

COMPARED VERSION  
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 230555

Amending Article XV, Chapter 34, Code of Ordinances, “Swimming and Bathing Facilities,” by repealing Section 34-583, “Authority to prescribe additional rules and regulations,” and replacing it with a new section 34-583 of like title, for the purpose of adding a new subsection (c) to limit regulations regarding emergency communications of certain owner-occupied residential buildings.

WHEREAS, Section 34-583 allows the Director of Health to formulate rules and regulations to for implementing the provisions of the Swimming and Bathing Facilities Code; and

WHEREAS, the Health Department has adopted “Regulations for Swimming Pools and Bathing Facilities” that cover a variety of pools and spas of various types, including large public pools, hotel pools and residential pools; and

WHEREAS, Chapter 10(D) of the Regulations regarding emergency communications covers phone systems and emergency communications; and

WHEREAS, although the City Council believes Chapter 10(D) of the Regulations offers sufficient safety protocols in regard to emergency communications, the Council believes that more stringent regulations at smaller owner-occupied residential units with other safety measures in place should not be enacted; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 34, Code of Ordinances, is hereby amended by repealing Section 34-583 and replacing it with a new Section 34-583, said section to read as follows:

**Sec. 34-583. - Authority to prescribe additional rules and regulations.**

(a) *Scope of authority.* The director shall formulate rules and regulations for implementing the provisions of this article, and such rules shall include any and all requirements for lifeguards. Such rules and regulations shall be filed with the city clerk, and, when so filed, shall be in effect as part of this article. Such rules may be modified or superseded by other rules and regulations filed by the director from time to time.

(b) *Scope of regulations.* The director shall have power and authority to make provision in such rules and regulations for health, sanitation and adequate water safety as such rules and regulations may appertain to each and every holder of a permit under this article; and such provisions, conditions or requirements shall be subject to modification, deletions, additions or other change or alteration as to any holder of a permit as the director may find and determine at

any time. The director is hereby authorized to take any actions on a permit for failure to abide by the swimming and bathing facilities regulations, including suspension and revocation.

(c) *Emergency Communications at Certain Class II Semi-Public Pools.* ~~That The~~ Director has adopted Regulations for Swimming Pools & Bathing Facilities to implement Chapter 34. Chapter 10 of the director Regulations, entitled "Safety," includes certain requirements for Emergency Communications, including the requirement that "All pools shall not have the authority to prescribe additional regulations regarding an emergency communication system, in the form of a standard telephone line or call box. With respect to emergency communications at Class II Semi-Public Pools owned by a condominium property that consists members of the unit owners association as a common element, that consist of less than 25 units, that are owner-occupied units and that is are enclosed by a wall or fence of at least 4 feet surrounding the entire property, the meaning of the phrase "in the form of a standard telephone line or call box" shall mean a telephone or call box connected to emergency services either by hard wire (landline) or a cellular connection, or both.

---

Approved as to form:

---

Joseph A. Guarino  
Senior Associate City Attorney