

Bill No. 17-06

ORDINANCE NO. __23-06__

**AN ORDINANCE REPEALING TITLE 10, CHAPTER 34, PUBLIC SWIMMING
WADING POOLS, AND ADOPTING TITLE 10, CHAPTER 34, PUBLIC/SEMI PUBLIC
POOLS AND SPAS (FULL TEXT ATTACHED)**

Statement of Purpose and Intent

The purpose and intent of this ordinance is to repeal and replace Title 10, Chapter 34, of the St. Joseph County Code.

NOW THEREFORE, IT IS ORDAINED BY THE ST. JOSEPH COUNTY COUNCIL
THAT:

Section 1. Title 10, Chapter 34, of the St. Joseph County Code be hereby deleted in its entirety.

Section 2. That the St. Joseph County Code is hereby amended by adding hereto a new Title 10, Chapter 34, Public/Semi Public Pools and Spas, which shall read as attached.

Section 3. This ordinance shall be in full force and effect from and after its enactment, approval by the Commissioners, and publication as required by law.

__Mark_A. Catanzarite_____
Member, St. Joseph County Council

Ordinance No.

WHEREAS, Indiana Code 36-1-3-1, *et seq.* permits any county in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its county or internal affairs, which is not expressly denied by the Indiana constitution or by statute or is not expressly granted by any other law to another governmental entity;

WHEREAS, the St. Joseph County Council and St. Joseph County Board of Health ensure all St. Joseph County residents that all public/semi public pools, public/semi public wading pools, public/semi public spas, and associated auxiliary structures shall be operated and maintained in a clean sanitary conditions and free from defects;

WHEREAS, the St. Joseph County Board of Health is directed to enforce and observe all State laws and legally promulgated regulations pertaining to the preservation of health and is authorized by Indiana Code 16-20-1 *et seq.* to adopt such rules and regulations as may be deemed necessary or desirable to protect, promote or improve public health.

WHEREAS, the St. Joseph County Council and the Board of Commissioners desire the St. Joseph County Board of Health to administer and enforce the Public /Semi Public Pool and Spa Ordinance; and

WHEREAS, pursuant to the authority vested by the Indiana Code 36-1-3-1. *et seq.*, the St. Joseph County Council and Board of Commissioners desire to establish the St. Joseph County Public/Semi Public Pool and Spa Ordinance subject to the provisions hereinafter stated;

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10.34.010, SHORT TITLE: The Ordinance codified in this Chapter shall be known and amended as the “St. Joseph County Public/Semi Public Pools and Spas Ordinance”.

10.34.020, PURPOSE: The purpose of this ordinance is to establish procedures that will ensure St. Joseph County’s residents that public and semi public pools and spas, and associated auxiliary structures will be operated and maintained in a clean, sanitary manner, and free from defect.

10.34.030, *Incorporation and Adoption*

Indiana State Department of Health Rule 410 IAC 6-2 (Revised) Swimming and Wading Pool Operation, and Indiana Department of Fire and Building Service 675 IAC 20-3 is hereby incorporated and adopted by reference. A copy of said rule is on file in the Office of the St. Joseph County Health Department.

10.34.040, *Definitions*

For the purpose of this Ordinance, the following definitions are adopted:

- (1) **“Air gap”** “Air gap” means the unobstructed vertical distance through atmosphere between the water supply inlet and the flood level rim of the receiving unit and is at least a distance equal to two (2) times the diameter of the water supply outlet or pipe.
- (2) **“Applicant”** Shall mean any person applying for a permit under this Ordinance, whether for a renewal or a new permit.
- (3) **“Bather Load”** Shall mean the total number of bathers within the pool enclosure.
- (4) **“Breakpoint Chlorination”** Shall mean the point in a rising chlorine residual at which the concentration of available chlorine becomes great enough to completely oxidize all organic matter and ammonia compounds (combined chlorine) in a pool. Breakpoint chlorination is also referred to as super-chlorination.
- (5) **“Competition Pool”** Shall mean any pool intended for use for accredited competitive aquatic events. Such pool may also be used for recreation and instruction.
- (6) **“Conflict of Interest”** As derived from 68 IAC 9-2-1, section (B), subsection (2), means a situation in which the private financial interest of the Health Official, Health Official’s spouse, ex-spouse, siblings, in-laws, children, and or un-emancipated child, may influence the Health Official’s judgment in the performance of a public duty.
- (7) **“Contact Time”** Shall mean the concentration of free available chlorine (C) in ppm (parts per million) multiplied by time (T) in minutes (CT value = C x T).
- (8) **“Cryptosporidium”** *Cryptosporidium* is a diarrheal disease caused by a microscopic parasite, *Cryptosporidium parvum*. *Cryptosporidium* can live in the intestines of humans and animals and is passed in the stool of an infected person or animal. The parasite is protected by an outer shell that allows it to survive outside the body for long periods of time and makes it very resistant to chlorine

disinfectant. *Cryptosporidium* has a very low infective dose and its small size of 4 to 6 microns makes normal filtration extremely difficult.

