

Condo Insights

#59 Swimming Pools – Part 1 Safety Inspections

This series of articles will provide a brief overview of swimming pool administration, operation and expected expenses for association operators. Part 1 will focus on the required inspections and guidelines for pool operation.

Swimming pool operation is governed by the State of New Jersey Bathing Code (N.J.A.C. 8:26). The code applies to public and private multifamily community pools that are accessible to at least three families. The code includes rules for: supervision of aquatic recreation facilities; rules for bathers; mandatory lifesaving equipment; diving stands and boards; requirements for dressing rooms, bathrooms and showers and chemical, physical, and microbiological water quality standards.

In southern New Jersey resort areas, most outdoor swimming pools operate seasonally from Spring through Fall. Swimming pools are a common amenity in seashore condos because they offer a comfortable place to swim, exercise, and cool off. Pools are usually warmer than the ocean, which can be cold and uncomfortable. Before a pool opens for the season, associations must complete a preseason checklist certifying that the facility is complying with the Bathing Code and submit it to their local health authority no less than 21 days before opening. Since most pools have a traditional opening of Memorial Day weekend, the checklist should be submitted in early May.

Swimming pools are subject to numerous mandatory safety-related inspections. The Code requires that commercial pool facilities be inspected and certified by a licensed electrician every five years for bonding and grounding compliance. In addition, the municipal electrical code official conducts an annual bonding inspection of all commercial pools. A bonding inspection is a visual check by the electrical code inspector to ensure that all metal parts around a pool, like ladders, handrails, and the pool structure itself, are properly connected together with bonding wires, creating a single electrical potential and preventing the risk of electric shock if someone touches multiple metal parts at once; essentially verifying that the pool's electrical system is safely bonded according to building codes.

For seasonal pools, a health department inspector will visit the pool at least once during the summer pool season. The health inspector conducts a comprehensive inspection (similar to the pre-season checklist) to ensure the pool facility complies with the State Bathing Code. The inspection reviews surface materials, fencing, depth markings, drain safety, signage, identified pool management; emergency equipment, posted bathing rules, water quality testing and recordkeeping. The inspector provides a copy of the inspection report to the pool operator. If the facility has more than a few minor deficiencies, expect a follow-up re-inspection.

The health department inspection includes a review of water chemistry testing results. Independent certified labs must sample and test the pool water and culture it for bacteria weekly for every week the pool is open to ensure the pool is safe to use. Pool water quality is subject to regulations and standards designed to protect public health. Regular testing helps maintain the appropriate levels of disinfectant and pH value in the water.

Swimming pools are required to have a Certified Pool Operator (CPO) responsible for maintaining the safety and cleanliness of the pool by testing and adjusting water chemistry, managing filtration systems, ensuring proper equipment function, and adhering to safety regulations, essentially guaranteeing a pool is safe for swimmers to use. The CPO checks the disinfectant level and pH at regular daily intervals while the pool is open for use. Regular testing ensures that any treatment of the water works as it should. The CPO certification program ensures pool operators know how to maintain aquatic environments that are hazard-free and compliant with public health and safety regulations.

The practices and requirements mentioned herein are for the safety of bathers. Swimming pools potentially pose risks to users, including drowning, drain entrapment, exposure to disinfectant chemicals and from swimming in unsafe water if water treatment is not eliminating harmful germs. Adhering to the State Bathing Code and following safety guidelines can reduce the risk of injury or illness.

Drowning is a significant risk around pools. It is important that bathers swim at a guarded pool, if possible, do not swim alone and that life safety equipment is readily available around the pool. Ensure that an adult is present for children swimming.

Pool chemicals pose a risk in that they can be caustic and irritate the eyes, nose, and lungs. Prolonged exposure to disinfectants such as chlorine can break down the skin's natural oils. Dirty pools can contain bacteria, viruses, and protozoa that can cause illnesses like gastroenteritis, ear infections, and stomach bugs which is why swimming pools must be disinfected with chlorine or bromine to kill germs.

Other pool-related risks include slippery surfaces, electrical hazards, entrapment hazards, and exhaustion or hypothermia from spending too long in the water. The State Bathing Code has been established to address these issues and to make swimming pool use as safe as is reasonably possible.

Part 2 of this article will discuss whether or not to have lifeguards and the risks and liability concerns that accompany such a decision.

Jim Yost owns Elite Management and Advisory Services, LLC and is co-owner / Managing Partner for Ocean Property Management Corporation, based in Wildwood. The firms provide management and advisory services to numerous community, condominiums and homeowner associations in southern New Jersey. He can be reached at yostopmc@comcast.net.

Karim Kaspar, Esq. is Senior Counsel with Lowenstein Sandler LLP. He serves as general counsel to numerous community and condominium associations throughout New Jersey. He specializes in complex commercial litigation and real estate matters and has been active and instrumental in the firm's pro-bono activities. He can be reached at kkaspar@lowenstein.com.

The entire Condo Insights series of articles is available online at www.oceanpropertymgmt.com.