## Chapter 27 SWIMMING POOLS, PUBLIC [[1]](#BK_0D54202078F18BC76F303C6AE13813A2)

[Sec. 27-1. Definitions.](#BK_4B623719A502C99E2274B507F3E19F32)

[Sec. 27-2. Certificate of competency—Required.](#BK_F3654DABC66B7360108AAEBBC0B52309)

[Sec. 27-3. Same—Procedure for obtaining.](#BK_27DCF10F96DC0487A8259349AD609AD6)

[Sec. 27-4. Municipal powers not affected.](#BK_22D7E0B8006C8066E8ACE48391C02B1A)

[Sec. 27-5. Violations, penalty.](#BK_B393C3B2CBC2AA3318FD5DC3ED7C7627)

[Sec. 27-6. Fees; exemption.](#BK_D4BEE45379ABB3A8F9871E3AEF90A91F)

Sec. 27-1. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

(a) The term "Health Department" shall mean the Department of Public Health of the County.

(b) The term "public swimming pool" means all swimming pools located indoors or outdoors, within the incorporated or unincorporated areas of the County, used for bathing or swimming purposes and filled with a controlled water supply, together with buildings and appurtenances used in connection therewith, except swimming pools used only by an individual, his family or house guests.

(c) The term "short course" shall mean a short course of study in the care, maintenance and operation of public swimming pools and public bathing places as prescribed by the Health Department.

(d) The term "temporary permit" shall mean and be limited to a temporary permit issued under this chapter.

(Ord. No. 58-36, § 2, 9-9-58; Ord. No. 59-39, § 1, 10-6-59)

**Editor's note—**

Ord. No. 60-1, adopted January 5, 1960 declared Ord. No. 59-39 to be amendatory to this Code.

Sec. 27-2. Certificate of competency—Required.

It shall be unlawful for any person to operate and maintain a public swimming pool unless and until some person directly responsible for the maintenance and care of such public swimming pool shall first obtain a certificate of competency from the Health Department.

(Ord. No. 58-36, § 3, 9-9-58)

Sec. 27-3. Same—Procedure for obtaining.

(a) *Application.* All applications for certificates of competency shall be made and filed with the Department of Public Health. The Department of Public Health shall prescribe the form of application and make such investigation concerning all applications filed as it shall deem necessary.

(b) *Issuance of certificate.* A certificate of competency shall be issued by the Department of Public Health to all applicants of good moral character who shall first present to the Health Department satisfactory evidence of successful or satisfactory completion of a short course in the care, maintenance and operation of swimming pools and bathing places, and have the required amount of experience in public pool operation.

(c) *Short course given under supervision.* The Health Department shall at least once each year give a short course in the care, maintenance and operation of public bathing places and pools. The Health Department may from time to time approve certain qualified groups or organizations to give the short courses and in that event, said short courses shall be under the sponsorship, direction and supervision of the Health Department. Successful or satisfactory completion of the short course with an approved organization or group sponsored and approved by the Health Department shall likewise entitle an applicant to a certificate of competency as set forth in subsection (b) of this section.

(d) *Time limit and revocation of certificate.* A certificate of competency issued pursuant to subsection (b) of this section shall be valid until revoked for cause by the Health Department, but violation of any applicable provisions of the Florida State Sanitary Code, Chapter XX, as amended, shall be deemed prima facie grounds for revocation of a certificate of competency.

(e) *Temporary permits.* For one (1) year from the effective date of this chapter [[2]](#BK_2D3C78179B66886973E0131119D83E16), the Health Department shall issue temporary permits in lieu of certificate of competency to all applicants of good moral character in order that such persons shall have sufficient time and opportunity to comply with this chapter and satisfactorily complete the short course. All temporary permits shall become null and void on the date herein specified or upon unsatisfactory completion of the short course, whichever shall occur first. Pool operators of newly completed pools may be issued a temporary certificate if necessary for a period not to exceed one (1) year in order that such person shall have sufficient opportunity to become certified. Upon ex-piration of the temporary certificate, the pool operator must become certified or the pool owner must obtain a certified operator.