- (9) **“Diving Pool”** Shall mean any pool that is designed and constructed primarily for diving and does not have a shallow end.
- (10) **“Department”** Shall mean the St. Joseph County Health Department. Having jurisdiction over public, semi-public pools and spas.
- (11) **“Health Hazard”** Shall mean any condition, which in the opinion of the Health Officer, may reasonably lead to injury or disease or put the public at risk. A health hazard may include, but is not limited to: unacceptable disinfectant residuals; unacceptable bacterial levels; water clarity that does not allow viewing all parts of the pool; failure to meet the lifeguard requirements; missing or broken grate on the main drain; non solid fecal accident; spa water temperature that exceeds one hundred four (104) degrees Fahrenheit; a pump; filter; or disinfectant feeder that is non-operational; a failure to have working self-contained breathing apparatus equipment for facilities using gas chlorine; or failure to have an operator on duty trained in the proper use and hazards of chlorine gas when chlorine gas is in use.
- (12) **“Health Officer”** Shall mean the St. Joseph County Health Officer or his/her duly authorized representative.
- (13) **“Health Officer Hearing”** A hearing called by the Health Officer for a public, semi-public pool or spa facility for failure to comply with this Ordinance or Rule 410 IAC 6-2.1.
- (14) **“Inspection”** Shall mean a complete review of all portions of a pool/spa facility including the pool and surrounding area, water supply, sewage disposal system, mechanical equipment and equipment room, chemical storage facility, safety and testing equipment, bath house, written records such as invoices, receipts, daily log work, water test results, injury/accident reports, and any other portion of the pool facility as deemed necessary by the Health Officer.
- (15) **“Inspection Report”** Shall mean the document prepared by the St. Joseph County Health Department that is completed as the result of an inspection and provided to the Owner/Operator of the facilities.
- (16) **“Involuntary Closing”** Shall mean any occurrence wherein the Health Department posts a closure sign and orders the establishment to cease operation. This sign shall not be removed by anyone except the Health Officer or his/her representative(s).
- (17) **“mg/l”** Means milligrams per liter and is equivalent to parts per million when the medium is water.

- (18) **“Operator”** Shall mean any person in control of, or having responsibility for the operation of a facility subject to this Ordinance.
- (19) **“Owner”** Shall mean any individual, association, company, corporation, partnership, division of government or other group acting as a unit, trust, estate, agent or legal representative thereof who shall hold title to the real estate upon which the pool is placed, or who shall be legally responsible for the operations of the pool, or who shall be so named as the owner on the pool permit application.
- (20) **“Permit”** Shall mean the document issued by the St. Joseph County Health Department that authorizes a person to operate a public, semi-public pool or spa.
- (21) **“Person”** Shall mean any individual, partnership, firm, company, corporation, association, municipality, or other division of government, or their legal representative or agent.
- (22) **“Plunge Pool”** Shall mean a pool located at the exit end of a waterslide flume and is intended and designed to receive sliders emerging the flume.
- (23) **“Pool”** Shall mean a structure, basin, chamber, or tank containing an artificial body of water for swimming, bathing, competition, relaxation, or recreational use. Various types of pools are described by the following categories:
- i. Class A pool shall mean any pool intended for use for competitive aquatic events sanctioned by athletic organizations. Such pools may also be used for recreation and instruction.
 - ii. Class B pool shall mean any pool intended for use by the public at large.
 - iii. Class C pool shall mean any pool operated solely for recreational use for and in conjunction with (1) lodgings such as hotels, motels, apartments or condominiums; (2) membership clubs, neighborhood associations, camps or mobile home parks; or (3) medical or behavioral treatment facilities.
 - iv. Class D pool shall mean any pool operated for medical treatment, hydrothermal therapy or other non-recreational functions.
- (24) **“Pools With Wading Areas”** Shall mean any pool that has a portion of the shallow end with a maximum depth of twenty-four (24) inches.
- (25) **“Public Pool”** Shall mean any pool, other than those pools defined as a semi-public pool, which is intended to be used for swimming or bathing and is operated by a concessionaire, owner, lessee, operator, or licensee, regardless of whether a fee is charged for use. Nothing in this article shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained by an individual for the sole use of the household and house guests.

- (26) **“Public Sewer”** Shall mean a sewage disposal facility provided by a utility, municipality, conservancy district, or regional sewer district.
- (27) **“Public Water Supply”** Shall mean water supplied by a utility municipality, conservancy district, regional water district, or water corporation.
- (28) **“Sanitary Facilities”** Shall mean flush toilets, handwashing lavatories, and showers.
- (29) **“Self-Contained Breathing Apparatus (SCBA)”** Shall mean an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.
- (30) **“Semi-Public Pool”** Shall mean any pool that is intended to be used for swimming or bathing and is operated solely for and in conjunction with:
- i. Schools, universities, and colleges;
 - ii. Hotels, motels, apartments, condominiums, bed and breakfasts, or similar lodgings;
 - iii. Camps or mobile home parks; or
 - iv. Membership clubs or associations.
- Nothing in this article shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained by an individual for the sole use of the household and house guests.
- (31) **“Spa”** Shall mean a pool designed for recreational and/or therapeutic use, which is not drained, cleaned, and refilled after each use. The term may include, but is not limited to:
- i. Hydro jet circulation;
 - ii. Hot water;
 - iii. Cold water
 - iv. Mineral baths;
 - v. Air induction systems; or
 - vi. Any combination thereof.
- (32) **“State Department of Health”** Shall mean the Indiana State Department of Health.
- (33) **“Swimming Pool Slide”** Shall mean any device used to enter a pool by sliding down an inclined plane or equipment similar to a playground slide.
- (34) **“Turnover Rate”** Shall mean the period of time, expressed in hours, required to circulate a volume of water equal to the maximum pool capacity through the pool-water treatment system. To calculate the turnover rate, divide

the pool water capacity by the flow rate in gallons per minute (gpm) multiplied by 60.

