

DAVIS COUNTY BOARD OF HEALTH

PUBLIC POOLS REGULATION



Davis

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1.0 PURPOSE

The purpose of this regulation is to preserve, promote, and protect the public health, safety, and general welfare of residents and visitors in Davis County by establishing minimum standards for the proper design, installation, operation and maintenance of public pools.

2.0 SCOPE

This regulation is applicable within all incorporated and unincorporated areas of Davis County.

3.0 AUTHORITY AND APPLICABLE LAWS

This regulation is adopted under the authority of the Davis County Board of Health in accordance with Section 26A-1-121 of the Utah Code, as amended.

The provisions of the Utah Administrative Code (UAC) Chapter R392-302 Design, Construction and Operation of Public Pools are hereby adopted by reference and incorporated herein subject to the additions, clarifications, exceptions, and modifications set forth in this regulation.

4.0 DEFINITIONS

4.1 DEPARTMENT: The Davis County Health Department.

4.2 HYDROTHERAPY POOL: A pool designed primarily for medically prescribed therapeutic use and is under the continuous and direct supervision of a licensed medical or physiotherapy personnel.

4.3 LICENSED POOL OPERATOR (LPO): A Person:

4.3.1 with current pool operator certification by the National Swimming Pool Foundation or the Aquatics Section of the National Recreation and Parks Association or equivalent;

4.3.2 that has passed the Department approved pool regulatory examination; and,

4.3.3 that provides direct supervision over the operation of a pool.

4.4 OWNER: Any Person who, alone, jointly, or severally with others:

4.4.1 has legal title to any Public Pool, with or without accompanying actual possession thereof;

4.4.2 has care, charge, or control of any Public Pool, as Owner, agent of the Owner, or other Person;

4.4.3 is executor, administrator, trustee, or guardian of the estate of the Owner;

- 4.4.4 is a mortgagee in possession; or,
- 4.4.5 is the senior officer or trustee of the association of unit Owners of a condominium.
- 4.5 PERSON: Any individual, firm, corporation and its officers, association, partnership, cooperative, trustee, executor of an estate, governmental agency or any other legal entity recognized by law, in the singular or plural.
- 4.6 PRIVATE RESIDENTIAL POOL: a swimming pool, spa pool or wading pool used only by an individual, family, or living unit members or guests, but not serving any type of multiple unit housing complex of four or more living units.
- 4.7 PUBLIC POOL: Any swimming pool, spa pool, wading pool, or special purpose pool facility which is not a private residential pool.
- 4.8 SEASONAL POOL: A Public Pool that operates less than six months per year.
- 4.9 YEAR ROUND POOL: A Public Pool that operates six or more months per year.

5.0 REGULATION

5.1 Right of Entry

A representative of the Department shall be allowed access to the regulated premises upon providing proper identification.

5.2 Fencing

A fence or other barrier is required around a public pool or private residential pool and must provide complete perimeter security of the facility. It must be at least six feet in height. There shall not be openings through the fence or barrier, other than entry or exit access, which permit a sphere greater than 4 inches to pass through into the pool enclosure. A fence or barrier that has an entrance must be equipped with a self-closing and self-latching gate or door.

5.3 Design Detail

5.3.1 Plan Review Application.

The applicant shall submit a completed Department plan review application and other information conforming to criteria established by the Department for any activities requiring a plan review.

5.3.2 Minimum Number of Plans Submitted.

A plan review applicant shall submit to the Department a minimum of two sets of plans and specifications for the proposed construction or modification.

5.3.3 Stamped Plans Onsite.

One set of Department stamped plans shall be on the construction site during any construction.

5.4 Operating Permit Required

A Person may not operate a Public Pool without a current and valid operating permit issued by the Department. Operating permits shall only be issued to an Owner.

5.4.1 Minimum Requirements to Obtain a Permit.

To obtain a permit, a Public Pool Owner must:

- 5.4.1.1 apply to the Department prior to beginning operations by completing an application form provided by the Department and paying the required fee;
- 5.4.1.2 be able to demonstrate to the local health department initially and upon subsequent inspections sufficient knowledge of safe operation of their Public Pool;
- 5.4.1.3 complete a satisfactory Department inspection.

5.4.2 Conditions to Maintain a Permit.

To maintain an operating permit, the Owner shall:

- 5.4.2.1 retain a LPO to operate and maintain the Public Pool;
- 5.4.2.2 notify the Department in writing within ten (10) days of any change, including a change of name that would render the information contained in the permit application inaccurate.

5.4.3 Change of Ownership.

At any time that a Public Pool changes ownership, the new Owner shall obtain an operating permit.

