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MORGAN COUNTY

PUBLIC POOL AND SPA ORDINANCE

ORDINANCE NO. 4-1-9

PURPOSE: This ordinance is to regulate public and semi-public pools and spas with regard to the health and welfare of people in public and semi-public water settings. It is also to provide for the orderly, consistent, and effective implementation of the Indiana State Board of Health Rule 410 IAC 6-2.1, as amended. The effective date for this ordinance shall be January 1, 2014.

SECTION I DEFINITIONS

Facility – means any entity that includes a public pool, semi-public pool or spa, or any combination thereof, at one address or location, operating either semi-annually or annually, under one pool permit.

Full Time Pool – means any public or semi-public pool that operates for more than six (6) months per calendar year.

Health Officer – means the Morgan County Health Officer or his/her designee or authorized representative.

Health Department – means the Morgan County Health Department.

Public Pool – means any pool, including a wading 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.

Seasonal Pool – means any public or semi-public pool that is operated outdoors for less than six (6) months each year.

Semi-Public Pool – means any pool, including a wading pool, that is intended to be used for swimming or bathing and is operated solely for and in conjunction with:

1. Schools, universities, and colleges;
2. Hotels, motels, apartments, condominiums, bed and breakfasts, or similar lodgings;
3. Camps or mobile home parks; or
4. 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.

Spa – “Spa” means a pool designed for recreational and/ or therapeutic use, commonly known as a hot tub or therapy pool which is not drained, cleaned, and refilled after each use. The term may include, but is not limited to: (1) hydrojet circulation; (2) hot water; (3) cold water; (4) mineral baths; (5) air induction systems; (6) or any combination thereof.

The definitions set forth in 410 IAC 6-2.1 shall be incorporated herein and shall apply to the application of this Ordinance.

SECTION II PERMITS

It shall be unlawful for any person to operate a public or semi-public pool or spa in Morgan County who does not possess a valid permit issued by the Health Department. Each pool/ spa operator shall obtain a permit from the Health Department. The permit shall provide the name, address and telephone number of the operator of the pool/ spa, the name address and telephone number of owner of the pool/ spa and other pertinent information required by the Health Department. The cost for this permit shall be as set forth on the fee schedule for the Health Department and shall not be transferable. The permit fee for a full time pool shall be due by January 1st of each calendar year. The permit fee for a seasonal pool shall be due by May 15th of each calendar year or prior to pool opening if the pool should open prior to that date. All permits expire on December 31st of each year and must be renewed thereafter on an annual basis on the dates described above. Any holder of a permit shall be subject to inspection as set forth herein. The Health Department shall provide the appropriate forms for this permit. A pool/ spa operator shall be exempt from obtaining a permit in the event the operator can demonstrate that the operator is subject to permit and/ or inspection by a state or federal agency that provides for substantially similar regulation as this Ordinance.

- A. One permit fee shall be charged per each facility.
- B. Any permit issued under this Ordinance is not transferable from one person to another person, from one facility to another, or from one type of operation to another.
- C. A permit fee shall be required from all entities operating a pool/ spa in Morgan County.

SECTION III MINIMUM REQUIREMENTS FOR POOLS AND SPAS

General Requirements

A. Each pool and spa shall comply with the minimum requirements specified in Indiana Administrative Code, 410 IAC 6-2.1. A copy of which is available at the Health Department in Martinsville, Indiana, for public inspection.

B. **Facilities to be kept clean; summary closure.** In addition to the requirements set forth above, each pool/ spa shall comply with the following conditions:

1. All shower rooms, dressing rooms, equipment rooms, and appurtenant facilities shall be kept clean at all times. Daily disinfection of the areas may be required.
2. When a bathing area is in such condition as to pose an imminent threat to the health of the public, the Health Department may order the bathing area to be closed temporarily until such time as conditions are brought into compliance with minimum requirements. This action may be taken by issuing an order in writing.

SECTION IV COMPLIANCE AND INSPECTIONS

Inspection

A. The Health Department shall conduct inspections of each and every pool/ spa located in Morgan County, Indiana. The Health Department may conduct a minimum of one (1) inspection per year. The Health Department may conduct additional inspections as they determine and/ or in response to complaints submitted to the Health Department. The results of the inspections shall be provided to each operator. Violations noted by the Health Department shall be corrected immediately. The Health Department shall conduct follow-up inspections as necessary to determine compliance with this Ordinance.

B. **Suspension and/ or Revocation of Permit.** The Health Department may suspend or revoke the permit of any operator for any period of time for any violation of this Ordinance. The suspension and/ or revocation shall be effective upon the issuance of a written order of the Health Department. A suspended or revoked permit may be reinstated upon subsequent inspection and demonstrated compliance with this Ordinance. An owner may appeal an order of the Health Department, by filing a written appeal with the Health Department. All appeals shall be conducted pursuant to IC 4-21.5-3-1 et. seq. The Board of Health shall conduct administrative hearings concerning the suspension or revocation of any permit issued herein as set forth in IC 4-21.5-3 et. seq.