- (35) **“Voluntary Closure”** Shall mean the voluntary posting of a “CLOSED” sign on a facilities premise due to a health hazard, non-compliance with rule 410 IAC 6-2.1, or this Ordinance as identified and documented by the Health Officer during an inspection. The establishment agrees not to re-open until approval is given by the Health Officer.
- (36) **“Wading Pool”** Shall mean a pool used for bathing that has a maximum depth of two (2) feet.
- (37) **“Waterslide”** Shall mean a recreational ride that is a sloped trough-like or tubular structure using water as a lubricant and method of regulating rider velocity that terminates in a plunge pool, swimming pool, or a specifically designed deceleration structure.
- (38) **“Wave Pool”** Shall mean any pool having a bottom sloped upward from the deep end to the surface at the shallow end with equipment installed at the deep end to create wave motions in the water.
- (39) **“Zero Depth Pool”** Shall mean any pool with a bottom sloped upward from the deep end to the surface level at the shallow end.

10.34.050, Water Supply

An adequate and convenient supply of potable water that meets the provisions of 327 IAC 8-2 shall be provided at plumbing fixtures used for drinking, cooking, dishwashing, hand washing, showering, and pool water.

Wells shall be constructed, installed, and located in accordance with 327 IAC 8-2 and 312 IAC 13.

A public water supply shall be exclusively used if available within a reasonable distance. A water supply, properly located and constructed, shall be provided if a public water supply is not available.

The construction and location of wells with less than fifteen (15) service connections, or serving less than twenty-five (25) people, shall comply with Bulletin S.E. 13. All other wells shall comply with 327 IAC 8-2.

The water supply and distribution system shall have the capacity to deliver a minimum water pressure of twenty (20) pounds per square inch to all water connections during periods of peak water usage. The water supply shall have a capacity to meet total water demands. If a well or pump cannot meet a peak or daily demand, a sufficient useable storage capacity shall be provided.

The casing pipe of a well shall extend no less than twenty-four (24) inches above floor level, finish grade, or the highest flood level on record.

Water supplies shall have no wellhead, well casing, pump, pumping machinery, exposed pressure tanks, or suction piping located in any pit, room or enclosure that does not have free drainage by gravity to the ground surface at all times.

Stop-and-waste valves (including unapproved frost proof hydrants) or other devices that would allow aspiration or backflow of contaminated water into the potable system shall not be used.

All portions of the water distribution system serving pools, and auxiliary facilities, shall be protected against backflow and backsiphonage. Water introduced into the pool, either directly or through the recirculation system, shall be supplied through an air gap or in accordance with 675 IAC 1.

10.34.060, Sewage Disposal

The sewage disposal system shall be adequate to serve the facility, including the bathhouse, locker room, pool water treatment equipment, deck drains, and related accommodations.

Pool water and filter backwash water may not discharge to a ditch, stream, or lake, except in accordance with 327 IAC 2-1.

All pool gutters, recirculation systems, and overflows shall discharge through an air gap to preclude the possibility of a backup of sewage or waste into the pool or pool piping system.

All pool sumps, deck drainage systems, and other drainage fixtures that discharge to a sewer or storm drain shall be properly trapped and vented to prevent sewer gases and odors from reaching the pool area.

All sewage, including gray water, shall be disposed of via a connection to a public sewer, if available within a reasonable distance. If a public sewer is not available within a reasonable distance from the pool, sewage disposal must comply with 410 IAC 6-10, Bulletin S.E. 11, Bulletin S.E. 13, or applicable rules of the Indiana Department of Environmental Management.

10.34.070, Sanitary Facilities

The ratio and location of sanitary facilities for public and semi-public pools shall be in accordance with 675 IAC 20-2-27.

Sanitary facilities are not required poolside at semi-public pools if sanitary facilities are available to pool patrons within three hundred (300) feet of the pool enclosure.

Toilet paper and covered waste receptacles shall be provided for toilet facilities.

Soap, covered waste receptacles, and paper towels or electrical hand-drying units shall be provided at the lavatories.

Hot and cold water shall be provided through a mixing faucet.

When showers are provided, the water temperature shall be at least ninety (90) degrees Fahrenheit and shall not exceed one hundred twenty (120) degrees Fahrenheit. An approved hot water control valve shall be installed on the hot water heater to ensure safe water temperature.

Footbaths are prohibited.

All sanitary facilities shall be maintained in a safe and sanitary condition.

10.34.080, Water Chemistry

All pools, when open for use, shall be continuously and automatically disinfected with a chemical that imparts an easily measured, free residual.

A free residual of the disinfectant chemical shall be maintained throughout the pool at concentrations in accordance with the following:

POOL TYPE	CHLORINE		BROMINE	
	Minimum	Maximum	Minimum	Maximum
Wading pools	3.0 ppm	7.0 ppm	4.0 ppm	10 ppm
Spa pools	2.0 ppm	7.0 ppm	4.0 ppm	10 ppm
Waterslide plunge pools	2.0 ppm	7.0 ppm	3.0 ppm	10 ppm
Wave pools	2.0 ppm	7.0 ppm	3.0 ppm	10 ppm
All other pools	1.0 ppm	7.0 ppm	2.0 ppm	10 ppm

Whenever the residual disinfectant falls below the minimum concentration required or exceeds the maximum concentration allowed, the pool shall be cleared and kept free of bathers until disinfectant residuals are within the acceptable range.

The department may accept other disinfecting materials or methods when such materials or methods have been demonstrated:

- (1) To provide a residual effect equivalent to halogens;
- (2) To be easily measured under conditions of use;
- (3) Not to be dangerous to public health;
- (4) Not to create objectionable physiological effects; or
- (5) Not to impart toxic properties to the water.

The pool water shall be superchlorinated to breakpoint or superoxidized with a nonchlorine oxidizer, when the pool test kit reveals a combined chlorine (chloramines) concentration of five-tenths (0.5) parts per million (ppm) or greater.

Chlorinated isocyanurates or stabilized chlorine shall not be used for breakpoint chlorination.

The pool shall be closed and remain closed during breakpoint chlorination until the chlorine concentration drops to the maximum level allowed.

