

**ALLEN COUNTY CODE TITLE 10
DEPARTMENT OF HEALTH**

**ARTICLE 5
PUBLIC AND SEMI-PUBLIC SWIMMING POOL AND SPA
OPERATIONS (NON-PRIVATE)**

10-5-1 Chapter 1: Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

10-5-1-1

“15300 rule” shall mean a method of raising and maintaining the chlorine residual in the pool water for the length of time necessary to attain a 15300 contact time equivalent, calculated by the formula: $15300 = \text{Free chlorine residual} \times \text{minutes}$

10-5-1-2

“Air gap” shall mean the unobstructed vertical distance through atmosphere between the water supply inlet and the flood level of the rim of the receiving unit.

10-5-1-3

“Bather” shall mean any person using a pool facility for the purpose of recreation, relaxation, therapy or related activities

10-5-1-4

“Bather load” shall mean the maximum number of bathers allowed within a pool structure using the following formulas:

(a.) Indoor swimming pool = water surface area divided by twenty-four (24) sq. ft. per bather.

(b.) Outdoor swimming pool = water surface area divided by twenty (20) sq. ft. per bather.

(c.) Spa = water surface area divided by ten (10) sq. ft. per bather

10-5-1-5

“Board” shall mean the Fort Wayne – Allen County Board of Health of Fort Wayne, Allen County, IN.

10-5-1-6

“Breakpoint chlorination” shall mean the point in a rising chlorine residual at which the concentration of free or available chlorine becomes great enough to completely oxidize all organic matter and ammonia compounds (chloramines) in a pool.

10-5-1-7

“Department” shall mean the Fort Wayne – Allen County Department of Health of Fort Wayne, Indiana, and/or its employees.

10-5-1-8

“Diving pool” shall mean a pool designed and constructed primarily for diving and does not have a shallow end.

10-5-1-9

“Health Commissioner” shall mean the duly appointed and acting Health Commissioner of Allen County, Indiana, or his/her authorized representative.

10-5-1-10

“Imminent health hazard” shall mean any event, circumstance or situation, which in the discretion of the Health Commissioner presents a serious and present health or safety risk to a person or to the public at large.

10-5-1-11

“mg/L” shall mean milligrams per liter and is equivalent to parts per million (ppm) when the medium is water.

10-5-1-12

“Owner” shall mean any individual, association, company, corporation, partnership, division of government or other group acting as a unit, trust, estate, agent or legal representative thereof who shall hold title to the real estate upon which the pool is placed, or who shall be legally responsible for the operations of the pool, or who shall be so named as the owner on the pool permit application.

10-5-1-13

“Permit” shall mean a certificate approved and issued by the Health Commissioner of Allen County, Indiana allowing pool operations.

10-5-1-14

“Person” shall mean any individual, association, company, corporation, partnership, division of government, agent or other legal representative.

10-5-1-15

“Plunge pool” shall mean a pool located at the exit end of a waterslide flume, which is intended and designed to receive sliders emerging from the flume.

10-5-1-16

“Pool” shall mean a structure, basin, chamber or tank containing an artificial body of water designed for swimming, diving, wading, or other recreational use, or for relaxation or other therapeutic purposes. Various types of pools are described by the following categories:

- (a.) Class A pool shall mean any pool intended for use for competitive aquatic events sanctioned by athletic organizations. Such pool may also be used for recreation and instruction.
- (b.) Class B pool shall mean any pool intended for use by the public at large.
- (c.) Class C pool shall mean any pool operated solely for recreational use for and in conjunction with (1) lodgings such as hotels, motels, apartments or condominiums; (2) membership clubs, neighborhood associations, camps or mobile home parks; or (3) medical or behavioral treatment facilities.
- (d.) Class D pool shall mean any pool operated for medical treatment, hydrothermal therapy or other non-recreational functions.

10-5-1-17

“Public pool” shall mean any pool operated by a concessionaire, lessee, licensee or owner which is intended to be used for recreational or therapeutic purposes to the public at large regardless of whether a fee is charged for use, other than those pools defined as semi-public or pools constructed at a one (1) or two (2) family dwelling for the sole use of the household and house guests.

10-5-1-18

“Semi-public pool” shall mean any pool which is operated for and in conjunction with hotels, motels, apartments, condominiums, bed and breakfasts or similar lodgings, health clubs, neighborhood associations, camps or mobile home parks, medical or behavioral treatment facilities, universities, colleges, or other schools.

10-5-1-19

“Spa” or “Spa pool” shall mean a hydrotherapy structure used primarily for therapeutic or relaxation purposes which is not drained, cleaned and refilled after each use.

10-5-1-20

“Turnover rate” shall mean the period of time, expressed in hours, required to circulate the volume of water equal to the pool capacity through the pool water treatment system.

10-5-1-21

“Wading pool” shall mean a pool used for bathing that has a maximum depth of two (2) feet.

