

not been included therein, and if the person or circumstances to which the Act or any part thereof is inapplicable had been specifically exempted therefrom.

SEC. 3. This Act shall take effect on the 76th day following the date on which it becomes law.

Effective: May 12, 1971

CHAPTER 45

(BILL NO. 49-70)

AN ACT to repeal in their entirety Chapter 105, title "Swimming Pools," and Chapter 105A, title "Swimming Pools—Lifeguards," of the Montgomery County Code 1965, as amended, and to enact in lieu thereof a new Chapter 105, title "Swimming Pools," to provide standards for construction, operation and the fencing of all swimming pools, and to prescribe safety standards, provisions for lifeguards, together with the annual requirement of an operating permit for all public swimming pools.

Be It Enacted by the County Council for Montgomery County, Maryland, that—

SEC. 1. Chapter 105, title "Swimming Pools," of the Montgomery County Code 1965, as amended, is hereby repealed in its entirety and a new Chapter 105, title "Swimming Pools," is hereby enacted in lieu thereof to read as follows:

CHAPTER 105

SWIMMING POOLS

Article I. Construction; Operation; Permits; Safety Standards.

105-1. Definitions.

For the purpose of this Article, the following definitions shall apply:

(a) Approving Authority. The County Health Officer and his designated agents, under supervision of the County Executive.

(b) Swimming Pool. Any artificial structure, basin, chamber or tank, either above or below ground, which is used or intended to be used for the primary purpose of swimming, diving, wading or recreational bathing, including all appurtenant equipment, structures and facilities located within a common enclosure.

(c) Public Swimming Pool. Any swimming pool, except a private swimming pool, which is intended to be used collectively by numbers of persons for swimming, diving, wading or recreational bathing.