5.4.4 Renewal.

An operating permit shall be renewed within 30 days of expiration.

5.4.4.1 The new permit shall begin one calendar day after the old permit expires.

5.4.4.2 A late fee may be assessed every 30 days.

5.4.5 Validity.

An operating permit shall be valid for one year.

5.4.5.1 Seasonal Pool.

A Seasonal Pool operating permit shall be valid for six months.

5.5 Enforcement

Any Person who fails to comply with this regulation or interferes with the Department in the performance of its duties shall be subject to the criminal and/or civil penalties set forth in this regulation.

5.5.1 Notice of Violation.

A Notice of Violation may be issued for any violation of this regulation.

5.5.1.1 A follow up inspection may be required for any notice issued.

5.5.2 Suspension or Revocation of a Permit.

A Public Pool's operating permit may be suspended or revoked if the facility:

5.5.2.1 has violated any of the provisions of this regulation.

5.5.2.2 is operating a public pool without the direct supervision of a LPO;

5.5.3 Closed to Operations.

5.5.3.1 Closing Facilities.

A Public Pool may be closed to operations if the facility is operating:

5.5.3.1.1 with imminent health hazards present;

5.5.3.1.2 without a permit;

5.5.3.1.3 on a suspended or revoked permit.

5.5.3.2 Reopening Facilities.

Any Public Pool closed to operations will not be reopened until:

5.5.3.2.1 it is in compliance with this regulation;

5.5.3.2.2 the Department has issued its approval; and,

5.5.3.2.3 all placards are removed.

6.0 PENALTY

6.1 Criminal Penalties Pursuant to UCA Section 26A-1-123

Pursuant to Section 26A-1-123 of the Utah Code:

- 6.1.1 any Person who is found guilty by a court having proper jurisdiction of violating any of the provisions of this regulation, or violating, disobeying, or disregarding any Notice or Order issued under this regulation is guilty of a class B misdemeanor;
- 6.1.2 any Person who is found guilty of a subsequent similar violation within two years of the initial violation is guilty of a class A misdemeanor;
- 6.1.3 each day such violation is committed or permitted to continue shall constitute a separate violation;
- 6.1.4 conviction under this section does not relieve the Person convicted from civil liability.

6.2 Civil and Administrative Penalties

The exercise of civil and administrative penalties shall be subject to the Board of Health's Adjudicative Hearing Procedures Regulation.

- 6.2.1 Any Person who violates any of the provisions of this regulation or violates, disobeys, or disregards any Notice or Order issued under this regulation shall be subject to:
 - 6.2.1.1 the payment of costs incurred in the enforcement of any violation or notice issued, including costs attributable to any involved local agencies;
 - 6.2.1.2 a penalty pursuant to the provisions of Section 26-23-6(2).

7.0 SEVERABILITY

If any provision, clause, sentence, or section of this regulation is found to be prohibited or unenforceable in any jurisdiction, such provision, clause, or section of this regulation shall, as to such jurisdiction only, be inoperative, null and void to the extent of such prohibition or unenforceability without invalidating the remaining provisions or sections hereof, and any such prohibition or unenforceability in any jurisdiction shall not invalidate or render inoperative, null or void such provision or section in any other jurisdiction. Those provisions, clauses, or sections of this regulation, which are not prohibited or unenforceable, shall remain in full force and effect.

8.0 FEES

8.1	Plan Review:	\$400.00
8.2	Operating Permit:	
8.2.1	Year Round Pool:	\$460.00
8.2.2	Seasonal Pool:	\$280.00
8.2.3	Hydrotherapy Pool:	\$360.00
8.3	Miscellaneous Other:	
8.3.1	Required Plan Review Resubmission	\$50.00
8.3.2	LPO Test:	\$10.00
8.3.3	Follow-Up Inspection Fee:	\$100.00
8.3.4	Repeat Sample Fee	\$50.00

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved, and adopted this regulation this 1st day of December, 1964.

Effective date: December 1, 1964

Revised and Amended: May 6, 1997

Revised and Amended: August 9, 2005

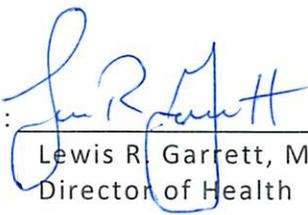
Revised and Amended: May 12, 2009

Revised and Amended: November 8, 2011

Revised and Amended: August 11, 2015

Davis County Board of Health

Signed: 
Scott Zigich,
Board Chairman

Attest: 
Lewis R. Garrett, M.P.H.
Director of Health