10-5-1-22

“Wave pool” shall mean a pool having a bottom sloped upward from the deep end to the surface at the shallow end with equipment installed at the deep end to create wave motions in the water.

10-5-1-23

“Zero depth pool” shall mean a pool with a bottom sloped upward from the deep end to the surface level at the shallow end.

10-5-2 Chapter 2: Permit Requirements

10-5-2-1

Nothing in this ordinance shall be construed as applying to any pool or spa constructed at a one (1) or two (2) family dwelling and maintained for the sole use of the household and houseguests, or to any pool or spa in a hospital or health facility approved by the State Board of Health, which pool or spa is used for individual therapy only and drained and filled prior to each individual use.

10-5-2-2

It shall be unlawful for any person to operate a public or semi-public pool in Allen County, Indiana, who does not possess a valid permit from the Health Commissioner. Only persons who comply with the applicable provisions of this ordinance shall be entitled to receive and retain such permit. Such permit shall be for a term of one (1) year or less and shall be renewed annually on or before the anniversary date established by the Health Commissioner.

10-5-2-3

Each pool structure shall require a permit for the operation of such pool. A permit issued by the Health Commissioner for such pool shall contain the name of the owner, pool type as enumerated in 10-5-1-16, pool water surface area, pool water volume capacity and any such other data as the Health Commissioner may deem necessary. Such permit shall be posted in a conspicuous place on the premises of such pool.

10-5-2-4

Pools and spas which operate only during the months of May, June, July, August, or September shall pay the Department a seasonal permit fee of \$250.00, which shall be submitted with the seasonal permit application.

10-5-2-5

Pools and spas which operate for periods which include months other than the months listed in 10-5-2-4 shall pay to the Department an annual permit fee of \$450.00, which shall be submitted with the annual permit application.

10-5-2-6

In addition, a permit fee of \$80.00 shall be paid for each additional swimming pool or spa operated by the same owner at the same address for seasonal pools permitted under 10-5-2-4, and a fee of \$120.00 shall be paid for each additional annual swimming pool or spa operated by the same owner at the same address for pools permitted under 10-5-2-5.

10-5-2-7

Tax supported units of government shall pay a reduced amount of \$80 for each pool notwithstanding 10-5-2-4 through 10-5-2-6.

10-5-2-8

All annual permit fees shall be payable on or before the anniversary date established in 10-5-2-2, and shall be subject to an additional late penalty charge of twenty-five percent (25%) of the permit fee if the permit fee is submitted after the anniversary date.

10-5-2-9

Pool permits are non-transferable, and once an establishment has been issued a permit to allow pool operations the cost of such permit is non-refundable.

10-5-3 Chapter 3: Water Sample Collection and Testing

10-5-3-1

Bacteriological testing of pool water shall start at least one (1) week prior to the opening of a swimming pool or spa.

10-5-3-2

The owner of a pool shall arrange for the collection and bacteriological examination of at least one (1) sample of pool water per week whenever such pool is open for use.

10-5-3-3

Pool water examinations must be performed by a state-approved laboratory in accordance with the procedures outlined in the latest edition of Standard Methods for the Examination of Water and Wastewater (APHA).

(Amended 11 -9 -05 by Ordinance# 11-09-05-34)

10-5-3-4

All pool owners shall be responsible to submit the water sample reports to the Department weekly. Failure to submit any weekly pool water sample during the time such pool is open for use shall cause such missed sample to be declared unsatisfactory for the appropriate week.

(Amended 11 -9 -05 by Ordinance# 11-09-05-34)

10-5-3-5

Bacteriological examinations performed on pool water samples shall include a heterotrophic thirty-five (35) degree Centigrade plate count and a total coliform test using either the multiple tube fermentation test, a membrane filter test or the one hundred (100) milliliter present/absent test.

(Amended 11 -9 -05 by Ordinance# 11-09-05-34)

10-5-3-6

Any two (2) consecutive pool water samples or three (3) pool water samples collected in

a six (6) week period from the same pool which contain more than two hundred (200) bacteria colonies per milliliter as determined by the heterotrophic thirty-five (35) degree Centigrade plate count or test positive for coliform organisms using the tests enumerated in 10-5-3-5 shall cause such pool to be closed by the Department.

(Amended 11 -9 -05 by Ordinance# 11-09-05-34)

10-5-3-7

Whenever a pool is closed by the Department due to an unsatisfactory pool water sample report, an additional sample shall be submitted to a state approved laboratory to be analyzed. A copy of the water sample report shall be submitted to the Department. The pool may be reopened upon receipt of a satisfactory report by the Department.

(Amended 11 -9 -05 by Ordinance# 11-09-05-34)

10-5-3-8

Whenever a pool is closed for more than fourteen (14) consecutive days, for any reason, a water sample shall be submitted to a state approved laboratory to be analyzed. A copy of the water sample report shall be submitted to the Department. The pool may be reopened upon receipt of a satisfactory report by the Department.