If a nonchlorine oxidizer is used to superoxidize, the pool shall be closed and shall remain closed in accordance with the specifications on the product label.

A test kit shall be readily available for use by the pool operator, with reagents replaced according to manufacturer's requirements, and meet the following:

- (1) For pools that use chlorine as a disinfectant, a test kit shall be used that covers a minimum range of zero (0.0) ppm to five (5.0) ppm or higher, the test kit must be in increments of five-tenths (0.5) ppm and be capable of measuring total chlorine.

- (2) Orthotolidine may not be used as the disinfectant testing reagent.
- (3) For pools that use a disinfectant other than chlorine, the test kit shall have the range and accuracy proportionate to the range required for chlorine test kits.
- (4) A pH test kit accurate to the nearest two-tenths (0.2) pH unit and covering a minimum range of seven (7.0) to eight (8.0) pH units shall be used.
- (5) When a cyanurate is used as a chlorine stabilizer, the test kit shall be capable of measuring cyanuric acid concentrations.
- (6) A test kit capable of measuring total alkalinity shall be used.

If a chlorinated isocyanurate or cyanuric acid stabilizers are used in a pool, the concentration shall not exceed sixty (60) ppm. When the maximum allowable cyanuric acid concentration is exceeded, appropriate measures shall be taken to lower the concentrations to the required range.

Chlorinated isocyanurates and cyanuric acid stabilizers shall not be used in any indoor pool.

Only in pools where chlorine is used as the disinfectant can cyanuric acid be used as a stabilizer.

The water in a pool shall have a pH of not less than seven and two-tenths (7.2) and not more than seven and eight-tenths (7.8).

The alkalinity of the water in pools shall be at least eighty (80) ppm as titrated to the methyl orange endpoint.

Pool water shall be tested for the following:

- (1) pH and disinfectant residuals daily before the pool is open for use and at least one (1) other time during the hours of pool use.
- (2) Combined chlorine at least twice a week when chlorine is used.
- (3) Total alkalinity at least once a week.
- (4) Cyanuric acid, when it is used, at least once a week.

Spa water shall be tested for pH and disinfectant residuals daily before the spa is open for use and at least two (2) other times during the hours of spa use for the following:

- (1) Combined chlorine concentration, when chlorine is used, at least twice a week.
- (2) Total alkalinity at least once a week.

All test results shall be recorded.

If electronic monitoring devices are used, the accuracy of the device must be checked as required by the manufacturer or compared for accuracy at least once per week with a test kit.

The pool shall be closed for a period equal to at least one (1) hour following the manual addition of chemicals.

Any chemical used to treat the water in a pool must be used in accordance with the product label directions.

10.34.090, Water Quality Standards

At all times, the water in a pool shall have sufficient clarity so that the main drain or a black disc, six (6) inches in diameter placed at the deepest part of the pool, is readily visible from the deck.

The water temperature in spas may not exceed one hundred four (104) degrees Fahrenheit. A Thermometer capable of accurately measuring temperatures in the range of eighty (80) degrees Fahrenheit to one hundred twenty (120) degrees Fahrenheit shall be accessible at each spa.

A thermostat controlling the water temperature in a spa shall be located to where patrons cannot adjust the temperature while seated in the spa.

One (1) water sample must be collected weekly from each pool/spa and submitted for bacteriological examination. Samples may not be collected from any portion of the recirculation system.

Sampling shall start at least one (1) week prior to the opening of the pool.

Bacteriological examinations performed on each sample shall include the heterotrophic thirty-five (35) degree Centigrade plate count, and a total coliform test, using any Environmental Protection Agency (EPA) approved procedure. Tests shall be performed by a state-certified water laboratory in accordance with EPA procedures.

All water sample reports must be submitted to the local health department.

No two (2) consecutive samples or three (3) samples collected in a six (6) week period shall demonstrate the following:

- (1) Contain more than two hundred (200) bacteria colonies per milliliter as determined by the heterotrophic thirty-five (35) degree Centigrade plate count.
- (2) Shows the presence of any coliform when any of the EPA approved procedures are utilized.

Failure to collect and analyze weekly water samples during the period that a pool is open for use is considered an unsatisfactory report for the applicable week.

When the pool must be closed due to an unsatisfactory sample report, an additional water sample must be submitted to an approved laboratory. The pool may be reopened upon receipt of a satisfactory report.

Whenever a pool is closed for a period of fourteen (14) consecutive days or longer, a water sample shall be submitted to a state approved laboratory to be analyzed. The pool may be reopened upon receipt of a satisfactory report.

10.34.100, Recirculation

The recirculation system shall be maintained in accordance with the following:

- (1) The turnover rate for spa pools shall be once every half hour.
- (2) For pools, except spas, built before September 13, 1989, the turnover rate shall be the lesser of the following times:
 - (A) Eight (8) hours.
 - (B) The maximum pool capacity in gallons, divided by the maximum bather load, divided again by one hundred eight (108) gallons per hour per bather.

In all other public pools built after September 13, 1989, the turnover rate shall be as follows:

POOL TYPE	TURNOVER RATE
Wading pools	1 hour
Wave pools	2 hours
Zero depth pools	2 hours
Pools with wading areas	2 hours
Competition pools	6 hours
Diving pools	12 hours
All other pools	6 hours

A suitable means shall be provided to measure the flow of water through the pool water recirculating system.

