

ORDINANCE No. 117092

*NO 2 in Department*

COUNCIL BILL No. 110095

The City of Seattle--Legislat

AN ORDINANCE relating to water recreation facilities; adopting new state standards for their design, construction, equipping, operation and maintenance; requiring permits and approval of plans; adding a new Chapter 10.12 to the Seattle Municipal Code; and repealing SMC Chapter 22.906 (Ordinance 98744 as amended).

REPORT OF COMMITTEE

*(Pool ordinance)*

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill No. \_\_\_\_\_ report that we have considered the same and re

*3-23-94 Parks Committee*

COMPTROLLER FILE No.

**OK**

Introduced: <i>3-21-94</i>	By: <i>Donaldson</i>
Referred:	To: <i>Parks &amp; Public Grounds</i>
Referred:	To:
Referred:	To:
Reported: <i>MAR 28 1994</i>	Second Reading: <i>MAR 28 1994</i>
Third Reading: <i>MAR 28 1994</i>	Signed: <i>MAR 28 1994</i>
Presented to Mayor: <i>MAR 28 1994</i>	Approved: <i>MAR 30 1994</i>
Returned to City Clerk: <i>MAR 31 1994</i>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

*Full Council vote 7-0*

**BUSH**

Committee Chair

NO *Ex. Department*

# The City of Seattle--Legislative Department

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inance 98744 as amended).

Date Reported  
and Adopted

## REPORT OF COMMITTEE

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill N  
report that we have considered the same and re  
commend that the same.

3-23-94 Parks Committee

4-0 Do Pass

Full Council vote 7-0

Committee Chair

**RUSH**

OK

ASON  
Public Grants  
ding  
MAR 28 1994  
MAR 28 1994  
MAR 30 1994  
hed:  
ned:

1           **10.12.060 State regulations; definitions.** This Code hereby adopts by reference the  
2 definitions of RCW 70.90.110 and the rules and regulations of the Washington State Board of  
3 Health, Washington Administrative Code Chapter 246-260 (Safety, Sanitation and Water Quality  
4 of Water Recreation Facilities) promulgated in the Washington State Register 90-07-010 and  
5 amendments made thereafter from time to time. A copy of RCW Chapter 70.90 and WAC  
6 Chapter 246-260 is contained in this ordinance file.

7           The definitions in RCW 70.90.110 and WAC 246-260-010 apply. The "local health  
8 officer" identified in RCW 70.90.110(3) and WAC 246-260-010(28) is the Director of Public  
9 Health of the Seattle-King County Health Department or a duly authorized representative.

10           **10.12.070 Construction permit.**

11           A. No person shall construct or make any modification to any water recreation facility  
12 without first obtaining a permit from the Director therefor.

13           B. In order to secure a permit, the owner, operator or a contractor, engineer or architect  
14 on their behalf, shall file an application with the Director, accompanied by the information  
15 contemplated by SMC 10.01.090, WAC 246-260-030, and any Director's rule, and the permit  
16 fee. The Director shall review the plans for the water recreation facility. The Director may  
17 approve, reject or request more needed information, or require modifications or impose  
18 conditions consistent with this chapter. All construction shall be in full compliance with State  
19 law and implementing Rules, and with this Code. The Director should make a decision within  
20 thirty (30) days of a complete submittal.

21           C. The owner or operator may elect to continue to use a water recreation facility which

22           1. existed on July 27, 1987, maintains a "grandfather privilege" under RCW  
23 70.90.160, and complies with statutory and ordinance requirements in effect when constructed,  
24 or

25           2. was constructed between July 27, 1987, and April 12, 1990, and complies with  
26 SMC Chapter 22.906, RCW 70.90, and WAC Chapter 246-260 as then existing, although the  
27 facility is not in full compliance with current design, construction and equipment requirements,  
28 as long as the facility is operated in continuous compliance with the lifesaving requirements in  
29 WAC 246-260-050(2), and the water quality and sanitation requirements of this Code, and  
30 satisfies the barrier requirements of WAC 246-260-050(3), or is the subject of an administrative  
31 authorization or dispensation. Any modification involving construction or installation of new  
32 equipment shall comply with this Code.

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**10.12.080 Operating permit.** It is unlawful for any person to open for use or allow or cause to be used any water recreation facility without first securing and thereafter maintaining a current, valid operating permit from the Director. To obtain an operating permit, an applicant shall apply to the Director and supply the information required by WAC 246-260-040. An operating permit shall be valid for the facility for which issued, for no more than one year, subject to annual renewal, and transferable only with the written approval of the director. Operating permits shall expire on May 31st of each year. Operations shall comply with state law and implementing rules and this Code.