(Amended 11 -9 -05 by Ordinance# 11-09-05-34)

10-5-4 Chapter 4: Water Supply and Disposal

10-5-4-1

The water supply serving a public or semi-public pool and all plumbing fixtures thereof shall be obtained from a public water supply system whenever possible; otherwise, the water supply shall come from a source which meets the Indiana Department of Environmental Management public water supply and drinking water quality standards as enumerated in 327 IAC 8-2.

10-5-4-2

All portions of the water distribution system serving pools and ancillary facilities shall be protected against backflow and backsiphonage.

10-5-4-3

Water introduced into a pool, either directly or through the recirculation system, shall be supplied through an air gap or in accordance with 675 IAC 1.

10-5-4-4

A sewage disposal system serving a pool shall be adequate to serve the facility, including bathhouses, locker rooms, pool water treatment equipment, deck drains and other ancillary facilities.

10-5-4-5

Treated pool water or filter backwash shall not discharge to a residential or small commercial building type sewage treatment system or directly into a ditch, drain, stream, or lake.

10-5-4-6

All public and semi-public pools and their ancillary facilities shall discharge to a municipal sewage system whenever possible; otherwise, sewage disposal must comply with applicable rules of the Indiana Department of Environmental Management.

10-5-4-7

All pool gutters, recirculation system and overflow shall discharge through an air gap to preclude the possibility of a backup of sewage or waste into the pool or pool piping system.

10-5-5 Chapter 5: Sanitary Facilities/Laundry

10-5-5-1

The ratio and location of sanitary facilities for public and semi-public pools shall be in accordance with 675 IAC 20-2-27.

10-5-5-2

Sanitary facilities shall be made available to pool patrons within three hundred (300) feet of the pool enclosure. Any sanitary facility constructed or remodeled, at or near poolside, after the effective date of this ordinance shall include a shower for use by the patrons following the use of the sanitary facilities.

10-5-5-3

Hot and cold water shall be provided through a mixing faucet. Hot water temperature shall not exceed one hundred twenty (120) degrees Fahrenheit nor be less than ninety (90) degrees Fahrenheit and an approved hot water control valve shall be installed on the water heater to ensure safe water temperature.

10-5-5-4

All sanitary facilities shall be provided with liquid or foam-type soap, disposable toweling or electrical hand drying units, toilet paper and covered waste receptacles.

10-5-5-5

All sanitary facilities shall be maintained in a clean and sanitary manner.

10-5-5-6

Footbaths shall not be permitted at any public or semi-public pool facility.

10-5-5-7

Whenever the operator of the pool furnishes swimsuits and/or towels to bathers, the same shall be washed after each use with detergent and hot water of at least one hundred seventy-five (175) degrees Fahrenheit or washed in warm soapy water containing a chlorine concentration of

fifty (50) ppm. After washing, the suits and/or towels shall be rinsed and thoroughly dried and kept separate from those which have been used and unlaundered.

10-5-6 Chapter 6: Water Quality

10-5-6-1

At all times, water in a pool shall have sufficient clarity so that the main drain or a black disc, six (6) inches in diameter placed at the deepest part of the pool, is clearly visible from the deck area nearest the drain or deepest part of the pool.

10-5-6-2

Visible dirt and debris in a swimming pool or spa shall be removed every twenty-four (24) hours or more frequently as needed. Scum or floating matter on the water surface shall be removed continuously by skimming or other effective means.

10-5-6-3

The water temperature in spas shall not exceed one hundred four (104) degrees Fahrenheit or forty (40) degrees Celsius. A thermometer capable of accurately measuring temperatures in the range of eighty (80) degrees Fahrenheit or twenty-seven (27) degrees Celsius to one hundred twenty (120) degrees Fahrenheit or forty-nine (49) degrees Celsius shall be accessible at each spa.

10-5-6-4

The thermostat controlling the water temperature in a spa shall be so located that it cannot be adjusted by patrons while seated in the spa.

10-5-6-5

A spa shall be drained and scrubbed with a disinfecting agent at least once every two (2) weeks or more frequently if there are indications of poor water quality or clarity. The deck and cover shall be cleaned and scrubbed with a disinfecting agent at least once every week. Such disinfecting agent shall be compatible with other chemicals used in the spa and have a concentration when applied equivalent to one hundred (100) mg/l available chlorine.

10-5-6-6

All circulated water in a swimming pool or spa shall go through a filtration system and be continuously and automatically disinfected by a mechanical chemical feeder prior to injection into the swimming pool or spa.

10-5-7 Chapter 7: Recirculation

10-5-7-1

All pools shall be equipped to measure the flow of water through the recirculation system by a flowmeter, gauge or other suitable means in which such flow is expressed in gallons per minute.