10.34.110, Gas Chlorine and Chemical Storage

The following shall be provided when chlorine gas is used:

- (1) Chlorine gas equipment shall be operated and maintained in accordance with standards and recommendations of The Chlorine Institute, Inc., Pamphlet 82 (1999). A copy of said standards must be kept on the premises.
- (2) A self-contained positive pressure demand breathing apparatus, with air supply tank, designed for use in a chlorine atmosphere.
- (3) The self-contained breathing apparatus shall be kept in a closed cabinet, accessible without a key and located outside of the room in which the chlorinator or chlorine cylinders are located.
- (4) Pool equipment operating staff shall be trained in the use of the self-contained breathing apparatus and shall maintain documentation of that training.
- (5) Each pool operator shall have a written emergency plan of action for chlorine gas leaks. The emergency plan shall be communicated to all employees, posted in a conspicuous place, and be practiced with annual drills.

All chemicals and items in the chemical storage room shall be stored at least six (6) inches above the floor to allow for flushing the area in the case of a spill.

All chemicals shall be stored in accordance with manufacturer recommendations.

All doors leading to chemical storage shall be locked at all times.

10.34.120, Safety Requirements

At least one (1) unit of lifesaving equipment shall be provided at each pool and shall consist of the following:

- (1) A life pole or shepherd's crook type of pole, with blunted ends and a minimum length of twelve (12) feet.
- (2) A ring buoy, having a minimum outside diameter of twenty (20) inches, with one-fourth (1/4) inch diameter rope equal in length to the width of the pool and not to exceed forty-five (45) feet in length.

One (1) spine board, with straps and head immobilizer, shall be available for each pool enclosure, except for spas and wading pools.

For pools with a surface area of two thousand (2000) square feet or more, a rescue tube or ring buoy shall be provided for each lifeguard on duty.

A first aid kit and two (2) blankets shall be provided within each pool enclosure. The first aid kit shall be kept filled and ready for use whenever the pool is open for use and shall be equipped with the following:

1. One unit bandage scissors;
2. One unit tweezers;
3. Four units of adhesive bandages, one (1) inch by three (3) inches;
4. Two units of two (2) inch bandage compress;
5. One unit three (3) inch bandage compress;
6. One unit four (4) inch bandage compress;
7. Two units of absorbent gauze pad, three (3) inches by three (3) inches;
8. One unit of gauze compress, eighteen (18) inches by thirty-six (36) inches;
9. Two units of large compress, twenty-four (24) inches by seventy-two (72) inches;
10. Two units of four (4) inch gauze roller bandages;
11. Two units of triangular bandages;
12. Two units of instant ice packs';
13. Two units of disposable gloves, and;
14. One unit of adhesive tape.

In the case of an apartment complex, hotel, or motel, this kit may be kept in the office of the manager or front desk as long as it is available during pool hours of operation.

A telephone shall be located within two hundred (200) feet of the pool enclosure and must be available for emergency use with the following emergency telephone numbers posted within view:

- (1) 911
- (2) Ambulance or rescue unit (if different than 911).
- (3) Hospital (if different than 911).
- (4) Police station (if different than 911).
- (5) Fire department (if different than 911).

Emergency phones that dial directly to 911 and do not perform any other task do not need to have the emergency numbers listed.

If telephone is located outside the pool enclosure, a sign shall be posted stating where the telephone is located. The sign shall also state that emergency numbers are posted at the telephone.

One (1) unit of lifesaving equipment, in good repair, ready for use, and stored within twenty (20) feet of the pool, shall be provided for each two thousand (2,000) square feet of pool water surface, except spas and wading pools.

10.34.130, Depth Markings

Depth markings of pools shall conform to 675 IAC 20-2.

Depth of water in feet shall be plainly and conspicuously marked at or above the water surface on the vertical pool wall and on the top of coping or edge of the deck or walk next to the pool as follows:

- (1) Depth markers on the deck shall be within eighteen (18) inches of the water edge and positioned to be read while standing on the deck facing the water.
- (2) Depth markers shall be installed at the maximum and minimum water depths and at all points of slope change and at intermediate increments of water depth not to exceed two (2) feet.
- (3) Depth numbers shall not be less than four (4) inches minimum height, permanently colored, and in contrast to the background on which they are applied.

Where depth markers cannot be placed on the vertical walls at or above the water level of a pool, other means shall be used which are plainly visible from the centerline of the pool.

A removable buoyed transition line, anchored at each end, shall separate the shallow area defined as five (5) feet or less, from the deeper pool area, except when the pool is being used for organized activities.

10.34.140, Maximum Bather Load

The maximum bather load for Class B or C pools shall be in accordance with the following table:

	Shallow, Beginners' or Wading Areas	Deep Areas (not including diving areas)	Diving Areas (per board)
Pools with minimum deck areas	15 square feet per bather	20 square feet per bather	300 square feet per bather
Pools with deck area at least equal to the surface area of the pool	12 square feet per bather	15 square feet per bather	same as above
Pools with deck area at least twice the surface area of the pool	8 square feet per bather	10 square feet per bather	same as above

(Fire Prevention and Building Safety commission; 675 IAC 20-2-11)

The maximum spa bather load will follow the calculation of A divided by 10 (A=sq. ft. of surface area).

Spa's built after January 1st 2006, shall have an emergency shutdown device readily accessible in the event of an emergency. This device shall be distinctly labeled as EMERGENCY SPA SHUTDOWN DEVICE. This device shall be installed in the same room as the spa and within site of the spa.

10.34.150, Lifeguards

A qualified lifeguard is required for all public pools. A qualified lifeguard is required for all semi-public pools with a surface area of two thousand (2,000) square feet or more. Lifeguards must be on duty at poolside at all times when the pools are open for use.

A qualified lifeguard or attendant must be stationed continuously at a waterslide and control its use.

When lifeguards are required, they shall be provided as follows:

BATHER LOAD*	MINIMUM NUMBER OF LIFEGUARDS
0-75	1
76-150	2
151-225	3
226-300	4
301-375	5

*When the bather load exceeds three hundred seventy-five (375), one (1) lifeguard shall be provided for each additional seventy-five (75) bathers or fraction thereof.

