

DAVIS COUNTY BOARD OF HEALTH

PUBLIC POOL REGULATION



Davis

C O U N T Y
HEALTH
DEPARTMENT

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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 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:~~

~~4.4 with current pool operator certification by the National Swimming Pool Foundation or the Aquatics Section of the National Recreation and Parks Association or equivalent;~~

~~4.5 that has passed the Department approved regulatory examination; and,~~

~~4.6 that provides direct supervision over the operation of a pool.~~

~~4.7.2~~ 4.7.2 OWNER: Any person who, alone, jointly, or severally with others:

~~4.7.14.2.1~~ 4.7.14.2.1 ~~h~~Has legal title to any public pool, with or without accompanying actual possession thereof;

~~4.7.24.2.2~~ 4.7.24.2.2 ~~h~~Has care, charge, or control of any public pool, as Owner, agent of the Owner, or other Person;

4.7.34.2.3 _____ its executor, administrator, trustee, or guardian of the estate of the ~~owner~~Owner;

4.7.44.2.4 _____ its a mortgagee in possession; or,

4.7.54.2.5 _____ its the senior officer or trustee of the association of unit Owners of a condominium.

4.84.3 _____ 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.

~~4.9 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.~~

~~4.10 PUBLIC POOL: Any swimming pool, spa pool, wading pool, or special purpose pool facility which is not a private residential pool.~~

4.114.4 _____ SEASONAL POOL: A public pool that ~~operates~~ may be open for use only during a defined period of time each year ~~less than six months per year.~~

4.124.5 _____ YEAR ROUND POOL: A public pool that ~~operates six or more months per year~~ 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 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 in the pool enclosure. A fence or barrier that has an entrance must be equipped with a self-closing and self-latching gate or door.~~

5.35.2 _____ Design DetailPlan Review

5.2.1 Plan Review RequiredApplication.

~~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~~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.

5.3.15.2.2 Approved

Changes.

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

~~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.~~

5.45.3 Operating

Permit Required

~~AA~~An Owner shall not allow the use of a Person may not operate a Public Pool public pool without a~~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:~~

~~5.4.2 apply to the Department prior to beginning operations by completing an application form provided by the Department and paying the required fee;~~

~~5.4.3 be able to demonstrate to the local health department initially and upon subsequent inspections sufficient knowledge of safe operation of their Public Pool;~~

~~5.4.4 complete a satisfactory Department inspection.~~

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.

~~5.4.5 Permit Contact Information.~~

~~A permit holder shall Conditions to Maintain a Permit.
To maintain an operating permit, the Owner shall:~~

~~5.4.6 Retain a LPO to operate and maintain the Public Pool;~~

~~5.4.75.3.3~~

~~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 of contact information.~~

~~5.4.8 Change of Ownership Permits Not Transferable.~~

~~A permit may not be transferred from one t any time that a Public Pool changes ownership, the new Owner to another Owner, or from one Public Pool public pool to another shall obtain an operating permit.~~

~~5.4.95.3.4~~

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

~~5.4.9.1 The new permit shall begin one calendar day after the old permit expires.~~

~~5.4.9.2 A late fee may be assessed every 30 days.~~

~~5.4.10 Validity.~~

~~An operating permit shall be valid for one year.~~

~~5.4.10.1 Seasonal Pool:~~

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

~~5.55.4~~

~~Enforcement~~

~~Any Person who failsIt is unlawful for any Person not to comply with this regulation or to 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.~~

~~5.4.1 Pool Closureed to Operations.~~

~~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.~~

~~Closing Facilities:~~

~~A Public Pool may be closed to operations if the facility is operating:
with imminent health hazards present;~~

~~without a permit;~~

~~or a suspended or revoked permit.~~

~~5.5.1 Notice of Violation.~~

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

~~5.5.2 A follow up inspection may be required for any notice issued.~~

5.5.35.4.3 Suspension or

~~Revocation~~ of a Permit.

A public pool's operating permit may be suspended ~~or revoked~~ if the facility ~~has~~ violated any of the provisions of this regulation.

~~5.5.3.11.1.1.1~~ ~~has violated any of the provisions of this regulation.~~

~~5.5.3.2 Is operating a public pool without the direction supervision of a LPO.~~

~~5.5.3.31.1.1.1~~ ~~Closed to Operations.~~

~~5.5.3.41.1.1.1~~ ~~Closing Facilities.~~

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

~~5.5.3.51.1.1.1~~ ~~with imminent health hazards present;~~

~~5.5.3.61.1.1.1~~ ~~without a permit;~~

~~5.5.3.71.1.1.1~~ ~~or a suspended or revoked permit.~~

5.5.3.85.4.3.1 Reopening

~~Facilities.~~

Any public pool with a suspended permit may resume operations only after receiving approval from the Department.~~closed to operations will not be reopened until:~~

~~5.5.4 it is in compliance with this regulation;~~

~~5.5.5 the Department has issued its approval; and,~~

5.4.4 ~~all placards are removed.~~ 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.

5.5.65.4.5 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 ~~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

- 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 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: ~~\$4600~~0.00
 - 8.2.2 Seasonal Pool: ~~\$2840~~0.00
 - 8.2.3 Hydrotherapy Pool: \$360.00

~~8.3~~ Miscellaneous Other:

8.4.3	Required Plan
Review Resubmission	\$50.00
8.4.1 LPO Test:	\$10.00
8.4.2 <u>8.3.1</u>	Follow-Up
Inspection Fee:	\$100.00
<u>8.3.2</u> Repeat Sample Fee:	\$50.00
8.4.3 <u>8.3.3</u>	Late Fee:
	<u>\$100.00</u>

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

Revised and Amended: February 9, 2021

Davis County Board of Health

Signed: _____
Troy Wood
Board Chairman

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