

PUBLIC SWIMMING POOLS
Lexington-Fayette County Board of Health
REGULATION NO. 31

Intent and Scope

The Lexington-Fayette County Board of Health hereby finds and declares that County-wide public swimming pool regulations are needed to regulate all public swimming pools within Lexington-Fayette County:

WHEREAS, It is the duty of the Lexington-Fayette County Health Department, pursuant to KRS Chapter 212, to establish policies, plans, and programs to safeguard the health of the people of Fayette County, and

WHEREAS, it is the duty of the Lexington-Fayette County Health Department, pursuant to KRS Chapter 212, to investigate and cause to be abated nuisances, sources of filth, and causes of sickness, and,

WHEREAS, public swimming pools which do not meet the conditions and standards hereinafter set forth are deemed to be improper and inadequate.

THEREFORE, pursuant to the authority granted to the Lexington-Fayette County Board of Health under Kentucky Revised Statutes 212.210, 212.230, 212.240, 212.260, 212.627, 212.628, 212.629 and 212.990 the following regulation is hereby adopted:

Necessity and Function

The Lexington-Fayette County Board of Health ("Board") is authorized under KRS Chapter 212 to control, operate, or monitor all matters within the county affecting public health. It is further authorized to control all such matters under any rules and regulations promulgated by the Cabinet for Health Services. The function of this regulation is to assure the proper design and construction of new public swimming pools, and to assure the proper operation and maintenance of all such facilities in a manner which will protect the public health. The Lexington-Fayette County Board of Health, to carry out this duty, hereby adopts by reference the Kentucky Public Swimming and Bathing Facilities Regulation, 902KAR10:120, and makes it a part of this regulation. Reference to the "Cabinet" in 902KAR10:120 shall for administration and enforcement of this Regulation mean the "Board". This Board further adopts all the following additional requirements, which it deems necessary to adequately protect the users of public swimming pools, and hereby directs the Lexington-Fayette County Health Department to carry out a program to assure compliance with all requirements of this regulation.

Permit to Operate

No person shall operate, maintain or allow to be operated or maintained a public swimming or bathing facility without a valid permit issued by the Lexington-Fayette County Health Department. Any person who shall operate or maintain a public swimming or bathing facility shall file application to the Department for a permit to operate. Application for permit renewal shall be made annually and fees paid in accordance with Department policy. Only persons who comply with the provisions of this regulation and specific requirements set by the Department are entitled to receive, renew and retain such a permit. The permit sign, provided by the Department shall be prominently displayed at the facility. The Department may revoke any permit to operate a public swimming or bathing facility for failure to comply with the provisions of this regulation or in cases where the permit has been obtained through non-disclosure, misrepresentation or mis-statement of a material fact.

- (a) Whenever the Department has reason to believe that an imminent public health hazard exists, or whenever the permit holder has interfered with the Department, or its agents concerned in the performance of their duties, the permit may be suspended immediately upon notice to the permit holder without a hearing. The posting of official closure signs at the pool shall be deemed adequate notice. In such an event the permit holder may request a hearing which shall be granted as soon as practicable.
- (b) Before a permit is revoked, unless specified under other sections of this regulation, the person to whom the permit has been issued shall have notice in writing enumerating instances of failure to comply with this regulation. He shall be given an adequate opportunity for a hearing before the Department.
- (c) If the ownership of the facility or the management responsible for pool operation changes, the new representative has the responsibility to notify the Health Department in writing within two weeks of the change. Notifications shall clearly state the name, phone number and address where the new permit holder may be reached.

Section 8. Facility Design and Construction. (Reference Section 8 of 902KAR10:120 et. seq.)

Add the following paragraphs:

(5) Bather Loading

For the purposes of computing user loading those portions of the pool five (5) feet or less in depth shall be designed "non-swimmer" areas. Portion of the pool over five (5) feet in depth shall be designated as the "swimming" area. For computing swimmer capacity and bather capacity, pool areas shall be determined as follows:

- (i) Ten (10) square feet of pool surface shall be provided for each non-swimmer expected at the time of maximum load;
- (ii) Twenty-four (24) square feet shall be provided for each swimmer expected at the time of maximum load; and
- (iii) 300 square feet of pool area shall be reserved around each diving board or diving platform and this area shall not be included in computing the area of the swimming section.