**10.12.090 Permit fees.** Every applicant shall pay a fee for each permit at the time issued measured by the applicable rate in this schedule:

**A. Construction permit:**

New water recreation facility . . . . .	One Hundred Fifty Dollars (\$150.00)
Renovation (including extensive changes in equipment, piping or pool structure at an estimated cost over \$3,000)	Seventy Five Dollars (\$75.00)
Alteration (including change of filtration equipment, pumps or other mechanical equipment . . . . .)	Twenty Five Dollars (\$25.00)

The fee shall be doubled whenever work subject to a permit is begun without the permit, except for emergency work begun when a permit could not reasonably be obtained in advance and a permit is obtained promptly thereafter.

**B. Operating permits (annual rates)**

Water recreation facility . . . . .	Three Hundred Dollars (\$300.00)
Additional such facilities at same location operated by same person . . . . .	One Hundred Fifty Dollars (\$150.00)

The fee for the initial permit to operate a new pool shall be one-half (1/2) the annual fee if such permit is obtained after November 30.

**C. Transfer fee:**

Transferring permit from one person to another . . . . .	Twenty-Five Dollars (\$25.00)
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**10.12.100 Special services and charges.** On request, the Director may provide services and materials that are not ordinarily provided under permit or pursuant to statute, such as:

- A. Additional examinations or inspections of water recreation facilities;
- B. Special tests or sampling of water quality; and

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1 C. Examination, testing or inspection of particular products, materials, construction,  
2 equipment or appliances to determine their compliance with this Code or their acceptability for  
3 use.

4 The Director is authorized to charge such fees as necessary to cover the cost of  
5 furnishing these supplemental services and materials.

6 **10.12.110 Supplemental provisions.**

7 A. The hydrotherapy pump and air blower for a spa pool shall be connected to a time  
8 switch with a maximum fifteen (15) minute time limit unless a variance is granted. The switch  
9 shall be at least ten (10) feet from the spa water's edge.

10 B. A swimming pool constructed prior to the effective date of this Code will permit  
11 diving only if it conforms to requirements A-1 through A-6 established by the American Public  
12 Health Association for diving areas as shown in Appendix A.

13 **10.12.120 Offenses before code.** This Code does not apply to any offense committed  
14 prior to its effective date, a defense to a prosecution for such an offense, or the punishment that  
15 may be imposed for such an offense. An offense committed prior to its effective date is  
16 governed by law in effect at that time as if this ordinance had not been enacted. The  
17 replacement of Seattle Municipal Code Chapter 22.906 (Ordinance 98755) and its repeal shall  
18 not affect any prosecutions that are then pending.

19 **10.12.130 Park wading pools.** It is the intent and the understanding of the City in  
20 adopting the State rules and regulations that existing park wading pools will continue in use  
21 without installing the barriers contemplated by WAC 246-260-050(3) and WAC 246-260-130(4)  
22 through the administrative authorizations of the rules, e.g., the granting of a variance or finding  
23 of substantial equivalence in the use of trained attendants at wading pools during their daylight  
24 hours of operation, daily draining, and regular monitoring of water quality or through a  
25 modification of the rules pursuant to legislative review under RCW 34.05.610-.660.

26 **SECTION 2.** Seattle Municipal code Chapter 22.906, entitled "Swimming Pools," and  
27 Ordinance 98755, entitled "AN ORDINANCE relating to and regulating the design,  
28 construction, equipping, operation, and maintenance of spray and wading pools, public and  
29 semi-public swimming pools; requiring plans and permits; establishing safety, water quality and  
30 sanitation standards; establishing a Swimming Pool Advisory Committee; defining offenses and  
31 providing penalties; and repealing Ordinance 27183, and other ordinances in conflict herewith,"  
32 are each repealed.

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**SECTION 3.** The provisions of this ordinance are separate and severable. The invalidity of any sentence, paragraph or section of this ordinance or the invalidity of its application to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances. The invalidity of any portion of the Washington Administrative Code Chapter 246-260 shall not void the adoption by reference of the remainder of the chapter; if a later amendment of Chapter 246-260 of the Washington Administrative code is declared invalid, then the remainder of the amendment shall continue in force to the extent that the remainder furthers the purposes declared in Section 10.12.020.

**SECTION 4. Effective date.** This Ordinance shall take effect and be in force thirty (30) days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 28 day of March, 1994 and signed by me in open session in authentication of its passage this 28 day of March, 1994.  
President [Signature] of the City Council.

Approved by me this 30<sup>th</sup> day of March, 1994.

