible from the pool decking or a black and white disk, six inches [15.24 centimeters] in diameter, is clearly visible from the pool decking when placed at the deep end of the pool.

**History:** Effective January 1, 1985.
**General Authority:** NDCC 23-01-03
**Law Implemented:** NDCC 23-01-03

**33-29-01-07. Disinfectant residual.**

All pool facilities shall disinfect the pool water by continuous chlorination or other means or methods of equal bactericidal efficiency. A minimum free chlorine residual of one milligram per liter (mg/1) or a halogen, or compounds of them, imparting an equivalent disinfecting residual must be

maintained in the pool facility water at all times. All disinfectants utilized in a pool facility may not be detrimental to the health or safety of the general public.

**History:** Effective January 1, 1985; amended effective April 1, 1993.
**General Authority:** NDCC 23-01-03
**Law Implemented:** NDCC 23-01-03

**33-29-01-08. Record maintenance.**

The owner or operator of a pool facility shall retain on the premises or at a convenient location near the premises, the following records:

1. Microbiological analyses. Records of microbiological analyses must be kept for not less than three years.

2. Operation and maintenance records. All pool facilities shall maintain records of operation and maintenance to be kept for not less than three years. Daily records shall be kept of pH, disinfectant residual and temperature, together with other pertinent operational and maintenance data.

**History:** Effective January 1, 1985; amended effective April 1, 1993.
**General Authority:** NDCC 23-01-03
**Law Implemented:** NDCC 23-01-03

**33-29-01-09. Reporting requirements.**

Repealed effective April 1, 1993.

**33-29-01-10. Right of onsite inspection.**

Repealed effective April 1, 1993

**33-29-01-11. Right of closure.**

Repealed effective April 1, 1993.

**33-29-01-12. Observance of local rules.**

In the event of any conflict between the provisions of these rules and the provisions of any other ordinance, the provision imposing the higher standard or more stringent requirement is controlling.

**History:** Effective January 1, 1985; amended effective April 1, 1993.
**General Authority:** NDCC 23-01-03
**Law Implemented:** NDCC 23-01-03

**33-29-01-13. Administrative procedure and judicial review.**

Repealed effective April 1, 1993.

**33-29-01-14. Injunction proceedings.**

Repealed effective April 1, 1993.

**33-29-01-15. Enforcement.**

Repealed effective April 1, 1993.