

**Public Swimming Pool, Public Spa, Special Use Pool, and Other Bathing Areas Regulation**

A regulation governing the design, plan approval and operation of public swimming pools, spas, special use pools, and other bathing areas, and to establish fees.

WHEREAS, the Ohio Revised Code Sections 3749.01 through 3749.09 and 3749.99 were enacted to require licensure of all Public Swimming Pools, Public Spas, and Special Use Pools; and

WHEREAS, the State of Ohio, Department of Health, Public Health Council has adopted Public Swimming Pool, Spa, and Special Use Rule; Ohio Administrative Code, Section 3701-31; and

WHEREAS, the State of Ohio Department of Health, has established a "Guide for the Evaluation of Bathing Area" 1970; and

WHEREAS, this Board deems it necessary to adopt certain rules and regulations for the design, plan approval and operation of public swimming pools, spas, special use pools and other bathing areas; and

WHEREAS, adequate funding of the program is crucial to its effectiveness in protecting the public health and safety; and

WHEREAS, due to recent changes in the law regarding such funding it is necessary to adopt revisions to this rule as an emergency to enable this Board to establish its fees in accordance with such laws for the immediate preservation of the public health.

NOW THEREFORE, BE IT RESOLVED, by the Board of Health of the Combined Allen County General Health District, that Chapter 3701-31, Ohio Administrative Code and the Guide for the Evaluation of Bathing Areas are adopted by incorporation by reference as if fully rewritten herein, together with the following regulations as authorized by Section 3709.21 of the Ohio Revised Code and license fees contained herein as authorized by Section 3749 of the Ohio Revised Code.

Sections 1.0 Definitions

1.1 "License Year" means the period of time, in days, beginning on June 1 of one year and ending May 31<sup>st</sup> of the next calendar year.

1.2 "Governmental" means a political subdivision such as the State of Ohio, a Municipal Corporation, County, Township, School District, or Special District.

1.3 The definition of terms, as defined in the Ohio Revised Code, Section 3749.01 and Ohio Administrative Code, Section 3701-31, shall be applied with the same meaning in this regulation.

Section 2.0 Applications-Permits-Licenses-Fees

2.1 Every person proposing to operate a Public Swimming Pool, Public Spa, Special Use Pool, or Public Bathing Area shall make application for a license or permit on a form provided by the Board of Health.

2.2 No person shall maintain a facility as a Public Swimming Pool, Public Spa, Special Use Pool, or Public Bathing Area without a license or permit issued by the Board of Health.

2.3 All licenses and permits issued by the Board of Health shall expire on May 31<sup>st</sup> of each year.

2.4 Any fees for application, license, permit, registration, inspection, sampling, or other fee for services rendered by the Board under this regulation shall be in accordance with the uniform system of fees as established by the Board of Health and as the same is amended from time to time, the applicable portions of which are hereby incorporated by reference.

### Section 3.0 Relief from Personal Liability

3.1 The Health Commissioner or any person charged with the enforcement of any provisions of the Public Swimming Pool, Public Spa, Special Use Pool, and Other Bathing Areas Regulation shall not be personally liable while acting for the Board of Health of the Combined Allen County General Health District and within the scope of that persons authority is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties.

### Section 4.0 Bacteriological Sampling

4.1 Water samples may be collected from waters of Public Swimming Pools, Public Spas, Special Use Pools or Public Bathing Areas for the laboratory evaluation of water quality at any reasonable time as deemed necessary to protect the public health by the Board of Health or their duly authorized representative.

4.2 Fees for laboratory tests or services shall be the responsibility of the operator or the owner of the facility.

### Section 5.0 Authority to Prohibit Use

5.1 Any Public Swimming Pool, Public Spa, or Special Use Pool in operation which is found to have critical operational items as outlined in the Ohio Administrative Code 3701-31-04 (B) (1) may be required by the Health Commissioner or the Director of Environmental Health to cease the use of such facility until it is brought into compliance with applicable regulations.

5.2 Any Public Bathing Area whose water quality exceeds established bacteriological levels may be required by the Health Commissioner or the Director of Environmental Health to cease the use of such facility until it is brought into compliance with applicable regulations.

### Section 6.0 Hearings

6.1 The Board of Health shall grant a hearing to any person affected or aggrieved by this regulation.

### Section 7.0 Effects on Partial Invalidity

7.1 Should any part of this regulation be declared invalid or unconstitutional for any reason any remainder of this regulation shall not be affected thereby.

### Section 8.0 Availability of Regulations

8.1 These regulations, Ohio Administrative Code Rule 3701-31, the guide for the Evaluation of Bathing Areas, are on file with the Secretary of the Board of Health for the inspection by the public.

### Section 9.0 Penalties

9.1 Any person who violates any provision of this regulation is subject to penalties provided by Section 3709.99 of the Ohio Revised Code.

### Section 10.0 Effective Date

10.1 Be it further resolved that the amendments to this regulation shall take effect April 30, 2012. Adopted this 13<sup>th</sup> day of April 2012, by the Combined Allen County General Health District Board of Health.