[Signature]  
Mayor.

Filed by me this 31<sup>st</sup> day of March, 1994.

Published \_\_\_\_\_ By Margaret Carter  
Deputy Clerk.

(Attachment)

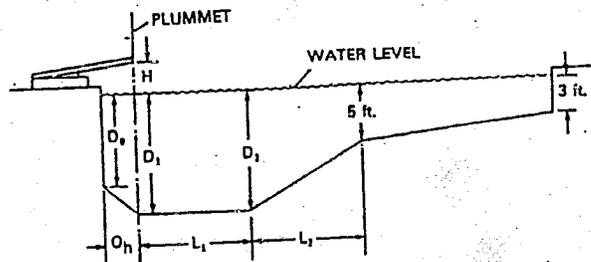
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**APPENDIX A  
Diving Area Requirements and Diving Boards<sup>1</sup>**

**A-1** The dimensions of the diving area on all swimming pools shall conform to the following minimum dimensions:

**TABLE 1—The Dimensions of the Diving Area on All Swimming Pools**

Height of Diving Board	Lengths				
	Water Depths		Overhang	Length of Diving Well	Run-Out
	D <sub>0</sub>	D <sub>1</sub>	O <sub>h</sub>	L <sub>1</sub>	L <sub>2</sub>
Deck Level to 2 ft	6 ft	8.5 ft	3 ft	12 ft	10.5 ft
2 ft to 1 m	6 ft	10 ft	5 ft	12 ft	15 ft
1 m to 3 m	6 ft	12 ft	5 ft	13 ft	21 ft



**A-2** All swimming pools shall have at least 13 ft (3.96 m) of free and unobstructed height above each diving board as measured from the center of the front end of the board, and this free unobstructed height shall extend horizontally at least 16 ft (4.88 m) forward of the plummet, at least 8 ft (2.44 m) behind the plummet, and at least 8 ft (2.44 m) to both sides of the plummet. However, if the diving board manufacturer recommends a greater distance, at least that distance shall be provided.

**A-3** All diving boards installed on swimming pools at heights not greater than 1 m above the water level shall be located at least 10 ft (3.05) from an adjacent diving board as measured plummet to plummet and at least 10 ft (3.05 m) from the side wall of the swimming pool.

**A-4** All diving boards installed on swimming pools at heights greater than 1 m above the water level shall be located at least 10 ft (3.05) from an adjacent diving board as measured plummet to plummet and at least 12 ft (3.66 m) from the side wall of the swimming pool.

**A-5** All diving equipment shall be anchored firmly to the deck with corrosion-resistant connections and materials and shall be installed according to the manufacturer's instructions.

**A-6** Diving stands supporting diving boards more than 2 ft (0.61 m) above the waterline shall have handrails.

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<sup>1</sup> Reference: American Public Health Association, 1981



City of Seattle  
Norman B. Rice, Mayor

King County  
~~XXXXXXXXXX~~ Gary Locke, Executive

RECEIVED OMB  
JAN 27 1994

**Seattle-King County Department of Public Health**

David M. Lurie, Director

**MEMORANDUM**

January 20, 1994

**TO:** The Honorable Jim Street, President  
Seattle City Council

**VIA:** Diana Gale, Budget Director  
Attn: Celia Grather, Budget Analyst

**FROM:** *DL* David Lurie, Director of Public Health

**RE:** Proposed Water Recreation Facilities Ordinance

We are submitting for your approval and for the Law Department's review, a proposed ordinance which adopts the State Board of Health rules and regulations on water recreation facilities (swimming pools, spas, wading pools and spray pools). The proposed ordinance also repeals the existing ordinance. This is an existing fee supported program so there will be no budget impact.

The State Board of Health passed regulations in February of 1990 after a three year development and review process. After the rules were developed by a committee of health, industry and consumer representatives, they were reviewed at public work sessions around the state as well as by various affected organizations. Four of the members of the committee were from King County and a public work session was held here. At the public hearing, there was no industry or consumer testimony against the rules.

The proposed ordinance adopts the rules by reference with provisions for local permits and fees. It applies to all facilities except single family pools used strictly for recreation and pools in medical facilities.

Because Seattle has periodically updated its ordinance, the majority of the provisions of the rules have been in effect in Seattle for several years. The impact of the rules on pools here will be minimal.

We feel that adoption of these rules is in the best interest of public health and safety.

