

ARTICLE VI. PUBLIC AND SEMIPUBLIC SWIMMING POOLS*

Sec. 22.85 Definitions

As used in this article, the following terms shall have the definitions given them in this section:

- (1) Abandoned shall mean a public or semipublic swimming pool or spa that has not possessed a valid permit to operate issued by the Health Department for a period of three hundred sixty-five (365) days or more.
- (2) AVS shall mean an atmospheric vent system. An AVS is described in the United States Consumer Product Safety Commission "Guideline for Addressing Potential Entrapment Hazards Associated with Pools and Spas," Publication Number 363-009801.
- (3) Break point depth shall mean the vertical plane(s) where the depth of a pool changes markedly over a short distance. The break point depth separates areas in a pool which are less than five (5) feet from areas in a pool that are greater than five (5) feet.
- (4) Existing pool shall mean a pool or spa that was constructed prior to October 1, 1999.
- (5) Fecal coliform organism shall mean bacteria, through lab analysis, that are indicative of fecal pollution.
- (6) Free chlorine residual shall mean the chlorine concentration, in parts per million (ppm) of water, available for rapid and effective biocidal action. This is the chlorine, which remains uncombined with nitrogenous compounds after the initial chlorine demand of the water has been satisfied.
- (7) Director shall mean the Director of the Health Department of the City or his designated representative.
- (8) Lifeguard shall mean an individual certified in an approved course of instruction in life saving and water safety offered by the American Red Cross or its equivalent.
- (9) Neglected shall mean a public or semipublic pool or spa that has constituted a swimming pool nuisance for more than thirty (30) days.
- (10) Operator shall mean the person who is in control of the property upon which a public or semipublic swimming pool is located.
- (11) Person shall mean an individual, partnership, company, corporation, association, firm, or organization, institution, or similar entity.
- (12) Pool enclosure shall mean the area immediately around a pool enclosed by a fence, wall, or other solid structure which is in compliance with section 30.143

[[sections 30.200](#) through [30.209](#)] of this Code and the Texas Health and Safety Code, chapter 757.

(13) *Public pool* shall mean a pool to which the general public has access, which may also be referred to as a class B pool.

(14) *Pool* shall mean any manmade permanently installed or nonportable structure, basin, chamber, or tank containing an artificial body of water that is used for swimming, diving, aquatic sports, or other aquatic activity other than a residential pool. The term does not include a spa or a decorative fountain that is not used as a pool. References within the standard to various types of pools are defined by the following categories:

(a) *Class A pool*. Any pool used, with or without a fee, for accredited competitive aquatic events. A class A pool may also be used for recreation.

(b) *Class B pool*. Any pool used for public recreation and open to the general public with or without a fee.

(c) *Class C pool*. Any pool operated for and in conjunction with:

(i) Lodging such as hotels, motels, apartments, condominiums, or mobile home parks;

(ii) Property owner associations, private organizations, or clubs; or

(iii) A school, college or university while being operated for academic or continuing education classes. The use of such a pool would be open to occupants, members or students, etc., and their guests but not open to the general public.

(d) *Class D pool*. A wading pool with a maximum water depth of 24 inches at any point.

(15) *Semipublic pool* shall mean a pool that is privately owned and open only to an identifiable class of persons, including, but not limited to, motel guests, apartment residents, and club members, which may also be referred to as a class C pool.

(16) *Spa* shall mean a constructed permanent or portable structure that is 2 feet or more in depth and that has a surface area of 250 square feet or less or a volume of 3,250 gallons or less and that is intended to be used for bathing or other recreational uses and is not drained and refilled after each use.

(17) *SVRD* shall mean a safety vacuum release device.

(18) *Swimming pool nuisance* shall mean a public or semipublic pool or spa with one or more of the following conditions: insufficient water clarity, improperly maintained pool enclosure, source of mosquito breeding, or failure to comply with the safety provisions of [section 22.88](#).

(Ordinance 6125, sec. 3, adopted 5/1/07)

Sec. 22.86 Evaluations

The director may evaluate a public or semipublic pool at any reasonable time and has authority to enter upon the premises where a pool is located to the extent necessary to make a full evaluation. The director shall have the authority to collect water samples for the purpose of determining water quality. The operator of a semipublic pool shall provide a key or lock combination to provide complete access to all pool enclosures and equipment to the director if a self-locking gate is installed. (Ordinance 6125, sec. 3, adopted 5/1/07)

Sec. 22.87 Maintenance and operation

All public and semipublic pools and spas shall be chemically treated and maintained in accordance with the following standards by the operator:

- (1) Free residual chlorine shall be maintained between 1.0 part per million and 8.0 parts per million (ppm) by a continuous chlorine feeder. Free residual chlorine in spas shall be maintained between 2.0 and 8.0 parts per million (ppm) by a continuous feeder. Residual levels of bromine in pools shall be maintained between 2.5 parts per million (ppm) and 12.0 parts per million (ppm) by a continuous feeder. Residual levels of bromine in spas shall be maintained between 4.5 and 12.0 parts per million (ppm) by a continuous feeder. The use of any disinfectant other than chlorine or bromine must be approved in writing by the director. When the pool is in operation, the free residual level of chlorine or bromine shall be tested once a day and recorded. These records must be maintained on site for one year and shall be made available for inspection by the director at all times.
- (2) Pool and spa water must be maintained so that the pH of the water is not less than 7.0 and not more than 7.8. When the pool is in operation, the pH shall be tested once a day and recorded. These records must be maintained on site for one year and shall be made available for inspection by the director at all times.
- (3) Pool and spa water must be maintained so that the total alkalinity levels are above 60 parts per million (ppm) of carbonate species. When the pool is in operation, the total alkalinity shall be tested once every seven (7) days and recorded. These records must be maintained on site for one year and shall be made available for inspection by the director at all times.
- (4) Pool and spa water must be maintained so that cyanuric acid levels do not exceed 100 parts per million (ppm). When the pool is in operation, the cyanuric acid levels shall be tested once every fourteen (14) days and recorded. These records must be maintained on site for one year and shall be made available for inspection by the director at all times.
 - (a) The operator of a pool or spa shall maintain a test kit capable of measuring chemical ranges as required in subsections (1), (2), (3) and (4) of this section.

- (5) No pool or spa water sample shall show a positive test confirmed test for fecal coliform organisms or human pathogenic bacteria.
- (6) Pool water must be maintained with sufficient clarity to permit a distinct view of the main drain from outside the pool. Spa water shall have sufficient clarity to permit a distinct view of the bottom while the aeration is turned off.
- (7) Every pool and spa shall be kept free of scum, sediment, dirt, slime, algae, and all other foreign matter.
- (8) Pools and spas shall meet the following circulation rates.
 - (a) For pools constructed and installed after October 1, 1999, a minimum turnover rate of 6 hours, if average depth is four (4) feet or greater.
 - (b) For pools constructed and installed after October 1, 1999, whose depth is less than four (4) feet, a minimum turnover rate shall be recalculated based on the formula: average depth in feet times 1.5.
 - (c) For pools constructed and installed before October 1, 1999, a minimum turnover rate of 8 hours.
 - (d) For spas, a minimum turnover rate of 30 minutes.
 - (e) For wading pools, a minimum turnover rate of one hour or less.

Sec. 22.88 Safety provisions

(A) Main drains and suction outlets, other than skimmers, shall be provided with anti-vortex approved suction outlet covers or grates as described in this section. These covers or grates shall be secured in such a way that they can be removed only with the use of a tool. The installation of all approved covers or grates must be in accordance with the manufacturer's instructions. If the manufacturer specifies fasteners, they must be stainless steel or brass.

- (1) An approved cover is a suction outlet drain cover that:
 - (a) Is stamped showing that it has been certified by a nationally recognized testing laboratory as being in compliance with ASME/ANSI A112.19.8M;
 - (b) Is stamped showing the maximum number of gallons per minute approved for the cover under ASME/ANSI A112.19.8M testing; and
 - (c) Does not have water flow through the cover that exceeds the maximum gallons per minute approved for the drain cover under ASME/ANSI A112.19.8M testing.
- (2) An approved grate is a suction outlet grate cover that:
 - (a) Has a minimum diagonal measurement of 24 inches;

(b) Has a flow velocity through the open area that does not exceed 1.5 feet per second.

(3) If an existing pool has a drain cover or grate with a minimum diagonal measurement less than 24 inches and no approved cover is manufactured and available, a cover or grate that is not approved may be used as long as the flow velocity through the open area of the cover or grate does not exceed 1.5 feet per second.

(B) Existing pools or spas shall have an approved cover or approved grate on each suction outlet. The covers or grates shall be installed according to the manufacturer's instructions. Existing pools or spas shall comply with all provisions of subsection (B)(1) or (B)(2) of this section, as applicable.

(1) Pool or spa, suction outlets that are 4 feet deep or less, as measured from the normal water level to the suction outlet, must have for each suction system:

(a) Dual hydraulically balanced suction outlets with approved covers as described in subsection (A)(1) or approved grates as described in subsection (A)(2), with a distance between the suction outlet fittings no less than 3 feet and no more than 20 feet, and either an AVS or SVRD as described in subsections (B)(4) and (5) of this section;

(b) A single suction outlet with an approved grate as described in subsection (A)(2) and an AVS or SVRD as described in subsections (B)(4) and (5) of this section; or

(c) Dual hydraulically balanced, suction outlets with a distance between the suction outlet fittings no less than 3 feet and no more than 20 feet, each with a minimum diagonal measurement of 24 inches and a flow velocity through the open area of the grate that does not exceed 1.5 feet per second.

