

DAVIS COUNTY BOARD OF HEALTH

PUBLIC POOL REGULATION



**Davis**

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C O U N T Y  
H E A L T H  
D E P A R T M E N T

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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 Utah Code Annotated (UCA) Section 26A-1-121.

The provisions of Utah Administrative Code 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 OWNER: Any Person who, alone, jointly, or severally with others:
  - 4.2.1 has legal title to any public pool, with or without accompanying actual possession thereof;
  - 4.2.2 has care, charge, or control of any public pool, as Owner, agent of the Owner, or other Person;
  - 4.2.3 is executor, administrator, trustee, or guardian of the estate of the Owner;
  - 4.2.4 is a mortgagee in possession; or,
  - 4.2.5 is the senior officer or trustee of the association of unit Owners of a condominium.
- 4.3 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.
- 4.4 SEASONAL POOL: A public pool that may be open for use only during a defined period of time each year.
- 4.5 YEAR ROUND POOL: A public pool that may be open for use on a year round basis.

## **5.0 REGULATION**

### **5.1 Right of Entry**

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

### **5.2 Plan Review**

#### **5.2.1 Plan Review Required.**

Prior to commencing in the construction of a pool facility, changing any equipment or appurtenance of any existing pool, or constructing, renovating, or remodeling any pool facility, plans must be submitted to, and approved by, the Department.

#### **5.2.2 Approved Changes.**

Any changes to the original plans must be approved in writing by the Department.

### **5.3 Operating Permit Required**

An Owner shall not allow the use of a public pool without a valid operating permit issued by the Department.

#### **5.3.1 Validity.**

Operating permits shall be valid for the following periods of time:

5.3.1.1 Year Round Pool one year

5.3.1.2 Seasonal Pool April - October

#### **5.3.1 Renewal.**

An operating permit for a public pool shall be renewed within 30 days of expiration, or prior to operating, each year.

#### **5.3.2 Late Fees.**

A late fee may be assessed every 30 days.

#### **5.3.3 Permit Contact Information.**

A permit holder shall notify the Department in writing within ten (10) days of any change of contact information.

#### **5.3.4 Permits Not Transferable.**

A permit may not be transferred from one Owner to another Owner, or from one public pool to another.

### **5.4 Enforcement**

It is unlawful for any Person to fail to comply with this regulation or to interfere with the Department in the performance of its duties.

#### **5.4.1 Pool Closure.**

A public pool may be closed by the Department if the facility is operating with an imminent health hazard present.

- 5.4.2 Follow-Up Inspection.  
A follow-up inspection may be required for any notice issued by the Department.
- 5.4.3 Suspension of a Permit.  
A public pool's operating permit may be suspended if the facility has violated any of the provisions of this regulation.
  - 5.4.3.1 A public pool with a suspended permit may resume operations only after receiving approval from the Department.
- 5.4.4 Notice of Violation.  
A notice of violation may be issued to any Person operating a public pool without a valid permit as required by this regulation.
- 5.4.5 Revocation of a Permit.  
The Davis County Board of Health may revoke an operating permit if the public pool is in violation of any of the provisions of this regulation.

## **6.0 PENALTY**

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

- 6.1.1 Any Person who is found guilty by a court of: violating any of the provisions of this regulation; or violating, disobeying, or disregarding any notice 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**

- 6.2.1 Any Person who violates any of the provisions of this regulation or violates, disobeys, or disregards any notice issued under this regulation shall be subject to the payment of costs incurred in the enforcement of any violation or notice issued, including costs attributable to any involved local agencies;
- 6.2.2 A penalty pursuant to the provisions of UCA Subsection 26-23-6(2).
- 6.2.3 A penalty pursuant to the provisions of UCA Section 19-5-115.
- 6.2.4 The exercise of civil and administrative penalties shall be subject to the Department's Adjudicative Hearing Procedures Regulation.

## **7.0 SEVERABILITY**

If any provision, clause, sentence, or paragraph of this regulation or the application or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of this regulation. The valid part of any clause, sentence, or paragraph of this regulation shall be given independence from the invalid provisions or application, and to this end, the provisions of this regulation are declared to be severable.

## **8.0 FEES**

8.1	Plan Review:	\$400.00
8.2	Operating Permits:	
8.2.1	Year Round Pool:	\$600.00
8.2.2	Seasonal Pool:	\$400.00
8.2.3	Hydrotherapy Pool:	\$360.00
8.3	Miscellaneous Other:	
8.3.1	Follow-Up Inspection Fee:	\$100.00
8.3.2	Repeat Sample Fee:	\$50.00
8.3.3	Late Fee:	\$100.00

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved and adopted this regulation this 1<sup>st</sup> 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**

**Revised and Amended: February 9, 2021**

Davis County Board of Health

Signed:  2-9-21  
Troy Wood  
Board Chairman

Attest:   
Brian Hatch, M.P.H.  
Director of Health