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**The Honorable Jim Street, President  
January 20, 1994  
Page 2**

**We are requesting your consideration and approval to proceed.**

**If you have any questions regarding the proposed ordinance, please contact Gary Irvine,  
Environmental Health Services Supervisor, at 296-4838.**

**DL:git  
Enclosure**

**cc: Carl Osaki  
Jack Thompson  
Gary Irvine**

**lwpw**

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94-028

# City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director  
Norman B. Rice, Mayor



February 1, 1994

The Honorable Mark Sidran  
City Attorney  
City of Seattle

*OK  
SJT  
Law Department*

COPY RECEIVED  
94 FEB -2 AM 7:52  
SEATTLE CITY ATTORNEY

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT      Public Health

SUBJECT:      AN ORDINANCE relating to water recreation facilities; adopting new state standards for their design, construction, equipping, operation and maintenance; requiring permits and approval of plans; adding a new Chapter 10.12 to the Seattle Municipal Code; and repealing SMC Chapter 22.906 (Ordinance 9744 as amended).

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Celia Grether at 4-8048.

Sincerely,

Norman B. Rice  
Mayor

by

*Celia Grether*

*DG* DIANA GALE  
Budget Director

DG/cg/lw

Enclosure

cc: Director, Public Health

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TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

_____	_____
_____	_____
_____	_____
_____	_____

*John Amador*

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

C.S. 20 28

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STATE OF WASHINGTON - KING COUNTY

-ss.

41751  
City of Seattle

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

OT: 117092

was published on

04/08/94

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_ which amount has been paid in full.

*Wardner*

05/16/94

Subscribed and sworn to before me on

*[Signature]*

Notary Public for the State of Washington,  
residing in Seattle

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**City of Seattle**  
ORDINANCE 117092

AN ORDINANCE relating to water recreation facilities; adopting new standards for their design, construction, equipping, operation and maintenance; requiring permits and approval of plans; adding a new Chapter 10.12 to the Seattle Municipal Code; and repealing SMC Chapter 22.906 (Ordinance 98744 as amended).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

**SECTION 1.** There is added to Title 10 of the Seattle Municipal Code a new Chapter 12, designated the Seattle Water Recreation Facility Code, and the following new sections:

**10.12.010 Short title.** This Ordinance may be cited as the "Seattle Water Recreation Facility Code."

**10.12.020 Purpose; interpretation.** This Code exercises the City's police power to protect and preserve the public peace, health, safety, and welfare and carries out RCW Chapter 70.90 and the implementing rules and regulations of the Washington State Board of Health. It shall be liberally interpreted to carry out its purposes and to fill in the gaps in rules and regulations.

**10.12.030 Obligations; liabilities.** All actions of the Director in the exercise of the police power as contemplated by RCW 70.90.180. The purpose and policy declared in SMC 10.12.020 applies.

**10.12.040 Administration.** The Director shall administer and enforce this Code and for such purposes may contract with the State Board of Health as contemplated by WAC 246-260-020 to reduce overlapping or duplication of services; may exercise the enforcement powers as contemplated by WAC 246-260-250 to the extent consistent with this ordinance; promulgate implementing rules and regulations under the City's Administrative Code, SMC Chapter 3.02; enter premises as authorized by SMC 10.01.280-290; and deny, suspend, revoke, and/or restate permits as authorized by SMC Chapter 10.01 and/or WAC 246-260-250.

**10.12.050 Application.** This Code applies to all water recreation facilities regardless of whether ownership is public or private and regardless of whether the intended use is commercial or private, except that this chapter shall not apply to:

- A. Any water recreation facility for the sole use of residents and invited guests at a single family dwelling;
- B. Therapeutic water facilities operated exclusively for physical therapy; and
- C. Steam baths and saunas.

**10.12.060 State regulations; definitions.** This Code hereby adopts by reference the definitions in RCW 70.90.110 and the rules and regulations of the Washington State Board of Health, Washington Administrative Code Chapter 246-260 (Safety, Sanitation and Water Quality of Water Recreation Facilities) promulgated in the Washington State Register 90-07-010 and amendments made thereafter from time to time. A copy of RCW Chapter 70.90 and WAC Chapter 246-260 is contained in this ordinance file.

The definitions in RCW 70.90.110 and WAC 246-260-010 apply. The "local health officer" identified in RCW 70.90.110(3) and WAC 246-260-010(2) is the Director of Public Health of the Seattle-King County Health Department or a duly authorized representative.

**10.12.070 Construction permit.**

A. No person shall construct or make any modification to any water recreation facility without first obtaining a permit from the Director therefor.