(2) An existing pool or spa with water 3 feet deep or less, has no main drains or other suction outlets, and the water turnover rate and the water quality required by these rules is maintained by gravity drainage from such shallow pool to another deeper pool that has a main drain, is not required to have a main drain, other suction outlet or an SVRS, provided the deeper pool complies with these rules.

(3) In an existing pool or spa, suction outlets that are more than 4 feet deep, as measured from the normal water level to the suction outlets, must have, for each suction system:

(a) Two or more hydraulically balanced suction outlets with a distance between the suction outlet fittings no less than 3 feet and no more than 20 feet, and with approved covers or grates as described in subsections (A)(1) or (A)(2) of this section; or

(b) A single suction outlet with an approved cover or approved grate as described in subsection (A)(1) or (A)(2), and either an AVS or an SVRD as described in subsections (B)(4) and (5) of this section.

(4) The AVS system shall provide indirect suction and a break to the atmosphere and is limited to 5 feet of head. The vent of the AVS system shall be at least 2 inches in diameter and if vented by pipe, it must have a vent cover that may be removed only with a tool. Vent systems, other than surge pits that do not have direct suction between the pool drain(s) and pump and that are installed must be:

- (a) A complete assembly that is engineered and manufactured off site;
- (b) Designed so that a 1/2-inch ball will not pass through any vent opening; and
- (c) Installed and maintained so that the vent function will not be impaired by accumulation of vegetation or soil or by improper installation or maintenance of the vent system.

(5) An SVRD shall be specifically designed and manufactured to help prevent entrapment hazards, according to the manufacturer's description of the device, by either cutting off electricity to the pump or allowing air to enter the main drain line, or both after the main drain or other suction line becomes blocked.

(C) A replacement drain cover with fasteners meeting the manufacturer's specifications must be kept on site. The replacement drain cover with fasteners meeting the manufacturer's specifications shall be identical to the drain cover(s) in use or a copy of the manufacturer's specifications for the drain cover in use shall be kept on site and be available for inspection. This subsection does not apply to grates that are 24 inches or larger, measured diagonally.

(D) The following safety equipment must be made readily available by the operator any time a public or semipublic pool is open for use. All lifesaving equipment shall be mounted in a conspicuous location within twenty (20) feet of the pool and kept in good repair and ready condition.

(1) A nontelescopic reaching pole not less than twelve (12) feet long, including a securely attached body hook or shepherd's crook having blunted ends. This pole shall be constructed of fiberglass or some other electrically nonconducting material. The pole shall be maintained in good working order, and free from the effects of exposure to the elements. One additional device shall be provided each additional 2,000 sq. feet of water surface area. Spas are exempt from this requirement.

(2) A guard line rope separating the shallow portion (less than four (4) feet in depth) of the swimming pool from the deep portion of the pool at the break point depth. The floats shall be spaced at not greater than seven-foot intervals and shall be secured so they will not slide. The rope shall be securely fastened to wall anchors. The anchors shall have no projections that could constitute a hazard when the line is removed. Wave action pools, spas, and pools with a maximum depth of five (5) feet are exempt from this requirement.

(3) In all pools over 5 feet deep the break point depth of the pool shall be visually separated by a four-inch minimum width row of floor tile, a painted line, or similar means using a color contrasting with the bottom.

(4) A 1/4-inch to 3/8-inch diameter throwing rope, a length of two-thirds the maximum width of the pool, to which has been firmly attached a United States Coast Guard approved ring buoy with an outside diameter of fifteen to twenty-four (15-24) inches. If no lifeguard is provided, one additional device shall be provided for each additional 2,000 sq. feet of water surface area. Spas are exempt from this requirement.

(E) Depth markings in numerals and units of measurement of a minimum height of four (4) inches must be placed at or above the water surface on the vertical pool wall and on the edge of the deck, within twenty-four (24) inches of the swimming pool and positioned to be read while standing on the deck facing the water. Units of measurement shall either spell out “feet” or “inches” or abbreviate “FT” or “IN.” The numerals shall be of contrasting color to the background. The depth markers shall be placed at the maximum and minimum depth points, at points of break between deep and shallow areas, and at two-foot increments of depth around the entire perimeter of the pool. The depth markings shall be spaced at not more than twenty-five-foot (25') intervals around the entire perimeter of the pool. Adhesive depth markers shall be prohibited. Spas shall comply with [section 22.91](#) of this article. Existing pools shall be exempt from the requirement for 4-inch units of measurement at depth markers, unless the pool is substantially replastered or the water line tile is substantially replaced.