10-5-7-2

The recirculation system of all pools shall be maintained in such condition as to completely recirculate the contents of such pool in an acceptable time period in accordance with the following:

- (a.) The turnover rate for spa pools shall be once every half hour.
- (b.) All public and semi-public pools, except spas, built prior to September 13, 1989 shall have a turnover rate the lesser of eight (8) hours or the maximum pool capacity in gallons divided by the maximum bather load and divided again by one hundred eight (108) gallons per hour per bather.
- (c.) All public and semi-public pools built after September 13, 1989 shall have a turnover rate in accordance with the following chart:

Pool Type	Turnover Rate
Wading pools	1 hour
Pools with wading areas	2 hours
Wave pools	2 hours
Zero depth pools	2 hours
Competition pools	6 hours
Diving pool	12 hours
All other pools	6 hours

10-5-8 Chapter 8: Water Chemistry

10-5-8-1

All pools when open for use shall be continuously and automatically disinfected with a chemical that imparts an easily measured free residual.

10-5-8-2

When either chlorine or bromine is used as a disinfectant in pools, a free residual of the disinfecting chemical shall be maintained throughout the pool at concentrations in accordance with the following:

<i>Pool Type</i>	CHLORINE (ppm)		BROMINE (ppm)	
	<i>Minimum</i>	<i>Maximum*</i>	<i>Minimum</i>	<i>Maximum*</i>
Spa pools	3.0	7.0	4.0	10.0
Wading pools	3.0	7.0	4.0	10.0
All other pools	2.0	7.0	3.0	10.0

• Maximum shall be the lesser of the values listed or the upper limit of the test kit utilized by the operator to measure the concentrations.

10-5-8-3

Whenever the residual disinfectant falls below the minimum concentration required or exceeds the maximum concentration allowed, the pool shall be cleared and kept free of bathers until such disinfectant residual is within the acceptable operating range.

10-5-8-4

The Department may accept other disinfecting materials or methods if they have been demonstrated to provide a residual effect equivalent to and as easily measured as halogens and shall in no way be dangerous to public health.

10-5-8-5

Whenever other disinfectants or halogens are used, residuals of equivalent disinfecting strengths shall be maintained and a test kit having a range and accuracy proportionate to that required for chlorine test kits shall be used to measure disinfectant levels.

10-5-8-6

A test kit for measuring the concentration of disinfectant accurate to within five-tenths (0.5) mg/L shall be used at all pools. For pools using chlorine as the disinfectant, the test kit shall cover a range of zero tenths (0.0) mg/L to five (5.0) mg/L or higher measured as free chlorine, measure in increments of five-tenths (0.5) mg/L and be capable of measuring total chlorine.

10-5-8-7

When the test kit reveals a combined chlorine (chloramines) concentration of five-tenths (0.5) mg/L or greater the pool shall be cleared of bathers and superchlorinated to breakpoint or super oxidized with a non-chlorine oxidizer. The pool shall be closed and remain closed during breakpoint chlorination until the chlorine concentration drops to the maximum level allowed as referenced in 10-5-8-2. If a non-chlorine oxidizer is used to superoxidize, the pool shall be closed and remain closed in accordance with the product specifications.

10-5-8-8

Chlorinated isocyanurates and cyanuric acid stabilizers may only be used in pools where chlorine is used as the disinfectant, but shall not be used for the purpose of super chlorination nor used in any indoor pool. When a cyanurate is used as a chlorine stabilizer, the test kit shall be capable of measuring cyanuric acid concentrations.

10-5-8-9

If chlorinated isocyanurates or cyanuric acid stabilizers are used in a pool, the concentration shall not exceed sixty (60) mg/L and appropriate measures taken to lower the concentration when the maximum allowable concentration is exceeded.

10-5-8-10

All pool waters shall be maintained in an alkaline condition as indicated by a pH of not less than seven and two-tenths (7.2) pH units and not greater than seven and eight-tenths (7.8) pH units. A test kit to measure pH accurate to the nearest two-tenths (0.2) pH unit and covering a

minimum range of six and eight-tenths (6.8) pH units to eight and two tenths (8.2) pH units shall be used.

10-5-8-11

The alkalinity of pool water shall be at least eighty (80) mg/L as titrated to the methyl orange end point. A test kit capable of measuring total alkalinity shall be used.

10-5-8-12

Pool test kits shall have the reagents replaced according to the manufacturer's specifications. Orthotolidine shall not be used as a disinfectant testing reagent.

10-5-8-13

All pool water shall be measured for pH and disinfectant levels daily before the pool is open for use and at least two (2) other times when the pool is open for use, combined chlorine (when chlorine is used) measured twice a week, total alkalinity measured at least once a week and cyanic acid levels (when cyanuric acid is used) at least once a week.