B. In order to secure a permit, the owner, operator or a contractor, engineer or architect on their behalf, shall file an application with the Director, accompanied by the information contemplated by SMC 10.01.090, WAC 246-260-030, and any Director's rule, and the permit fee. The Director shall review the plans for the water recreation facility. The Director may approve, reject or request more needed information, or require modifications or impose conditions consistent with this chapter. All construction shall be in full compliance with State law and Implementing Rules, and with this Code. The Director should make a decision within thirty (30) days of a complete submittal.

C. The owner or operator may elect to continue to use a water recreation facility which

1. existed on July 27, 1987, maintains a "grandfather privilege" under RCW 70.90.160, and complies with statutory and ordinance requirements in effect when constructed, or

2. was constructed between July 27, 1987, and April 12, 1990, and complies with SMC Chapter 22.906, RCW 70.90, and WAC Chapter 246-260 as then existing, although the facility is not in full compliance with current design, construction and equipment requirements, as long as the facility is operated in continuous compliance with the lifesaving requirements in WAC 246-260-050(2), and the water quality and sanitation requirements of this Code, and satisfies the barrier requirements of WAC 246-260-050(3), or is the subject of an administrative authorization or dispensation. Any modification involving construction or installation of new equipment shall comply with this Code.

**10.12.080 Operating permit.** It is unlawful for any person to open for use or allow or cause to be used any water recreation facility without first securing and thereafter maintaining a current, valid operating permit from the Director. To obtain an operating permit, an applicant shall apply to the Director and supply the information required by WAC 246-260-040. An operating permit shall be valid for the facility for which issued, for no more than one year, subject to annual renewal, and transferable only with the written approval of the director. Operating permits shall expire on May 31st of each year. Operations shall comply with state law and implementing rules and this Code.

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- B. Special tests or sampling of water quality; and
- C. Examination, testing or inspection of particular products, materials, construction, equipment or appliances to determine their compliance with this Code or their acceptability for use.

The Director is authorized to charge such fees as necessary to cover the cost of

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furnishing these supplemental services and materials.

10.12.110 ~~5~~ ~~ments~~ provisions.

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B. A swimming pool constructed prior to the effective date of this Code will permit diving only if it conforms to requirements A-1 through A-6 established by the American Public Health Association for diving areas as shown in Appendix A.

10.12.120 Offenses before code. This Code does not apply to any offense committed prior to its effective date, a defense to a prosecution for such an offense, or the punishment that may be imposed for such an offense. An offense committed prior to its effective date is governed by law in effect at that time as if this ordinance had not been enacted. The replacement of Seattle Municipal Code Chapter 22.906 (Ordinance 98755) and its repeal shall not affect any prosecutions that are then pending.

10.12.130 Park wading pools. It is the intent and the understanding of the City in adopting the State rules and regulations that existing park wading pools will continue in use without installing the barriers contemplated by WAC 246-267-050(3) and WAC 246-260-130(4) through the administrative authorizations of the rules, e.g., the granting of a variance or finding of substantial equivalence in the use of trained attendants at wading pools during their daylight hours of operation, daily draining, and regular monitoring of water quality or through a modification of the rules pursuant to legislative review under RCW 34.05.610-.660.

SECTION 2. Seattle Municipal code Chapter 22.906, entitled "Swimming Pools," and Ordinance 98755, entitled "AN ORDINANCE relating to and regulating the design, construction, equipping, operation, and maintenance of spray and wading pools, public and semi-public swimming pools; requiring plans and permits; establishing safety, water quality and sanitation standards; establishing a Swimming Pool Advisory Committee; defining offenses and providing penalties; and repealing Ordinance 27183, and other ordinances in conflict herewith," are each repealed.

SECTION 3. The provisions of this ordinance are separate and severable. The invalidity of any sentence, paragraph or section of this ordinance, or the invalidity of its application to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances. The invalidity of any portion of the Washington Administrative Code Chapter 246-260 shall not void the adoption by reference of the remainder of the chapter; if a later amendment of Chapter 246-260 of the Washington Administrative Code is declared invalid, then the remainder of the amendment shall continue in force to the extent that the remainder furthers the purposes declared in Section 10.12.020.

SECTION 4. Effective date. This Ordinance shall take effect and be in force thirty (30) days from the date of its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 28th day of March, 1994, and signed by me in open session in authentication of its passage this 29th day of March, 1994.

JIM STREET,  
President of the City Council.  
Approved by me this 30th day of March, 1994.  
NORMAN B. RICE,  
Mayor.

Filed by me this 31st day of March, 1994.  
(Seal) By MARGARET CARTER,  
Deputy Clerk.  
Publication ordered by JUDITH PIPPIN, City Clerk.  
Date of official publication in Daily Journal of Commerce, Seattle, April 8, 1994.  
48/41761

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