(F) The warning words “NO DIVING” and the international symbol for no diving shall be clearly marked on the pool deck in a contrasting color to the background and in letters of at least four (4) inches in height. The warning words and symbol shall be placed at least every twenty-five (25) feet or fraction thereof, around the pool where the water depth is six feet or less and positioned within twenty-four (24) inches of the water’s edge to be read while standing on the deck facing the water. At least one warning shall be placed per pool side, one at the minimum depth and one at the six (6) foot depth. Adhesive “NO DIVING” markers shall be prohibited. Spas are exempt from this requirement.

(G) If a permanent structure above the pool deck (other than a diving board or diving platform) is within 5 feet of the water surface of a pool and is likely to be used for diving, the international no diving symbol and the warning “NO DIVING” (in contrasting colors and letters at least four inches high), shall be permanently affixed to the structure so that such warnings are visible to persons who may attempt to use the structure for diving.

(H) Pools and spas shall have a land line telephone or other electronic means capable of immediately summoning emergency service readily accessible within 200 feet unimpeded distance (an unlocked door or gate shall not be considered an impediment) of the pool or spa water when the pool or spa is available for use. Cellular or mobile phones do not meet the requirements of this subsection. A telephone that connects only to a telephone answered by an on-site office does not meet the requirements of this subsection.

(I) Pools and spas must securely post the following signs to be readily visible to the pool or spa user:

(1) For pools and spas where no lifeguard service is provided, “WARNING–NO LIFEGUARD ON DUTY” or “NO LIFEGUARD ON DUTY” with legible letters at least four (4) inches in height.

(2) For pools where no lifeguard is provided, “NO DIVING” in legible letters of at least four (4) inches in height with the international symbol for no diving in legible letters of at least four (4) inches in height. Spas are exempt from this requirement.

(3) For pools and spas where no lifeguard is provided, “CHILDREN SHOULD NOT USE POOL WITHOUT ADULT SUPERVISION” or similar wording in legible letters of at least two inches in height.

(4) “IN CASE OF EMERGENCY–CALL 911” or similar wording in legible letters of at least one inch in height.

(5) Directions to the required telephone shall be posted if the phone is not readily visible from the pool enclosure. The sign shall include a concise description of the location of the telephone or other electronic means of communication. If other electronic means of communication are provided, clear instructions regarding their use shall be provided.

(6) A placard listing pool rules shall be provided.

(7) For all swimming pools and spas, a sign or placard informing bathers to not enter the pool or spa while experiencing diarrhea or within fourteen days of having diarrhea.

(J) Steps or ladders shall be provided at the shallow end of pools if the vertical distance from the bottom of the swimming pool to the deck or walk is over two (2) feet. Ladders or recessed steps shall be provided in the deep portion of swimming pools over five (5) feet in depth. Swimming pools over thirty (30) feet in width shall provide steps or ladders on each side of the pool. There shall be a clearance of not more than five (5) inches nor less than three (3) inches between any ladder and the pool wall.

(K) Pool enclosures for class C pools and spas and class D pools at a class C facility that are subject to the Texas Health and Safety Code, chapter 757 (such as pools and spas for apartments or property owners’ associations) shall have an enclosure as required in chapter 757.

(L) Pool enclosures for class C pools or spas and class D pools at a class C facility that are not subject to Texas Health and Safety Code, chapter 757 (such as pools and spas for hotels, motels, RV parks and child-care centers) must have a pool or spa enclosure in compliance with this subsection.

(1) The pool or spa enclosure shall consist of one or a combination of a fence, portion of a building, wall or other durable enclosure. The enclosure shall comply with the following:

(a) The enclosure must have a minimum perpendicular height of at least 48 inches as measured from the ground surface on the outside of the fence.

(b) Openings in or under the enclosure shall not allow the passage of a 4-inch diameter sphere.

(c) Planters or other structures that might allow small children to climb over the enclosure shall not be permitted within 36 inches, measured horizontally, from the outside of the enclosure.

(d) Chainlink fencing may be used for the enclosure of an existing pool and spa if the chainlink fencing was installed before September 1, 2004. Chainlink fencing shall not be used for an enclosure for a pool or spa constructed on or after September 1, 2004.

(e) Doors, gates, or windows that open into a building are allowed as part of an existing pool or spa enclosure. Windows that are capable of being opened are not allowed as part of a pool or spa enclosure constructed and installed after October 1, 1999. Doors or gates of a building that are capable of being opened are not allowed as part of a pool or spa enclosure constructed and installed after October 1, 1999, unless:

(i) The doors or gates between the building and the pool yard or spa yard are for entry into a storage room, restroom, shower room, dressing room or mechanical room adjacent to the pool;

(ii) The room does not have any door or gate openings to the outside of the pool or spa enclosure; and

(iii) The room does not contain any gas chlorine containers.