(f) *Certification of some present pool operators.* Any person who has heretofore completed a short course sponsored by the Florida Swimming Pool Operators Association, a nonprofit organization, and the Department of Public Health and presently holds a valid certificate of satisfactory completion therefrom, shall be certified as competent under this chapter.

(g) *Fees.* A fee not exceeding ten dollars ($10.00) may be charged by the Health Department for processing applications and issuing certificates.

(h) *Exemption for experienced swimming pool operators.* Anything herein to the contrary notwithstanding, any person furnishing satisfactory proof to the Public Health Department that he has been engaged continuously in the occupation of public swimming pool operator in the County, for at least five (5) years immediately prior to the effective date of this chapter [[3]](#BK_9BEBF376387045B9880E5F5FDED02B5B), shall not be required to attend or take any short course of instruction, and a certificate of competency shall be issued to such person, provided he possesses good moral character, and provided he satisfactorily passes a special examination given by the Public Health Department covering the practical aspects of public swimming pool care, maintenance and operation.

(Ord. No. 58-36, § 4, 9-9-58; Ord. No. 59-6, § 1, 3-31-59)

Sec. 27-4. Municipal powers not affected.

Nothing herein shall affect any municipal regulations regarding lifeguard requirements.

(Ord. No. 58-36, § 5, 9-9-58)

Sec. 27-5. Violations, penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred dollars ($100.00) or may be punished by imprisonment not exceeding ten (10) days, or by both such fine and imprisonment. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. No. 58-36, § 6, 9-9-58)

Sec. 27-6. Fees; exemption.

(a) *Authorized; amounts.* In addition to and not limited by the fees set out in [Section 27-3](../level2/PTIIICOOR_CH27SWPOPU.docx#PTIIICOOR_CH27SWPOPU_S27-3SAROOB)(g) of this chapter, the Dade County Department of Public Health is hereby authorized and directed to collect the following annual fees for permitting of swimming pools under the provisions of Chapter 514, Florida Statutes, and Chapter 10D-5, Florida Administrative Code:

(1) Pools up to 20,000 gallons, per annum .....$ 50.00

(2) Pools in excess of 20,000 gallons and up to 50,000 gallons, per annum .....75.00

(3) Pools in excess of 50,000 gallons, per annum .....100.00

(4) Swimming pools having, in addition to the principal structure set forth above, a wading or therapeutic pool that is part of the bathing area shall be assessed an additional annual permit fee of .....10.00

All permit applicants for swimming pools permitted under Chapter 514, Florida Statutes, and under the provisions of this section, shall be required to pay the above-noted permit fees upon original application for a permit or upon expiration of their existing permit and prior to the issuance of any new permit.

(b) *Exemption of governmentally owned and operated swimming pools.* Governmentally owned and operated swimming pools are hereby exempt from the payment of the fees as established in this section, provided that the appropriate supervisor of each swimming pool shall furnish and deliver to the Miami Branch Laboratory, Department of Health and Rehabilitative Services, on or before the tenth day of each and every month, a bacteriological water sample in a container approved by the Department of Health, and that said pools shall be subject to not less than one (1) inspection per year by the Dade County Department of Public Health. Failure to comply with this provision shall result in the imposition of a fee as provided herein.

(Ord. No. 76-73, § 1, 7-20-76; Ord. No. 77-85, § 1, 12-6-77)

Annotation—CAO 76-47.

FOOTNOTE(S):

--- (**1**) ---

**Cross reference—** Supervision of public swimming pools by Health Department, § 2-77(14); fences and safety barriers for swimming pools, § 33-12. [(Back)](#BK_2AE17C6C449ED187B0D1834ADE33D559)

--- (**2**) ---

**Editor's note—** Ord. No. 58-36, from which this chapter is derived, was enacted on September 9, 1958, effective ten (10) days thereafter. [(Back)](#BK_168BBC2FCB72B13DC7EC57F2C5C47702)

--- (**3**) ---

**Editor's note—** Ord. No. 58-36, from which this chapter is derived, was enacted on September 9, 1958, and became effective as provided by law. [(Back)](#BK_960A62074B1A314AEB7F97AF6A1E9D99)