

DAVIS COUNTY BOARD OF HEALTH

PUBLIC POOL REGULATION



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## **1.0 PURPOSE**

The purpose of this regulation is to protect the public health, safety, and welfare of residents and visitors in Davis County by establishing practices and provisions for the safe operation of swimming pools and spas.

## **2.0 SCOPE**

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

## **3.0 AUTHORITY AND APPLICABLE LAWS**

3.1 This regulation is adopted under the authority of the Davis County Board of Health in accordance with Title 26-A Chapter 121 of the Utah Code

3.2 The provisions of the Utah Swimming Pool Rule R392-302 Design, Construction and Operation of Public Pools are hereby adopted and incorporated by reference subject to the additions, modifications and exceptions set forth in this regulation.

## **4.0 DEFINITIONS**

4.1 **LICENSED SWIMMING POOL/SPA OPERATOR (LPO):** A person with current certification by the National Swimming Pool Foundation or the Aquatics Section of the National Recreation and Parks Association or equivalent, and has passed the Division approved pool regulatory examination.

4.2 **DIRECT SUPERVISION:** A LPO is physically present giving direction to the operation of the pool at least fifty (50) percent of the days that the pool operates.

4.3 **DIVISION:** The Environmental Health and Laboratory Division of the Davis County Health Department and individual employees thereof.

4.4 **SWIM SCHOOL:** A private residential pool which is used as a public pool for providing swimming instruction for a fee.

## **5.0 REGULATION**

5.1 **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.

5.2 **SUBMISSION OF PLANS AND SPECIFICATIONS:** The following requirements supersedes R392-302-3(2): a) A private pool used for swimming pool instruction shall at all times comply with R392-302-27 Disinfection and Quality of Water, R392-302-28 Cleaning of Pools

and R392-302-29 Supervision of Pools; (b) A private pool used for swimming pool instruction is exempt from all other requirements of R392-302, only if this pool is under the continuous and direct supervision of a pool instructor; (c) The Division may enter and examine the use of a private pool used for swimming pool instruction pools to respond to complaints, to assure that use of the pool is being properly supervised, to examine records of testing and sampling, and to take samples to assure that water quality and cleanliness are maintained at reasonable times when swimming lessons are scheduled.

- 5.2.1 No person shall begin construction or substantially alter any public pool without first having received Division approval after submitting two sets of plans and specifications for the proposed construction or alteration for review.
- 5.2.2 The plans and specifications shall be prepared by an architect or engineer licensed to practice in the State of Utah.
- 5.2.3 The application for a permit to construct or alter a public pool shall be on such forms as may be prescribed by the Division, together with any supporting data as may be required for proper review of the plans and specifications. Fees must be paid prior to plan and specification review.
- 5.2.4 The public pool shall be built as shown on the plans and in the specifications as approved unless the Division approves changes in writing. The owner or the owner's agent shall notify the Division at predetermined stages of construction and at the time of completion of the pool to permit adequate inspection of the pool and related equipment during and after construction. The pool shall not be placed in operation until Division inspections show compliance with the requirements of these regulations.
- 5.2.5 The criteria to be followed by the Division in the review and approval of plans shall be based on the requirements of this regulation.
- 5.2.6 The plans shall be drawn to scale and accompanied by proper specifications so as to permit a comprehensive engineering review of the plans including the piping and hydraulic details and shall include:
  - 5.2.6.1 Plan and sectional views with all the necessary dimensions of both the pool and surrounding area.
  - 5.2.6.2 A piping diagram showing all appurtenances including treatment facilities in sufficient detail, as well as pertinent elevation data, to permit a hydraulic analysis of the system.
  - 5.2.6.3 The specifications shall contain details on all treatment equipment, including catalog identification of pumps, chlorinators, chemical feeders, filter, strainers, interceptors, and related equipment.