Lifeguards shall possess a current nationally recognized certification in each of the following:

- (1) Lifeguard training.
- (2) Adult/infant/child cardiopulmonary resuscitation.
- (3) First aid.

The operators of all public pools shall provide annual lifeguard orientation and training that includes training in bloodborne pathogens. New guards shall also receive training when they are employed.

When on patron surveillance duty, lifeguards shall not perform any other duties and shall not be in the water except in the line of duty.

Lifeguards on duty shall be identified with distinguishing equipment, apparel, or emblems.

Lifeguard platforms or chairs shall be elevated five (5) to six (6) feet above the deck, placed in locations that minimize sun glare on the water, and in positions that will allow complete visual coverage of the pool and the pool bottom within a field of view no greater than forty-five (45) degrees on either side of a line extending straight out from the chair.

Copies of lifeguard certification certificates for each lifeguard on staff shall be kept on premises, and made available to the Department upon request.

10.34.160, Warning Signs

10.34.160.1

Warning signs shall be provided in legible letters at least four (4) inches high as follows:

- (1) A sign warning “DANGER-HAZARDOUS CHEMICALS” shall be posted on or adjacent to the entrance to the pool chemical feed and chemical storage rooms.

- (2) Whenever the pool area is open for use and no lifeguard service is provided, warning signs shall be placed in plain view at the entrances and inside the pool area that state “WARNING-NO LIFEGUARD ON DUTY”. In addition, the signs shall also state in clearly legible letters at least two (2) inches high. “NO SWIMMING ALONE. CHILDREN UNDER 14 YEARS OF AGE AND NONSWIMMERS SHALL NOT USE THE POOL UNLESS ACCOMPANIED BY A RESPONSIBLE ADULT”.
- (3) When the pool is not open for use, a fixed barrier with a locked entrance shall prevent access and a sign shall be posted stating “POOL CLOSED”.
- (4) A sign stating “NO DIVING” shall be posted at nondiving areas and at portions of the pool which are five (5) feet deep or less. “NO DIVING” signs are not required at spas or wading pools.

10.34.160.2

The following user sanitation and safety rules shall be posted on signs with letters at least one (1) inch high and within the pool enclosure:

- (1) Anyone who has or has had diarrhea in the past two (2) weeks shall not use the pool.
- (2) Anyone who has an area of exposed subepidermal tissue, open blisters, cuts, etc., is advised not to use the pool.
- (3) All persons shall take a cleansing shower before using the pool. A bather leaving the pool to use the toilet shall take another cleansing shower before returning to the pool enclosure.
- (4) Spitting, spouting of water, blowing the nose, and similar behavior in the pool is prohibited.
- (5) No running or rough play is permitted in the pool, on the runways, on diving boards, on floats, on platforms, in dressing rooms, or in showers.
- (6) Street clothes are not allowed in the pool.

In addition to requirements of 10.34.160.1 and 10.34.160.2, spa pools shall have the following posted:

- (1) Pregnant women, small children, or persons with heart disease, diabetes, high blood pressure, or low blood pressure should not enter the spa except under advice of a physician.
- (2) Avoid use while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness or raise or lower blood pressure.
- (3) Exposure greater than fifteen (15) minutes may result in drowsiness, nausea, or fainting.

In addition to the requirements of section 10.34.160.1 and 10.34.160.2, wading pools shall have the following posted:

- (1) All diaper-aged children shall use plastic pants with tight fitting elastic at the legs and waist, or swim diapers.
- (2) Do not change diapers at poolside.

The following shall be posted near the entrance of swimming pool slides:

- (1) One (1) rider at a time. Wait until the landing area is clear before entering the slide.
- (2) Slide in a sitting position or on the back only.
- (3) Do not attempt to stop on the slide.

- (4) Leave the plunge area immediately.
- (5) Warning: Water depth is _____ feet.

The following shall be posted near the entrance of the water slide:

- (1) Only one (1) rider at a time.
- (2) Follow the instructions of the attendant and/or lifeguard.
- (3) No running, standing, kneeling, rotating, tumbling, or stopping in the flume.
- (4) No diving from flume
- (5) Leave the plunge pool promptly after entering.

10.34.170, Cleaning

Visible dirt on the bottom and walls of the pool shall be removed at least every twenty-four (24) hours or more frequently if required.

Scum, oils, or floating matter on the water surface of a pool shall be removed continuously by skimming, flushing, or other effective means when the pool is open for use.

10.34.180, Records of Operations

Operating records shall be logged daily, kept for a minimum of one (1) year, and be available upon request by the department. The operating records must contain the following:

- (1) Disinfectant residuals and combined chlorine concentrations.
- (2) pH readings.
- (3) Volume of fresh water added.
- (4) Operating periods of pool water recirculation pumps and filters and the corresponding rate of flow meter readings.
- (5) Amount of chemicals used.
- (6) Maintenance and malfunctioning of equipment.
- (7) Cyanuric acid levels if cyanuric acid is used.

An injury/incident report using a form prescribed by the Indiana State Department of Health shall be made for each occurrence that:

- (1) Results in death;
- (2) Requires resuscitation;
- (3) Results in transportation to a hospital or other facility for medical treatment; or
- (4) Results in an illness connected to the water quality at the pool.

The injury/illness report shall be forwarded to the department within ten (10) days.

10.34.190, Visitors and Spectator Areas at Public Pools

There shall be a separation between the spaces used by visitors and spectators at a public pool and those spaces used by bathers. Visitors and spectators in street clothes may be allowed within the perimeter enclosure if a separate area is provided that is segregated from the space used by the bathers by a barrier or wall at least twenty-nine (29) inches high.