C. **Imminent Health Hazard.** A pool/ spa operator shall immediately discontinue operations and notify the Health Department if an **imminent health hazard** may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, gross unsanitary occurrence or condition, or other circumstance that may endanger public health. The Operator must then obtain approval from the Health Department before resuming operations.

Section V REASONS FOR CLOSURE (410 IAC 6-2.1)

A pool/ spa shall be closed by the operator when any of the following occurs:

- 1) Failure to meet bacteriological requirements of 410 IAC 6-2.1, section 31(f) *Public and Semi-Public Pools.*
- 2) Failure to meet the disinfectant concentrations of 410 IAC 6-2.1, section 30(b) *Public and Semi-Public Pools.*
- 3) Failure to meet water clarity requirements according to 410 IAC 6-2.1, section 31(a) *Public and Semi-Public Pools.*
- 4) The grate on the main drain is missing or broken.
- 5) Failure to meet lifeguard requirements according to 410 IAC 6-2.1, section 35 *Public and Semi-Public Pools*, if applicable.
- 6) A pump, filter, and/ or disinfectant feeders are nonoperational.
- 7) All fecal accidents.
- 8) Spa water temperature exceeds one hundred four (104) degrees Fahrenheit.
- 9) Failure to have the swimming pool under the supervision of an individual who shall assume the responsibility for compliance with all parts of 410 IAC 6-2.1 and this ordinance.
- 10) Failure to maintain a pH between seven and two-tenths (7.2) and seven and eight-tenths (7.8).
- 11) Detecting any measurable concentration of chlorinated isocyanurates and cyanuric acid stabilizers used in an indoor pool.
- 12) Any other imminent health hazard that could cause injury or illness.

SECTION VI RIGHT OF ENTRY

The Health Department may enter public or private property at reasonable times upon presentation of credentials 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 ordinance.
- 5) Determine whether any person is subject to, or in violation of, this ordinance.

SECTION VII RECORDS OF OPERATION

Operating records shall be logged daily, kept for a minimum of one (1) year, and be available upon request by the Health 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) Amounts of chemicals used.
- 6) Maintenance and malfunctioning of equipment.
- 7) The date and time of any fecal events occurring in the pool, whether it involved formed stool or diarrhea, and the free chlorine and pH levels at the time of observation of the event. Before reopening the pool, the:
 - a) free chlorine and pH levels;
 - b) procedures followed in response to the fecal accident, including the process used to increase chlorine levels (if necessary); and
 - c) contact time; must be recorded.

SECTION VIII PENALTIES

A. Fines. If a pool/ spa operator shall operate a pool or spa without first obtaining a permit, the operator shall be subject to a fine of not more than \$500.00. Each day the operator shall be in violation of this ordinance shall constitute a separate offense which shall include a fine of not more than \$50.00 per day.

B. Enforcement. The Health Department may bring an action in the Circuit or Superior Court to enforce this ordinance, including for injunction or any other available remedy, at law or otherwise. The Health Department shall be entitled to recover all costs and expenses associated with any action for enforcement of this ordinance including reasonable attorney fees. The Health Department may request revocation of operator's permit.

SECTION IX MISCELLANEOUS

A. Conflicts and Severability. The provisions of this Ordinance are intended to be supplemental to the laws of the State of Indiana and to the extent that they may conflict with said laws, the laws of the State of Indiana shall control.

Should any provision of this Ordinance be found by a court to be invalid, the remainder of the Ordinance shall remain in full force and effect.

B. Construction. All terms of this Ordinance, unless defined or otherwise apparent from the context in which they are used, shall be construed in terms of their plain and ordinary meaning. Masculine terms shall be construed so as to include the feminine and singular terms shall include the plural.

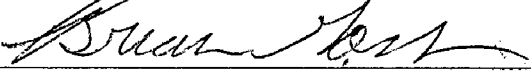
C. Repeal and Effective Date. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

Passed and adopted by the Board of Commissioners of Morgan County, State of Indiana,
on this 4 day of November, 2013.

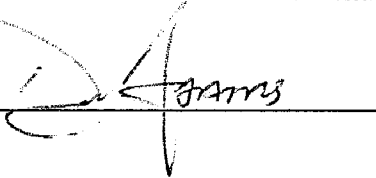
BOARD OF COMMISSIONERS:



Norman Voyles




Brian Goss



Don Adams

ATTEST:



Brenda Adams, Morgan County Auditor