### **5.3 PERMITS, INSPECTIONS AND HEARINGS**

- 5.3.1 No person shall operate a public pool unless a permit to operate a public pool has been obtained from the Division. Permits shall be obtained by January 1st of each year, or prior to opening the pool each year, and shall be valid until midnight, December 31st of the same year unless otherwise suspended or revoked for cause.**
- 5.3.2 A permit may be issued after collection of fees and the Division has conducted a satisfactory inspection of the public pool.**
  - 5.3.2.1 A fee schedule will be established by the Division.**
  - 5.3.2.3 Permits are not transferable.**
- 5.3.3 The Division may suspend any permit:**
  - 5.3.3.1 For failure to comply with the provisions of this regulation;**
  - 5.3.3.2 For violation of the provisions of other laws and/or standards pertaining to public pools;**
  - 5.3.3.3 For operating a public pool without the direct supervision of a LPO;**
  - 5.3.3.4 For falsifying information required by the Division to receive a permit;**
  - 5.3.3.5 For not allowing the Division access to the public pool and associated records for inspection and/or sampling; and/or**
  - 5.3.3.6 For preventing or interfering with a Division employee pursuant to his/her duties with the Division.**
- 5.3.4 When a permit is suspended, the person to whom the permit has been issued shall be given notice in writing enumerating the reason(s) for the suspension and shall be given a hearing if requested in writing before a hearing officer appointed by the Director.**
- 5.3.5 The permit may be reinstated upon proper application and upon presentation of evidence that the deficiencies causing the suspension have been corrected.**
- 5.3.6 A permit may be revoked for repeated or severe violations of this regulation. Revoked permits shall not be reinstated for at least two (2) years from the date of revocation and then only at the pleasure of the Davis County Board of Health.**
- 5.3.7 The Division is authorized to conduct such inspections, as it deems necessary to insure compliance with all provisions of this regulation. The Division shall, at any reasonable hour, have the right of entry to the pool facility for this purpose.**

5.3.8 The Division may, if it deems a health hazard exists, order closed all or part of a pool facility.

5.3.8.1 A pool facility shall be deemed closed when the Division presents in writing to the responsible person in charge a notice stating the pool facility is closed and giving the reason for closure or, when no responsible person can be found, by placarding the entrance to the pool facility with a sign denoting the pool facility as closed and attaching the notice thereto.

5.3.8.2 A pool facility shall remain closed until such time that the Division determines the reason for closure has been satisfactorily corrected.

5.3.9 Any person who is aggrieved by any action or inaction of the Division may request a hearing before a hearing officer appointed by the Director.

5.3.9.1 The request for a hearing must be in writing.

5.3.9.2 In the case of a permit revocation, the request for a hearing must be filed with the Director within ten (10) days of the person's receipt of a notice revoking the permit.

5.3.9.3 The hearing officer may take testimony from persons involved and shall render a decision sustaining, rescinding or modifying the actions of the Division.

5.3.9.4 The decision of the hearing officer may be appealed to the Davis County Board of Health.

5.3.9.5 The Board of Health may, at its discretion, choose to accept additional testimony from persons involved or may render a decision from the hearing record.

## **6.0 PENALTY**

Any person who is found guilty of violating the provisions of these regulations is guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated. A person found guilty of a subsequent similar violation within two years, is guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated.

Each day such violation is committed or permitted to continue shall constitute a separate violation.

## **7.0 SEVERABILITY**

In the event any court of competent jurisdiction should declare any particular clause or sentence of this regulation invalid or unconstitutional, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

## 8.0 FEES

8.1	CPO Class with books:	\$180.00
8.2	CPO Class without books:	\$140.00
8.3	CPO Audit:	\$140.00
8.4	LPO Test:	\$10.00
8.5	Year Round Pool/ Spa:	\$400.00
8.6	Seasonal Pool/Spa:	\$225.00
8.7	Pool Reinstatement Fee:	\$120.00
8.8	Pool Review Plan:	\$325.00
8.9	Pool Permit Late Fee:	\$50.00
8.10	Pool/Spa Follow-Up Inspection Fee:	\$50.00
8.11	Pool School Permit Fee:	\$50.00

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: 1<sup>st</sup> day of December, 1964.**

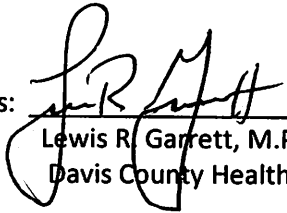
**Revised and Amended: May 6, 1997.**

**Revised and Amended: August 9, 2005.**

**Revised and Amended: May 12, 2009.**

**Revised and Amended: November 8, 2011**

Signed:   
Ben Tanner, Chairman  
Davis County Board of Health

Witness:   
Lewis R. Garrett, M.P.H., Director  
Davis County Health Department