(2) Gates and doors for pool yard or spa yard enclosures for pools and spas subject to this subsection shall:

(a) Be equipped with self-closing and self-latching devices and be latched when the pool or spa is not in use. The self-closing device shall be designed to keep the gate or door securely closed and the self-latching device shall latch when the gate is allowed to close within its range of operation;

(b) Open outward away from the pool or spa except for gates constructed before October 1, 1999;

(c) Have hand-activated door or gate opening hardware located at least 42 inches above the deck or walkway;

(d) Be capable of being locked.

(3) Pool and spa enclosures for pool or spas constructed and installed after October 1, 1999 shall be constructed so that all persons will be required to pass through an enclosure gate or door in order to gain access to the pool or spa. All gates and doors exiting a pool or spa enclosure for pool or spas constructed and installed after October 1, 1999 shall open in to a public area or walkway accessible by all users of the pool or spa.

(Ordinance 6125, sec. 3, adopted 5/1/07; Ordinance 6330, sec. 16, adopted 7/21/09; Ordinance 6534, sec. 7, adopted 4/3/12)

Sec. 22.89 Regulations in pool area

(A) An air gap or antisiphon device must be installed on any pipe or hose bib leading to the pool or within fifty (50) feet of the pool water.

(B) There shall be no direct physical connection between a wastewater disposal system and a drain or recirculation system of a pool or spa. Backwash water or pool and spa draining water, shall be discharged into the City sanitary sewer system, or other approved sanitary sewer system, through an air gap formed by positioning the discharge pipe opening at least two (2) pipe diameters above the overflow level of any confining barriers that could cause flooding and submergence of the discharge opening in the event that the disposal system should fail. Splash screening barriers are permitted as long as they do not inhibit air gap effectiveness.

(C) Vacuum outlets for swimming pools and spas shall be provided with covers that automatically close and automatically latch and can only be opened with the use of a tool. Such covers shall be securely closed when the pool or spa is open for use. Where a vacuum outlet is internally located in a skimmer, which is provided with a cover, a separate cover for the vacuum outlet is not required. An automatic bottom or side cleaner that could provide a means of entanglement or entrapment shall not be in the pool or spa or operated while the facility is open for use. If a vacuum outlet is provided in a pool or spa, it may be permanently sealed in lieu of having a cover.

(D) Skimmer equalizer lines shall either be permanently sealed or fitted with an approved equalizer wall or drain cover as described in [section 22.88\(A\)](#).

(E) All pools and spas shall be equipped with the following:

(1) A pump suction (vacuum) gauge installed as close to the suction side of the pump as possible without sacrificing efficiency.

(2) A filter inlet pressure gauge installed in the area of greatest pressure.

(3) A filter outlet gauge.

(4) A functional rate of flow meter, located to accurately indicate the rate of flow through the filter in gallons per minute. The flow meter shall be accurate to within ten percent (10%) of true flow and shall be easy to read.

(F) Exposed piping in all pools and spas shall be labeled to identify the piping function and direction of flow. The name of the liquid or gas and arrows indicating direction of flow, shall be permanently indicated on the pipe.

(G) Diving equipment and other water entry devices shall be installed according to the manufacturer's instructions and specifications and shall meet all applicable national standards. A certification letter shall be provided from the manufacturer or an installer stating that the equipment meets all applicable standards and is suitable for the specific pool type.

(H) Each electrical outlet in the pool or spa enclosure and in a dressing or sanitary facility shall be protected with a ground fault circuit interrupter. Each electrical line to an underwater light in a pool or spa shall be protected with a ground fault circuit interrupter that is located in the circuit breaker for the light at the breaker box, or in an outlet to which the power for the light passes.

(I) If a switch that serves lights or equipment (other than pumps and underwater lights) in a pool or spa is between five (5) and ten (10) feet from the wall of the pool or spa, each electrical line to such switch shall be grounded and shall have a ground fault circuit interrupter located:

- (1) In the circuit breaker for the light; or
- (2) In the equipment circuit that powers the switch at the breaker box;
- (3) In an outlet through which the power for the switch passes.

All ground fault circuit interrupters and circuit breakers in pool and spa yards shall comply with 2002 NEC requirements.

(J) Electrical equipment serving a pool or spa shall be grounded according to ANSI/UL 1563-1995 "Standard for Electric Hot Tubs, Spas and Associated Equipment" and the 2002 NEC. Pumps shall be both internally and externally grounded.

(K) Electrical disconnecting means for the protection of service personnel for pool and spa equipment shall be accessible for service personnel, located within sight from the pool or spa equipment, and located greater than 5 feet from the inside walls of the pool or spa as required by the 2002 NEC, chapter 6, section 680-12, Disconnecting Means. Each disconnecting means (i.e., turn-off switch) shall disconnect all ungrounded conductors (hot wires) to the equipment it serves.