10-5-8-14

Whenever electronic monitoring devices are used to measure pH levels, disinfectant residuals, oxidizing reduction potential or other data, the device shall be checked for accuracy at least once a week with a test kit and re-calibrated as necessary.

10-5-8-15

Pools shall be closed for at least one (1) hour following the manual addition of chemicals, and any chemical used to treat pool water shall be used in accordance with the product label directions.

10-5-8-16

If chlorine gas is used as a disinfectant, all gaseous chlorine equipment shall be operated, stored and maintained in accordance with the latest standards and recommendations of the Chlorine Institute, Inc. and a copy of said standards shall be kept on the pool premises. Pool operators and pool equipment operating staff shall be trained in the use of a self-contained breathing apparatus and maintain documentation as proof of that training. The self-contained breathing apparatus shall be kept in a closed cabinet, accessible without a key and located outside of the room in which the chlorinator or chlorine cylinders are located. Pool operators shall have a written plan of action for an emergency arising from the use of gaseous chlorine which shall be communicated to all pool staff, posted in a conspicuous place and practiced with annual drills.

10-5-8-17

All pool chemicals shall be stored at least six (6) inches above the floor and in accordance with manufacturer recommendations.

10-5-9 Chapter 9: Records of Operation / Inspections

10-5-9-1

Daily operating records for pools shall be maintained and recorded each day a pool is open for use, and such records are to be kept for a minimum of one (1) year and made available to the Department upon request. Such records shall contain the following:

- (a.) Disinfectant residuals, pH readings, combined chlorine concentrations and total alkalinity as referenced in 10-5-8-13
- (b.) Volume of fresh water added to pool
- (c.) Amounts of chemicals added to pool
- (d.) Operating periods of pool water pumps and filters and the rate of flow readings in gallons per minute (GPM)
- (e.) Maintenance and malfunctioning of equipment.
- (f.) Cyanuric acid levels if cyanuric acid is used.
(Amended 11 -9 -05 by Ordinance# 11-09-05-34)

10-5-9-2

All pools shall have available onsite an injury/incident report form prescribed by the Indiana State Department of Health. Such form shall be completed for each occurrence that results in death, requires resuscitation, requires transportation to a medical facility for treatment or results in an illness believed to be connected to the water quality of the pool. Such form shall be furnished to the Department and to the Indiana State Department of Health within ten (10) days of the incident.

10-5-9-3

The Department shall inspect all pools under seasonal permit at least once annually; the inspection to be conducted at least one (1) week prior to the opening of such pool.

10-5-9-4

The Department shall inspect all pools under annual permit at least twice annually.

10-5-10 Chapter 10: Depth Markings

10-5-10-1

Depth of pool water shall be plainly marked at or above the water surface on the vertical pool walls and on the top of the coping or walk next to the pool.

10-5-10-2

Depth markers on the deck shall be within eighteen (18) inches of the water's edge and positioned to be read while on the deck facing the water.

10-5-10-3

Depth markings shall be installed at the maximum and minimum water depths and at all points of slope change at increments of water depths not to exceed two (2) feet.

10-5-10-4

Depth marking shall be at least four (4) inches in height, colored in contrast to the background on which they are applied and expressed in feet (or ft.) and inches (or in.).

10-5-10-5

Where depth markers cannot be placed on the vertical walls at or above the water level of a pool, other means shall be used which are plainly visible from the centerline of the pool.

10-5-10-6

Swimming pools having water depths greater than five (5) feet extending for a distance of not less than (five) feet shall have a buoyed transition line extended across the width of the pool. Such line shall be securely fastened to anchors constructed of corrosion resistant materials and recessed into the pool walls at a point one (1) foot upslope from the breakpoint between shallow areas of five (5) feet or less and deep areas over five (5) feet. Such line shall be installed at all times the pool is open for use except when the pool is being used for organized competitive activities.

10-5-10-7

All Class A, B, C and D pools, except spas, shall conform to the provisions of this chapter.

10-5-11 Chapter 11: Signage

10-5-11-1

A sign warning "DANGER – HAZARDOUS CHEMICALS" in clearly legible letters at least four (4) inches in height shall be posted on or adjacent to the pool chemical feed and chemical storage rooms.

10-5-11-2

Whenever a swimming pool is open for use and no lifeguard service is provided, a sign shall be placed in plain view at the entrance(s) and inside the pool perimeter that warns "WARNING – NO LIFEGUARD ON DUTY" in clearly legible letters at least four (4) inches in height, and the signs shall also warn "NO SWIMMING ALONE. CHILDREN UNDER 14 YEARS OF AGE AND NON SWIMMERS SHALL NOT USE THE POOL UNLESS ACCOMPANIED BY A RESPONSIBLE ADULT" in clearly legible letters at least two (2) inches in height. This sign shall not be required at spas or therapy pools.

