

STANDARDS FOR PUBLIC SWIMMING POOL FACILITY

Section 1. Definitions

Annual permit: A permit for public swimming pool facilities operating beyond the months of May through September.

Health Department: shall mean the Vigo County Health Department.

Health Officer: shall mean the duly appointed Health Officer of Vigo County or his/her authorized agent.

Not-for-Profit Organization: an organization exempt from Indiana Gross Income Tax under IC 6-3-2-2.8.

Pool: According to Indiana Rule 410 IAC 6-2.1-11, "Pool" means a structure, basin, chamber, or tank containing an artificial body of water for swimming, bathing, competition, relaxation, or recreational use.

Public swimming pool: According to Indiana Rule 410 IAC 6-2.1-13, "Public pool" means any pool, other than those pools defined as a semi-public pool, which is intended to be used for swimming or bathing and it operated by a concessionaire, owner, lessee, operator, or licensee, regardless of whether a fee is charged for use. Nothing in the 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.

Public swimming pool facility: This term shall include public swimming pools, semi- public pools and spas as defined in this Chapter.

Seasonal permit: A permit for public swimming pool facilities operating exclusively in any of the months of May through September.

Semi-public pool: According to Indiana Rule 410 IAC 6-2.1-17, "Semi-public pool" means any pool restricted for use by residents, members, or registered guests that is intended to be used for swimming or bathing and is solely operated for and in conjunction with:

- 1) hotels, motels, apartments, condominiums, bed and breakfasts, tourist homes, or similar facilities associated with lodging;
- 2) camps or mobile home parks; or
- 3) membership clubs, church or associations.

Nothing in the 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: According to Indiana Rule 410 IAC 6-2.1-18, “Spa” means a pool designed for recreational or therapeutic, or both, use, commonly known as a hot tub or therapy pool, that is not drained, cleaned, and refilled after each use. This term may include, but is not limited to:

- 1) hydro jet circulation;
- 2) hot water;
- 3) cold water;
- 4) mineral baths;
- 5) air induction systems; or
- 6) any combination thereof.

Wading Pool: According to Indiana Rule IAC 6-2.1-21, “Wading pool” means any pool used for bathing that has a maximum depth of two (2) feet.

Section 2. Permitting

- 1) No person shall operate a public swimming pool facility in Vigo County, Indiana without first obtaining a valid permit issued by the Health Officer. Each pool shall be individually permitted by the Health Department.
- 2) Only those persons complying with the applicable provisions of this Ordinance and any rules set forth by Indiana Rule 410 IAC 6-2.1 will be entitled to receive and retain a permit.
- 3) The seasonal permit for public swimming pool facilities shall be valid for a term of five (5) months, beginning May 1st of each year and expiring the last day of September of the current year.
- 4) The annual permit for public swimming pool facilities shall be valid for a term of one (1) year, beginning May 1st of each year and expiring the last day of April of the next year.
- 5) Permits shall be renewed annually.
- 6) Permits are non-transferrable.
- 7) Permits shall be posted in a conspicuous place at the public swimming pool facility.

Section 3. Fees

- 1) The seasonal permit fee for public swimming pool facilities operating exclusively in any of the months of May through September is seventy five dollar (\$75) per year.
- 2) The annual permit fee for public swimming pool facilities operating beyond the months of May through September is one hundred dollars (\$100) per year.
- 3) All licenses fees shall be payable on or before May 1st of each operational year. A late penalty charge of fifty dollars (\$50) will be imposed for license applications and fees submitted after May 1st of the year. The late penalty charge will not be issued to public swimming pool facilities which were not in operation the previous year.
- 4) Swimming pool facilities operating without a valid permit or operating during a closure will be issued a fine of one hundred dollars (\$100).
- 5) Any not-for- profit organization is exempt from any permit fees, but must still obtain operating permits from the Health Department.

Section 4. Inspection

- 1) All public swimming pool facilities shall meet the rules and regulation set forth by this ordinance and Indiana Rule 410 IAC 6-2.1
- 2) Any public swimming pool facility operating under an annual permit shall be inspected by the Health Department at least four (4) times per calendar year. Any public swimming pool facility operating under a seasonal permit shall be inspected at least two (2) times during the months of May through September. Swimming pool facilities open for use may be subject to additional inspections as deemed appropriate by the Health Officer.
- 3) Representatives of the health department shall be authorized to enter and conduct an inspection at any reasonable time.
- 4) A written report will be left at the time of inspection noting violations that need to be corrected. A re-inspection will be made at the discretion of the Health Officer.

Section 5. Conditions for immediate closure

- 1) Public swimming pool facilities shall be closed when any of the following conditions exist:
 - a. The bacteriological examinations are not performed as per 410 IAC 6-2.1-31(f).
 - b. The amount of residential disinfectant is less than the minimum or greater than the maximum amount specified in 410 IAC 6-2.1-30 (b).
 - c. The water clarity does not meet the requirements found in 410 IAC 6-2.1-31(a).
 - d. The grate on the main drain is missing or broken, or failure to meet the requirements of 410 IAC 6-2.1-32(e).
 - e. Failure to meet lifeguard requirements found in 410 IAC 6-2.1-35.
 - f. The pump, filter, or disinfectant chemical feeder is not operational.
 - g. A fecal accident occurs at the public swimming pool facility.
 - h. The spa water temperature exceeds one hundred four (104) degrees Fahrenheit.
 - i. pH values less than 6.8 or equal to or greater than 8.0.
 - j. If the department determines a condition, situation, or installation is created, installed, or maintained that may:
 - i. Cause or result in a health or safety hazard; or
 - ii. Cause or transmit disease.

Section 6. Closure

- 1) Public swimming pool facilities shall close voluntarily if any of the hazardous conditions outlined in Section 5 occur. The facility shall remain closed until the hazardous condition(s) have been corrected.
- 2) A public swimming pool facility closed by order of the Health Officer or Health Department shall post a sign to indicate closure. A closure sign provided by the Health Department shall not be tampered with or removed by someone other than the Health Officer.

Section 7. Suspension of Permit

- 1) Any permit issued by the Health Department may be suspended for a term not to exceed thirty (30) days for the following reasons:
 - a. The operation of the public swimming pool facility constitutes an imminent health hazard;

- b. Interference with the Health Officer in the performance of his/her duties; or
 - c. Failure to correct any specific violation on two or more consecutive routine inspections; or
 - d. The public swimming pool facility incurs 3 or more closures in a calendar year.
- 2) Written notification will be provided to the public swimming pool facility detailing the reason for suspension.
 - 3) Permits shall be reinstated once the reason for suspension has been corrected and verified by the Health Officer. The Health Officer will provide written permission to document the reinstatement.

Section 8. Private Swimming Pools

- 1) Nothing in this Ordinance shall be applied to a swimming pool constructed at a one (1) or two (2) family dwelling in Vigo County and maintained by an individual for the sole use of the household and house guests.

Section 9. Unconstitutionality Clause

- 1) If any section, paragraph, sentence, or clause within this ordinance be declared unconstitutional, or invalid for any reason, the remainder of the ordinance shall remain in effect.

PASSED AND ADOPTED by the Vigo County Commissioners, Indiana, this 30th day of April, 2019.



Brad Anderson, Commissioner



Judith A. Anderson, Commissioner



Brendan Kearns, Commissioner

ATTEST:



James W. Bramble, Auditor