10.34.200, Food and Drink Area

Food and drink may be permitted only in the visitor or spectator area of a public pool, or in a similarly separated snack area for bathers.

10.34.210, Multi-Use Suits and Towels

After each use, all multi-use suits and towels, furnished to bathers by the operator of a pool, shall be washed thoroughly with detergent and hot water of at least one hundred seventy-five (175) degrees Fahrenheit or laundered in warm soapy water containing a chlorine concentration of at least fifty (50) parts per million. Suits and towels must be rinsed and thoroughly dried after laundering.

Clean suits and towels must be kept strictly separated from those that have been used and are unlaundered.

10.34.220, Garbage and Refuse Disposal

Garbage and refuse shall be collected, stored, and disposed so that the pool area is kept clean and litter free.

10.34.230, Reasons for Closure

A pool shall be closed when any of the following occurs:

- (1) Failure to meet bacteriological requirements of Section 10.34.090 of this rule.
- (2) Failure to meet disinfectant concentrations of Section 10.34.080 of this rule.
- (3) Failure to meet the water clarity requirements of Section 10.34.090 of this rule.
- (4) The grate on the main drain is missing or broken.
- (5) Failure to meet lifeguard requirements of Section 10.34.150 of this rule.
- (6) A pump, filter, or disinfectant feeder is non operational.
- (7) A non-solid fecal accident.
- (8) The spa water temperature exceeds one hundred four (104) degrees Fahrenheit.
- (9) Upon being advised by the Health Officer, any circumstance which the Health Officer deems to be a serious health or safety risk.

10.34.240, Illness and Disease Prevention

Diaper changing at poolside is not allowed. Do not allow diaper-aged children to be “rinsed off” or “dipped” in the pool as part of diaper changing.

In the event that a solid stool is identified in the pool or spa water, the following steps are required:

- (1) The pool shall be cleared of all patrons.

- (2) The solid fecal material shall be removed. If a vacuum is used for this purpose, the waste shall be discharged to the sanitary sewer and not through the pool filtration system. All equipment used to remove the fecal material shall be sanitized with a solution of twenty (20) parts per million (ppm) chlorine. The solution shall be prepared fresh.
- (3) The free chlorine/bromine level shall be tested.
- (4) pH shall be maintained between 7.2 and 7.8.
- (5) When the required level of disinfectant concentrations fail to meet the requirements of Section 10.34.080 of this rule, the pool shall remain closed until the required levels of free disinfectant are present in the pool water as measured at poolside.
- (6) When the required level of disinfectant concentrations are met, the pool may reopen.

In the event that a nonsolid stool is identified in the pool or spa water, the following steps are required to ensure the inactivation of *Cryptosporidium*.

- (1) Immediately clear the pool of all patrons and close all affected pools or spas operating on a common filtration system and keep closed during the sanitization procedure.
- (2) Raise and maintain the free chlorine residual in the pool water for the length of time necessary to attain a “9600 contact time” CT value equivalent, or completely drain the pool to a sanitary sewer or approved sewage disposal system.
- (3) When the pool is drained, sanitize all surfaces with a chlorine solution of at least twenty (20) ppm.
- (4) When the pool is disinfected without draining, continuously operate the recirculation/filtration system during the sanitization/contact period time.
- (5) Filters shall be backwashed to waste and filter material replenished as necessary.
- (6) When the sanitizing contact period is completed, the pool may be reopened if:
 - (A) The excess free chlorine levels are reduced to the maximum allowed in Section 10.34.080 of this rule;
 - (B) The pH is balanced as needed;
 - (C) The filter is recharged as needed; and
 - (D) The circulation system is operating.

The contact time (CT) value for *Giardia lamblia* is 45 minutes and the CT value for *Cryptosporidium* is 9600 minutes. If you choose to use a different chlorine concentration or inactivation time, you must ensure that the CT values remain the same. For example, to determine the length of time needed to disinfect a pool at 15 ppm after a diarrheal accident, use the following formula: $C \times T = 9600$. Solve for time: $T = 9600 \div 15 \text{ ppm} = 10.6$. It would take 10 hours 42 minutes to inactivate *Cryptosporidium* at 15 ppm. You can also apply the same formula for *Giardia* by using CT of 45.

10.34.250, Right of Entry

The department or the local health officer may enter public or private property at reasonable times, upon presentation of credential to do any of the following:

- (1) Inspect facilities, equipment, or records.
- (2) Investigate complaints.
- (3) Conduct tests.

- (4) Collect samples to obtain information required under this rule.
- (5) Determine whether any person is subject to, or in violation of, this rule.

10.34.260, Enforcement

The department may commence an action under IC 4-21.5-3-8 against a pool operator who:

- (1) Fails to comply with this rule; or
- (2) Interferes with or obstructs the department or its designated agent in the performance of duties pursuant to IC 16-20-1-23.

10.34.270, Incorporation by Reference

The following are hereby incorporated by reference as a part of this rule:

- (1) Indiana State Department of Health Bulletin S.E. 11. Copies may be obtained by mailed request to Indiana State Department of Health, 2 North Meridian Street, Indianapolis, Indiana 46204.
- (2) Indiana State Department of Health Bulletin S.E. 13. Copies may be obtained by a mailed request to Indiana State Department of Health, 2 North Meridian Street, Indianapolis, Indiana 46204.
- (3) Standard Methods for the Examination of Water and Wastewater (APHA), Part 9000, Microbiological Examination of Water, eighteenth edition, 1992, is incorporated by this rule. Copies may be obtained from the American Public Health Association, Inc., 1015 15th Street N.W., Washington, D.C. 20005.
- (4) The standards of the Chlorine Institute, Inc., Pamphlet 82, July 1999. Two (2) copies of these standards are available for reference at the Indiana Department of Health. Copies may be obtained from the Chlorine Institute, Inc., 2000L Street N. W., Suite 506, Washington, D.C. 20036.