10-5-11-3

Whenever a pool is not open for use a sign stating "POOL CLOSED" in clearly legible letters at least four (4) inches in height shall be posted at the entrance (s) or near the pool structure that is closed. When possible, access to a closed pool shall be denied with a fixed barrier or locked entrance (s).

10-5-11-4

Signs stating "NO DIVING" in clearly legible letters four (4) inches in height shall be posted at non-diving areas and at portions of the pool which are five (5) feet or less in water depth. Such signs shall not be required at spas or wading pools.

10-5-11-5

The following sanitation and safety rules shall be posted within the pool perimeter on signage with clearly legible letters at least one (1) inch in height:

- (a.) Anyone who has or has had diarrhea in the past two (2) weeks shall not use the pool.
- (b.) Anyone who has an area of exposed subepidermal tissue, open blisters, cuts, etc., is advised not to use the pool.
- (c.) All persons shall take a cleansing shower before entering the pool. A bather leaving the pool to use the toilet shall take another cleansing shower before returning to the pool enclosure.
- (d.) Spitting, spouting of water, blowing the nose and similar behavior in the pool is prohibited.
- (e.) No running or rough play is permitted in the pool, on the runways, on diving boards, on floats, on platforms, in dressing rooms, or in showers.
- (f.) Street clothes are not allowed in the pool.

10-5-11-6

In addition to the requirements of 10-5-11-5, spas shall have the following warning posted:

- (a.) Pregnant women, small children, or persons with heart disease, diabetes, high blood pressure or low blood pressure should not enter the spa except under advice of a physician.
- (b.) Avoid use while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness or raise or lower blood pressure.
- (c.) Exposure greater than fifteen (15) minutes may result in drowsiness, nausea, or fainting.

10-5-11-7

In addition to the requirements of 10-5-11-5, wading pools shall have the following rules posted:

- (a.) All diaper-aged children shall use plastic pants with tight fitting elastic at the legs and waist, or wear swim diapers.
- (b.) Do not change diapers poolside.

10-5-11-8

The following rules shall be posted at or near the entrance of a pool slide:

- (a) One (1) rider at a time. Wait until the landing area is clear before entering slide.
- (b) Slide in a sitting position or on the back only.
- (c) Do not attempt to stop on the slide.
- (d) Leave the plunge area immediately.
- (e) Warning: Water depth is _____ feet.

10-5-11-9

The following rules shall be posted near the entrance of a water slide:

- (a.) Only one (1) rider at a time.
- (b.) Follow the instructions of the attendant and/or lifeguard.
- (c.) No running, standing, kneeling, rotating, tumbling, or stopping in the flumes.
- (d.) No diving from a flume.
- (e.) Leave the plunge pool promptly after entering.

10-5-11-10

A sign shall be posted in the immediate vicinity of the pool indicating the location of a telephone designated for emergency use. Such telephone shall be located within two hundred (200) feet of the pool enclosure and be available for emergency use whenever the pool is open and shall have the following emergency telephone number(s) posted within view of the use:

- (a.) 911
- (b.) Ambulance or Rescue Unit (if different than 911)
- (c.) Hospital (if different than 911)
- (d.) Police (if different than 911)
- (e.) Fire Department (if different than 911)

10-5-12 Chapter 12: Spectator and Snack Areas

10-5-12-1

There shall be a separation between the area used by visitors and spectators at a public pool and the area used by bathers. Visitors and spectators may be permitted within the pool enclosure if an area is provided which is separated from the area used by bathers with a barrier at least twenty-nine (29) inches in height.

10-5-12-2

Food and beverages shall not be permitted within any pool enclosure except in a visitor or spectator area as described in 10-5-12-1, or in a similarly separated snack area for bathers. Refuse containers with tight fitting lids shall be provided in these areas.

10-5-12-3

No glass food or beverage containers or other glassware shall be allowed within any pool enclosure. If any broken glass is suspected or known to be in a pool, the pool shall be closed and the glass removed before the pool can be opened for use.

10-5-12-4

Refuse shall be collected and regularly disposed of so that the pool area is kept clean and litter free.

10-5-13 Chapter 13: Supervision, Lifeguards and Safety Equipment

10-5-13-1

All public pools shall be under the supervision of a capable person who shall assume responsibility for compliance with all parts of this ordinance and shall also arrange for annual lifeguard orientation and training.

10-5-13-2

All semi-public pools having at least two thousand (2000) square feet of water surface area and all public pools shall have lifeguards on duty at poolside at all times when the pools are open for use.

10-5-13-3

All lifeguards shall be trained in current basic lifeguarding, adult/infant/child cardiopulmonary resuscitation, blood borne pathogens and standard first aid and possess proof thereof with certification of such training by the American Red Cross, Ellis, YMCA, YWCA or other equivalent lifeguard training organization.