(L) Electrical equipment, including switches, outlets, deck lights, pumps, and other electrical equipment at pools and spas, shall be located at least 10 feet from the inside wall of a pool or spa unless:

- (1) The electrical equipment is greater than 5 feet from the wall of the pool or spa and is separated from the pool or spa by a solid fence, wall or other permanent barrier at least 4 feet in height; or
- (2) The electrical equipment is greater than 5 feet from the wall of the pool or spa; and:
 - (a) Consists of only one outlet for an electrical line that is grounded, has a ground fault circuit interrupter, and has a locking mechanism covering the outlet;
 - (b) Consists of one or more switches serving electrical lines that are grounded and that have ground fault circuit interrupter protection that is located:
 - (i) In the circuit breaker for the equipment at the breaker box;

- (ii) In an outlet through which the power for the equipment passes; or
- (iii) Consists of an electrical device other than an outlet or switch and complies with applicable NEC requirements at the time of installation.

(M) Spas shall have a pump shutoff switch for use by spa users. The shutoff switch shall be:

- (1) Clearly labeled as “Emergency Spa Shutoff”;
- (2) Located within sight of the spa, or if not, there shall be a sign visible from the spa, in at least one (1) inch tall letters, stating the location of the emergency shutoff switch;
- (3) Readily accessible to spa users;
- (4) Not behind a locked door or gate; and
- (5) Located no closer than 5 feet from the spa unless the switch is a nonelectrical air switch.

(N) A certification letter from a licensed electrician shall be provided annually that certifies the pool or spa meets all electrical requirements of this section.

(O) Overhead electrical service wires shall not pass within twenty (20) feet of the pool enclosure. At existing pools, where transmission wires are within twenty (20) feet of the enclosure, all pool service poles shall be constructed of fiberglass or some other electrically nonconducting material. Pools and spas built after October 1, 1999 shall comply with the requirements set forth in the 2002 NEC.

(P) A current certificate of operations from the state department of licensing and regulation shall be provided for pool and spa heaters or boilers that are designed to produce in excess of 200K BTUs.

(Q) Disinfectants or other chemicals and chemical feeding equipment shall be stored in such a manner that pool and spa users shall not have access to such chemicals. Dry chemicals, not in waterproof containers, shall be stored off the floor in a dry, above ground-level room and protected against flooding or wetting. All chemical bulk and day tanks shall be clearly labeled to indicate the tank’s contents. Solution containers shall be provided with a cover to prevent the entrance of dust, insects and other contaminants. Chlorine compounds shall not be stored in the same area as petroleum products. Goggles, rubber gloves and any other protective or safety equipment required by the chemical manufacturer shall be provided if chemicals are stored on site. A copy of the material safety data sheet (MSDS) for each chemical applied to the pool or spa shall be kept on site and made available for inspection at all times.

(R) Chemical feeders shall be installed, maintained and operated according to the manufacturer’s specifications and shall be installed so solution introduction is downstream of the filter and heater. Electric chemical feeder pumps shall be wired so operation cannot occur unless there is adequate return flow to properly disperse chemicals throughout the pool or spa. Pool or spa skimmer baskets shall not be used as chemical feeders. Supplemental hand feeding of

disinfectant or other chemicals directly into the pool or spa shall not occur when users occupy the pool or spa.

(S) An over-the-rim fill spout, if used in a pool, shall have a secure soft pliable end (for example, a short section of rubber hose) to prevent injury to patrons and shall not protrude more than two (2) inches beyond the edge of the pool. The end of the soft pliable outlet shall be separated from the maximum possible pool or spa water level by an air gap at least twice the diameter of the pipe.

(T) A continuous deck of at least four (4) feet in width, including the coping, shall extend completely around a pool. Spas shall have a four-foot continuous deck, including the coping, around at least fifty-percent (50%) of the water body. Indoor pools and spas are exempt from this requirement.

(U) Food and beverages shall be served only in nonbreakable containers. Glass containers shall not be allowed within a pool enclosure or in a pool or spa. Trash containers shall be provided where food or beverages are allowed.

(V) Pools and spas shall be constructed of materials that are impervious and permanent. The surfaces shall be kept in good repair and be cleanable.

(W) Toilet facilities, if provided, shall comply with the following:

- (1) Handwash facilities including soap dispensers with liquid or powdered soap shall be provided at each lavatory. The dispenser shall be constructed of metal or plastic;
- (2) If mirrors are provided, they shall be shatter resistant;
- (3) Toilet paper holders and toilet paper shall be provided at each toilet;
- (4) Covered waste receptacles shall be provided in toilet or dressing room areas; and
- (5) Single-use hand-drying towels or hand-drying devices shall be provided near the lavatory.