(6) Lighting

Artificial lighting shall be provided for all pool deck areas.

- (i) For outdoor pools which are not used for swimming after dark, all deck areas shall be illuminated by artificial lighting to a minimum level of 3 footcandles.
 - (ii) For outdoor pools which are to be used for swimming after dark and all indoor pools, all deck areas shall be illuminated by artificial lighting to a minimum of 30 footcandles. If under water lighting is installed providing one-half watt of lighting per square foot of pool surface area, the minimum deck lighting requirement is reduced to 10 footcandles.
- (7) The section of a pool wall located between the minimum operating water level to an elevation of six (6) inches above that point, shall be smooth, non-porous, easily cleanable surface which will not be damaged by scrubbing. (See Kentucky Building Code, Section 421.0)
- (8) All under water steps/stair treads, benches and seats shall be visually identified by a permanent, non-slip, contrasting stripe, one (1) to three (3) inches wide outlining the top edge.
- (9) (a) All decks shall be broom finished concrete or other material specifically approved for the purpose which is non-slip, does not retain water and is easily cleanable. (See Kentucky Building Code, Paragraph 421.5.4)
- (b) Decks must be constructed with a positive slope away from pools and must prevent ponding or standing water. (See Kentucky Building Code, Paragraph 421.5.4)
- (10) Steps leading into pools shall have a minimum tread of twelve (12) inches and a maximum rise or height of ten (10) inches. (See Kentucky Building Code, Paragraph 421.5.5)

- (11) All pools shall have access to sanitary facilities located in general proximity to the pool area. Minimum facilities shall consist of separate male and female toilet rooms with one (1) water closet and one (1) lavatory in each room and one (1) urinal in the men's room.
- (12) Planted areas will be allowed so long as they are well drained, don't discharge onto the deck, or create any problems with debris.

Section 9 Facility Water Treatment Systems. (Reference Section 9 of 902KAR10.120)

- (1) Complete operating instructions for the recirculating/filtration system shall be posted in the Mechanical Room.

Add the following to Paragraph (12)(a):

- a. A remote fillspout may be utilized where the six (6) inch air gap is not subject to contamination and the receiving pipe line is sized to carry the full flow of the supply line to the pool at two and five tenths (2.5) feet per second or less with no spraying or overflow. A suitable grate shall protect the discharge point in the pool.

Add the following to Paragraph 14 Disinfectant and Chemical Feeders

- b. Equipment Capacity

All spas containing 2500 gallons of water or less shall be equipped with a hypochlorinator able to deliver one (1) gallon per day of chlorine solution per 100 gallons of spa capacity. All spas containing more than 2500 gallons of water shall be equipped with a hypochlorinator able to deliver one-half gallon per day of chlorine solution per 100 gallons capacity. If no air pumps are used for a spa, the minimum rates may be reduced to one-half the rates noted above. Alternatively, bromine may be approved on a case by case basis for spas. All other pools located indoors shall be equipped with a hypochlorinator capable of delivering three (3) gallons of solution per day per 10,000 gallons of capacity. Outdoor pools shall be equipped with a hypochlorinator capable of supplying five (5) gallons of solution per day for every 10,000 gallons of capacity of an outdoor pool. The lowest feed rate for all chlorinators shall be low enough so that the chlorinator can still operate throughout periods of low chlorine usage, such as during the night, without exceeding the maximum residual requirements. Therapeutic pools in health care, rehabilitation and physical therapy facilities shall be provided with hypochlorinators with the same capacity as regular pools. All feed rates above based on 12% chlorine solution by weight.