10-5-13-4

Copies of lifeguard certification certificates for each lifeguard on staff shall be kept with the daily operating records and be made available to the Department upon request.

10-5-13-5

A sufficient number of lifeguards shall be on duty to maintain complete visual control of the pool and to oversee a patron load of not more than seventy-five (75) persons per lifeguard when the pool is open for use.

10-5-13-6

Lifeguards who are responsible for observing bathers shall have no other duties during the observation period and shall not enter the water except in the line of duty.

10-5-13-7

Lifeguards shall be in full control of the pool and ancillary facilities when such pool is open for use and have the authority to enforce all pool rules of safety and sanitation.

10-5-13-8

Any swimming pool having at least two thousand (2000) square feet of water surface area shall be provided with an elevated lifeguard platform or chair, and such platform or chair shall be provided for each additional two thousand (2000) square feet of water surface area or fraction thereof.

10-5-13-9

At least one (1) unit of lifesaving equipment shall be provided at each pool and located so as to be readily accessible and shall consist of the following:

(a.) A shepherd's crook or life pole with blunted ends and a minimum length of twelve (12) feet.

(b.) A ring buoy with a minimum outside diameter of twenty (20) inches, weighted for accurate throwing and fitted with at least a one-fourth (1/4) inch diameter rope equal in length to the greatest width of the pool but not to exceed forty-five (45) feet in length.

(c.) A spine board with a minimum of three (3) body straps and an attached head immobilizer.

(d.) A first aid kit filled and ready for use whenever the pool is open and located within each pool enclosure. Such kit shall be supplied with the following:

(a.) One (1) unit bandage scissors

(b.) One (1) unit tweezers

(c.) Four (4) units of adhesive bandages one (1) inch by three (3) inches

(d.) Two (2) units of two (2) inch bandage compress

(e.) One (1) unit three (3) inch bandage compress

(f.) One (1) unit four (4) inch bandage compress

(g.) Two (2) units of absorbent gauze pad, three (3) inches by three (3) inches

(h.) Two (2) units of four (4) inch gauze roller bandages

(i.) Two (2) units of triangular bandages

(j.) Two (2) units of instant ice packs

(k.) Two (2) units of disposable gloves

(l.) One (1) unit of adhesive tape

(m.) Two (2) thermal or durable blankets

10-5-13-10

A lifeguard platform or chair shall be so positioned as to minimize glare and allow complete visual coverage of the pool and pool bottom within a field of view no greater than forty-five (45) degrees on either side of a line of sight extending forward from the chair in a straight line.

10-5-13-11

All lifeguards while on duty shall be identified with distinguishing equipment, apparel or emblems, and any pool at which lifeguard service is provided shall be equipped with the following:

(a.) One (1) whistle per lifeguard on duty.

(b.) One (1) rescue tube per lifeguard on duty.

(c.) One (1) resuscitation mask per lifeguard on duty.

10-5-13-12

All waterslide pools shall have a lifeguard or attendant stationed continuously at the slide to control the use of such slide.

10-5-13-13

Lifeguard equipment is to be kept in good repair and ready condition, and pool patrons shall not be allowed to remove such equipment from its established location for any purpose other than the intended emergency use.

10-5-13-14

Spas and wading pools shall not be required to have the items referenced in 10-5-13-9 (a) and 10-5-13-9 (b).

(Amended 11 -9 -05 by Ordinance# 11-09-05-34)

10-5-14 Chapter 14: Pool Construction

10-5-14-1

All public and semi-public pools shall be enclosed by a fence, wall, building or other barrier of durable construction which is at least six (6) feet of height to aid in the movement of bathers, spectators or other patrons and to discourage the entrance of unwanted persons.

10-5-14-2

All doors and gates that serve as an entrance to a swimming pool and/or spa shall be equipped with operable self-latching and self-closing devices, which shall be capable of being locked.

10-5-14-3

An attendant stationed at the entrance of a public pool at all times such pool is open for use shall be sufficient to satisfy the requirements of self-latching and self-closing doors or gates as referenced in 10-5-14-2.

10-5-14-4

All public and semi-public pools in which such pools are indoors and lifeguard service is provided shall have acoustical treatment to control noise levels so that bathers can hear signals and directions of routine supervision and emergency control.

10-5-14-5

A pool shall not be operated if a drain cover or outlet grate is missing, broken, have any configuration or space which could entrap the fingers or toes of a bather or can be removed without the use of tools.

10-5-14-6

Decks shall be so constructed so as to cause water to drain away from the pool.

10-5-14-7

A hose bib with a vacuum breaker shall be installed at the water spigot when a water hose is connected to such spigot for the purpose of washing the pool deck or adding fresh water to a pool.