(X) An easily removable and cleanable basket or screen through which overflow water must pass shall be provided to trap large solids at each surface skimmer. Deck skimmers shall have protective covers that are kept in place and in good repair.

(Y) It shall be unlawful for any person to:

- (1) Swim or bathe in any public or semipublic pool or spa if that person has skin abrasions, open sores, or any communicable disease.
- (2) Allow any animal to enter into the pool enclosure area of any public or semipublic pool or spa, except that service animals shall be allowed on the deck and within enclosure but not in the pool.

(3) Remove, deface, cover, or render unreadable a pool closure sign posted by the health authority.

(4) Remove, disable, or damage any pool safety equipment required in [section 22.88](#) while a pool or spa is open to patrons.

Sec. 22.90 Lifeguards

(A) Lifeguards shall be provided at class B pools and at all class C pools, if a diving board or a slide is present.

(B) All pool facilities that require a lifeguard shall comply with all department of state health services requirements related to training, placement and construction of facilities.

(C) All operators of pools that provide a lifeguard, including those required in subsection (A), shall provide to be readily available:

(1) One or more backboards with a minimum of three tie-down straps and head immobilizer for back and neck injuries.

(2) A first aid kit, which shall be kept filled and available for use.

Sec. 22.91 Spa operation

Spas shall meet the following additional requirements:

(1) Depth markings in numerals and units of measurement of a minimum height of four (4) inches must be placed on the edge of the deck, within twenty-four (24) inches of the spa and positioned to be read while standing on the deck facing the water. The numerals and units of measurement shall be of contrasting color to the background. The depth markings shall be spaced at not more than twenty-five-foot intervals around the entire perimeter of the spa, there shall be a minimum of two deck depth markers per spa, regardless of spa size or shape.

(a) Units of measurement shall either spell out “feet” or “inches” or abbreviate “FT” or “IN.”

(b) Deck depth markers shall indicate the spa depth from the design water level to the floor of the spa with a vertical measurement taken three (3) feet from the spa wall.

(2) The maximum temperature of the water in the spa shall not exceed 104° F. An unbreakable thermometer (plus or minus 1° F tolerance) that is designed for use in a spa environment shall be available for patrons and staff to monitor spa temperature. The control for the spa temperature shall not be accessible to the spa user.

(3) In addition to the signs required in [section 22.88\(I\)](#), the following signs shall also be securely mounted to be readily visible to the spa user:

(a) “Do not use the spa, if the water temperature is above 104 degrees Fahrenheit (40 degrees Centigrade)” in letters at least one inch high.

(b) “The maximum number of users for this spa is XX” or similar wording, where XX is the maximum load limit for the spa, as calculated to not exceed one person per each ten square feet of surface area of the spa.

Sec. 22.92 Notification of operation

The operator of any public or semipublic pool shall notify the director of the date intended for the initial opening of the pool for the season. An evaluation will be made at that time to determine compliance with this article. The operator shall not allow operation or use of a pool prior to obtaining a valid permit. (Ordinance 6125, sec. 3, adopted 5/1/07)

Sec. 22.93 Pool permits

(A) No person shall operate a public or semipublic pool or spa within the City, without having first obtained a permit issued by the director. Permits shall not be transferable. A valid permit shall be available for inspection by the director at all times.

(B) A person desiring to operate a public or semipublic pool or spa shall make written application for a permit on forms provided by the director. Such application shall include: the operator’s full name and post office address and whether such operator is an individual, firm, corporation, or partnership. The application shall also include the location of the pool or spa, the size in gallons, the type of filter equipment, the type of automatic disinfectant in use, and such other information as may be required by the director.

Sec. 22.94 Permit fees

(A) Each person who owns or operates a public or semipublic pool or spa shall be assessed an annual permit fee of two hundred dollars (\$200.00) for each public or semipublic pool or spa.

(B) No fee shall be charged to any pool or spa operated by a governmental agency, independent school district, institution of purely public charity, church, or homeowner association; however, such establishments shall comply with all other requirements of this article.

(C) Each evaluation performed pursuant to [section 22.86](#) shall result in a follow-up evaluation if any violations of this article remain uncorrected at the conclusion of the initial evaluation. The first follow-up evaluation shall be performed at no cost to the swimming pool operator. Any subsequent follow-up evaluations shall result in the assessment of a twenty-five dollar (\$25.00) fee. The follow-up evaluation fee shall be paid prior to performance of the evaluation. When an initial evaluation reveals that no violations of this article exist, the person who operates the swimming pool or spa shall be credited twenty-five dollars (\$25.00) toward the next annual permit fee.

Sec. 22.95 Registered certified pool operator required

(A) Registered pool operator.

