

(d) **Private Swimming Pool.** Any swimming pool built in conjunction with a private residence used or intended to be used solely by the owner or the lessee thereof, and his immediate family and guests invited to use it without payment of any fee.

(e) **Owner.** Any person, cooperative, association, partnership, firm, corporation or public agency or authorized agent thereof under whose authority the swimming pool is being constructed, remodeled, reconstructed or operated. For the purposes of serving notices of violation, the person present at the swimming pool charged with its operation shall be deemed to be an agent of the owner.

(f) **Operator.** Any person appointed or engaged by the owner to be in the immediate control of the operation at a specific site.

(g) **Protective Covers.** Any fabric, plastic, rubber, metal, net or other material which is capable of covering the entire swimming pool surface and when firmly secured or anchored is of sufficient strength to protect the accidental entry into the swimming pool, but in any case sustains a weight of not less than 150 lbs.

(h) **Lifeguard.** A person at least sixteen years of age holding a valid senior life saver's certificate from the American Red Cross or the Young Men's Christian Association or Young Women's Christian Association.

105-2. Scope.

(a) All physical standards required by this Chapter shall apply to all public swimming pools constructed after the effective date of this Chapter. The physical standards shall apply to all public swimming pools in existence prior to the effective date and to all private swimming pools proposed for conversion to a public swimming pool where:

1. Any physical condition exists that would prevent the achievement of prescribed operating standards.

2. Any physical condition exists which would endanger the health, safety or life of any person within the pool or immediately adjacent thereto.

3. Alteration, addition or replacement of any equipment or appurtenances is made.

(b) Except as otherwise herein provided, the physical standards of this Chapter shall not apply to private swimming pools. Such pools, however, must comply with the appropriate requirements of the respective building, plumbing and electrical codes of Montgomery County.

(c) All of the operational standards and personnel requirements of this Chapter shall apply to all public swimming pools, regardless of the date of construction.