10.34.280, Permit Requirements

To qualify for a permit, an applicant must:

- (1) Be an Owner/Operator, of the pool/spa facility.
- (2) Comply with the requirements of this Ordinance and Rule 410 IAC 6-2.1.
- (3) Agree to allow a Health Officer access to the pool/spa facility for the purpose of inspection and/or investigation.
- (4) Pay the applicable permit fees at the time the application is submitted.

It shall be unlawful for any person to operate a public or semi-public pool/spa in St. Joseph County, Indiana without a valid permit from the Health Officer. Such permit shall be posted in a conspicuous place on the premises of the permitted pool/spa. Only persons with the applicable provisions of this Ordinance and Rule 410 IAC 6-2.1 shall be entitled to receive and retain such a permit. The permit for operating a pool/spa shall be valid for a term of one (1) year, to be renewed annually on or prior to April 30th. Any permit issued by the Health Officer shall contain the name and address of the person to whom a permit is issued and such other data as the Health Officer may deem necessary.

A separate permit shall be required for each pool/spa on the facility premises.

Permits are not transferable between facilities, owners, or pools/spas.

Public and semi-public pools/spas operating only during summer months (May, June, July, August, and September) shall pay a permit and inspection fee as prescribed by the St. Joseph County Board of Commissioners, which shall be paid to the St. Joseph County Health Department at the time an application for permit is filed. Public and semi-public pools/spas operating year round or for periods longer than the summer months shall also pay a permit and inspection fee as prescribed by the St. Joseph County Board of Commissioners. All permit fees shall be payable on or before the established anniversary date of the year intended for operation and shall be subject to the addition of a late penalty of 10 % of the permit fee for each month after April 30th, compounded monthly, provided that in no event shall the penalty exceed \$1,000.00. The late penalty charge does not apply to pool facilities that were not in operation the previous year.

All pools, including those managed by tax-supported units of government and schools shall pay a permit and inspection fee as prescribed by the St. Joseph County Board of Commissioners. The fee shall be paid to the St. Joseph County Health Department at the time an application for permit is filed. Tax supported units of government and schools shall be exempt from payment of the above prescribed late fees.

A person desiring to operate a pool/spa shall submit to the Health Department a complete written application for a permit on a form provided by the Health Department. The content of the permit application shall request the following information:

- (1) The name, address, telephone, and fax number of the facility.
- (2) The facility owner(s).
- (3) The Manager/Pool Operator.
- (4) The class of pool/spa.
- (5) Pool/spa capacity in gallons.
- (6) The amount of permit fee.
- (7) Signature and date of person applying for the permit.

Any permit issued by the Health Officer shall contain the following information:

- (1) The name and address of the establishment.
- (2) The facility owner.
- (3) The class of pool/spa.
- (4) The permit number.
- (5) Expiration date of the permit.
- (6) The raised seal of the St. Joseph County Health Department.
- (7) Pool/spa capacity in gallons.
- (8) The Health Officer's signature.

The Health Officer may issue a permit to a new owner of an existing pool/spa after a properly completed application has been submitted, reviewed, and approved.

Upon acceptance of the permit that has been issued by the Health Officer, the Owner/Pool Operator, shall perform the following in order to retain the permit:

- (1) Comply with all rules set forth by Rule 410 IAC 6-2.1 and all provisions of this Ordinance, and any variances granted by the Indiana State Department of Health.
- (2) Immediately close facilities and notify the Health Department if a health hazard exists.
- (3) Allow representatives of the Health Department full access to the pool/spa facility.
- (4) Comply with directives of the Health Department including time frames for corrective actions as specified in the Inspection Reports, Notices, Orders, Warnings, and other directives issued by the Health Department in regards to the pool/spa facility, or in response to community emergencies.
- (5) Accept all notices issued and served by the Health Department and the Indiana Department of Health.
- (6) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with Rule 410 IAC 6-2.1 or this Ordinance, or the directive of the St. Joseph County Health Department.
- (7) The Owner/Pool Operator shall post the permit in a conspicuous place visible to patrons of the facilities.

A copy of Rule 410 IAC 6-2.1 and this Ordinance shall be available at the pool/spa facility at all times. If Rule 410 IAC 6-2.1 or this Ordinance is lost or misplaced and cannot be located by the facility Owner/Pool Operator, a new copy may be purchased at the St. Joseph County Health Department.

The Health Officer shall treat the Inspection Report as a public document and shall make it available for disclosure to a person who requests it as provided by law (IC 16-20-80-6).

If an Owner/Pool Operator wishes to have a Health Officer assist their facility in solving water chemical requirements or water balance, the Owner/Pool Operator may call the St. Joseph County Health Department and request a consultation visit. If the Health Officer cannot solve the problem over the telephone, and believes that the problem is a health hazard, the Health Officer may set up a date and time to visit the facility and assist in resolving said issue.

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, by a court of competent jurisdiction, that holding shall not affect the validity of the remaining portions of the Ordinance, but the remaining portions shall be and remain in full force and effect.

This Ordinance shall not create liability on the part of the Health Department or any officer, employee or agent thereof for any damage, which may result from reliance on this Ordinance, or any administrative decision lawfully made thereunder.

All inspections shall be at the discretion of the Health Officer and nothing in this Ordinance shall be construed as requiring the Health Officer to conduct any inspection nor shall any inspection imply a duty to conduct any other inspection. Nothing in this Ordinance shall be construed to hold the Health Officer responsible for any damage to persons or property by any failure to make and inspection or re-inspection.