(1) Any person who operates a public or semipublic pool or spa shall employ at least one person who has a valid and current registered pool operator certification issued by the director.

(2) A person is in compliance with the provisions of this section if there is one employee on the premises who is responsible for maintenance of any pools present on the premises who has a valid and current registered pool operator certification; provided, that semipublic pools owned by homeowner associations or maintained by off-premises management companies may utilize pool maintenance companies whose field employees are certified registered pool operators.

(B) Registration. The director shall issue a registered certified pool operator certification to any person who submits the required application, pays the required fee of ten dollars (\$10.00), and provides evidence of completion of a pool operator training course approved by the City. An approved pool operator course shall meet the following minimum criteria:

(1) The course must have been completed within the previous three (3) years.

(2) The course shall be taught by a person adequately trained in swimming pool sanitation and has been approved by the director.

(3) The course curriculum shall include the following topics:

(a) Pool design.

(b) Disinfection.

(c) Circulation.

(d) Filtration.

(e) Swimming pool chemistry.

(f) Safety procedures.

(4) The course provider shall give persons successfully completing the course a written document of certification.

(C) Term, evidence, and transfer of registration.

(1) Unless sooner revoked by the director, a pool operator's registration expires three (3) years from the date of issuance.

(2) The person operating a public or semipublic pool must possess evidence that a registered pool operator is employed. Such evidence shall be available for inspection by the director at any time a pool is available for use.

(3) A pool operator registration certificate is not transferable.

(D) Registration by challenge test.

- (1) A person may obtain a pool operator registration certificate by successfully completing a challenge test provided by the director (in lieu of attending an approved course).
- (2) The contents of the challenge test shall be sufficient to determine that an applicant has knowledge of pool chemistry, disinfection, circulation, filtration, design, and safety.
- (3) A score of seventy percent (70%) or greater shall be considered a passing grade on the test.

Sec. 22.96 Suspension or denial of permit

(A) The director shall have the authority to temporarily suspend or deny a permit to operate a public or semipublic pool or spa for the following reasons:

- (1) The annual permit fee or follow-up evaluation fees are not paid.
- (2) The permit holder or pool operator fails to have in his employ a registered pool operator that meets the requirements of [section 22.95](#) of this article.
- (3) The permit holder or pool operator fails to keep all pool and spa equipment properly maintained as to comply with the requirements of this article.
- (4) The pool or spa does not meet the water chemistry standards set in [section 22.87](#) of this article or the safety requirements in [section 22.88](#) of this article or other conditions exist at the pool facility that is deemed by the director to be hazardous to the health and safety of the pool users or the general public.
- (5) The permit holder or pool operator prohibits the director from conducting a lawful inspection.
- (6) The permit holder or pool operator provides false information to the director or provides falsified documentation on chemical testing records to the director.

(B) The director upon determination that the pool does not comply with the provisions of this article shall make reasonable efforts to notify the operator of the violation or violations and place on the primary gate leading to the pool a sign notifying patrons of pool closure. The director may, based on the nature and extent of the violation(s) present, affix a lock or similar closing mechanism on the gate or gates leading to the pool.

(C) The director will conduct a reevaluation of the pool during regular working hours of the Health Department at the request of the pool operator. If compliance has been achieved, the operator shall be notified that the pool is then opened and the director shall remove the pool closure signs, along with any locking device on gates. Follow-up evaluation fees will apply when permits are suspended.

Sec. 22.97 Abandoned or neglected pools

(A) It shall be unlawful to cause, suffer or permit an abandoned or neglected semipublic pool or spa to exist within the City.

(B) When the director has confirmed the existence of an abandoned or neglected semipublic pool or spa, the owner, manager or operator shall be issued, in writing, a list of control measures that will gain compliance with this article. The control measures, and the compliance period for their completion, will be contained in a written health order.

(C) The director may abate the nuisance of an abandoned or neglected semipublic pool or spa by draining and filling the pool or spa with inert material. All costs associated with destroying the pool or spa shall be charged to the owner of the property.

Sec. 22.98 New construction

Public or semipublic pools constructed after July 1, 2004, shall comply with the construction and operational standards as set forth in the 2004 Department of State Health Services Standards for Public Swimming Pools and Spas. A registered professional engineer or architect must confirm, by letter and seal, that the pool was designed and constructed in compliance with the 2004 Department of State Health Services Standards for Public Swimming Pools and Spas.

Sec. 22.99 Responsibility of bather

(A) No person shall enter a public or semipublic pool or spa within fourteen days of having diarrhea caused by infection.

(B) No person shall allow a minor under the custody and control of that person to enter a public or semipublic pool or spa within fourteen days of having diarrhea caused by infection.

(Ordinance 6330, sec. 17, adopted 7/21/09)