Section 11 General Facility Operation and Maintenance (Reference Section 11 of 902KAR10:120)

(17) Chlorine Products

- (a) Granular chlorine (Calcium Hypochlorite) shall be stored in the original container with the lid secured. It may not be stored or administered in such a way that it could come into contact with heat, acids, combustibles, organic, or oxidizable materials. Any spillage of chemical shall be cleaned up immediately.
- (b) Bleach (Sodium Hypochlorite) shall be stored either in the original container or in a covered top container to which a copy of the required identification and precaution label from the original container has been attached.
- (c) The manual feeding of chlorine products directly to the pool is prohibited when a pool is open for use, or within one (1) hour of opening. Chlorine in tablet or block form is prohibited except for the use of calcium hypochlorite tablets or blocks as an off season treatment in seasonal pools.

Section 13 Personnel (Reference Section 13 of 902KAR10:120)

(1) Operator

- (a) A certified facility operator shall be responsible for the operation and maintenance of all swimming and bathing facilities. The operator shall be available at all times when the facility is open for use. An operator may have his or her certification revoked after a hearing for repeated failure to operate a facility in compliance with this regulation.

(2) Lifeguards

- (a) A lifeguard or lifeguards shall be provided at all facilities with slides, flumes, diving boards, diving platforms, and at facilities which allow bathers sixteen (16) years of age or under to enter the facility area without a responsible person seventeen (17) years of age or older present. When there is no lifeguard present a sign shall be posted which states, "No person sixteen (16) years of age or under shall enter this area unless accompanied by a person who is seventeen (17) years of age or older and who is responsible for that child."
- (b) All facilities must post and enforce the following rule: "No person may enter the facility area alone or swim alone." When there is no lifeguard on duty, warning signs shall be posted which state in 4 inch block letters, "Warning, No Lifeguard on Duty."

Section 14 Safety Equipment (Reference Section 13 of 902KAR10:120)

- (1) (a) Where lifeguards are not required by regulation and none are present, all lifeguard chairs shall be removed from the pool area. Permanently mounted chairs may be covered with an appropriate cover so that it is obvious to others that there is no lifeguard and so that unauthorized persons cannot use the chair.
- (3) (d) Facilities utilizing lifeguards shall provide a "Rescue Tube" lifesaving device for each lifeguard on duty.
- (11) All drownings and injuries requiring hospitalization shall be immediately reported to the Health Department. A follow-up written report must be submitted to the Health Department within five (5) days, on forms provided by the Health Department.

Section 15 Spectator and Bather Regulations (Reference Section 15 of 902KAR10:120)

- (h) Diving in shallow water is not permitted. In addition, "No Diving" signs (in four (4) inch letters) shall be posted at all pools with depths less than eight and one-half (8 1/2) feet.

Appeals

- (1) The Board of Health shall appoint an Appeals Board, to consist of a registered architect, a registered engineer, and a swimming pool contractor. The Appeals Board shall meet on a monthly basis, as required, one week prior to the regularly scheduled Board of Health meeting to consider appeals not resolved by the Deputy Commissioner.
- (2) Any applicant, permit holder, or owner ("Appellant") of a public swimming pool who believes that the Department staff has incorrectly interpreted and/or applied any requirement of this regulation, may effect a written appeal to the Deputy Commissioner of the Environmental and Consumer Affairs Division. The Deputy Commissioner shall promptly consider the matter and issue a finding within 10 working days of the date the appeal is received by the Department.
- (3) If the Deputy Commissioner does not find for the Appellant, the appeal shall be forwarded to the Appeals Board for consideration at its next meeting. The Appeals Board shall consider the positions of the Appellant and the Department staff, and issue a recommendation for consideration by the Board of Health at its next regularly scheduled meeting. The decision of the Board of Health shall be reviewable in accordance with the provisions of KRS 212.627 et seq.

Penalties

If any person knowingly fails or refuses to obey or comply with, or willfully violates, any of the provisions of this regulation and any lawful order of the Board or Department issued or rendered under and pursuant to the provisions of this regulation, such person, upon conviction of such offense, shall be fined not less than ten dollars (\$10.00), or more than one hundred dollars (\$100.00), for each day the violation continues as provided by K.R.S. 212.990.

Adopted by the Lexington-Fayette County Board of Health on

August 11, 1997

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Effective on August 11, 1997



Ray Hill, Chairperson



John Poundstone, M.D., Secretary