10-5-14-8

Skimming devices shall develop sufficient suction on the water to induce floating scum and wastes into the skimmer. The skimmer shall be of sturdy, corrosion-resistant material with an easily removable and cleanable basket or screen through which pool water overflow must pass

and have a hole in the skimmer cover to prevent air lock of the pump when such cover is fastened to the skimmer housing.

10-5-14-9

Swimming pools having a diving board shall conform to the requirements set forth in 675 IAC 20-2-8 and 675 IAC 20-2-15.

10-5-14-10

Any outdoor pool when open for use after dusk shall have operable overhead and underwater lighting.

10-5-14-11

A wave pool shall be equipped with not less than two (2) emergency wave shutoff devices, with one (1) device located on each side of the pool at a fixed lifeguard station.

10-5-14-12

A timing control for a spa shall be so located that it cannot be adjusted by a patron while seated in the spa.

10-5-14-13

All pools, ancillary facilities and components thereof shall be designed, constructed, operated, maintained and modified so as to minimize the possibility of harm to pool patrons due to pinching, tripping, slipping, abrasion, puncture, entrapment or other hazard as identified by the Health Commissioner.

10-5-14-14

All pools, ancillary facilities and components thereof shall be designed, constructed, operated, maintained and modified in accordance with applicable provisions of 675IAC20.

10-5-15 Chapter 15: Fecal Accidents

10-5-15-1

In the event a solid stool is identified in the pool water the following procedure shall be followed:

- (a.) The pool shall be cleared of all bathers.
- (b.) The solid fecal matter shall be removed; if a vacuum is used for this purpose, the waste shall be discharged to the sanitary sewer and not through the pool filtration system. Any equipment used to remove the fecal material shall be sanitized with a fresh solution of twenty (20) ppm chlorine.
- (c.) The free chlorine or bromine level shall be tested.
- (d.) A pH level of 7.2-7.8 shall be maintained to maximize disinfection.
- (e.) If the required level of chlorine or bromine is not present as referenced in 10-5-8-2 the pool shall remain closed until such time the required level of free chlorine or bromine is attained.

(f.) Bathers may be allowed to enter the pool when the required level of disinfectant concentration has been established.

10-5-15-2

In the event a nonsolid stool is identified in the pool water, the following procedure shall be followed:

(a.) The pool shall be cleared of all bathers, including all pools operating on a common filtration system. The pool is to remain closed during the sanitization procedure.

(b.) Raise and maintain the free chlorine residual to at least twenty (20) ppm which when multiplied by a length of time expressed in minutes will equal a contact time of 15300, or

(c.) Completely drain the pool to a sanitary sewer or approved sewage disposal system and sanitize all surfaces with a fresh chlorine solution of at least twenty (20) ppm.

(d.) If the pool is disinfected without draining, continuously operate the recirculation system during the sanitization process.

(e.) Filters shall be backwashed and filter material replenished or replaced as necessary.

(f.) The pool may be reopened when the sanitizing contact period is completed, provided the free chlorine level is reduced to the maximum level allowed as referenced in 10-5-8-2, the pH is in normal range as referenced in 10-5-8-10, the filter is recharged and the circulation system is operating.

(g.) Stabilized chlorine – Dichlor or Trichlor – shall not be used for this procedure.

(h.) Sodium Thiosulfate may be used to neutralize and reduce the chlorine level.

10-5-16 Chapter 16: Pool Closure

10-5-16-1

A pool shall be closed when any of the following occur:

(a.) Failure to meet the bacteriological requirements as referenced in 10-5-3-6.

(b.) Failure to meet the disinfectant concentration requirements as referenced in 10-5-8-2.

(c.) Failure to meet the water clarity requirements as referenced in 10-5-6-1.

(d.) The main outlet cover or grate is missing, broken or not securely fastened as referenced in 10-5-14-5.

(e.) Failure to meet the lifeguard requirements as enumerated in Chapter 13 of this ordinance.

(f.) A pump, filter or disinfectant feed is non-operational.

(g.) A nonsolid fecal accident as referenced in 10-5-15-2.

(h.) A spa water temperature exceeds one hundred four (104) degrees Fahrenheit.

(i.) Broken glass is suspected or known to be in the pool water.

(j.) Any circumstance which the Health Commissioner determines to be a serious health or safety risk.

(Amended 11 -9 -05 by Ordinance# 11-09-05-34)

10-5-17 Chapter 17: Powers for Inspection, Suspension, Revocation, Hearings and Orders

10-5-17-1

The Owner or his agent shall, upon the request of the Health Commissioner, permit access to all areas of the pool and shall permit inspection of, access to, and the copying of any and all records relating to the operation of the pool.

10-5-17-2

Whenever the Health Commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, he/she shall give notice of such alleged violations to the Owner and/or agent as hereinafter provided. Such notice:

- (a.) Shall be in writing;
- (b.) Shall include a statement of the reasons why it is being issued;
- (c.) Shall contain an outline of remedial action, which, if taken, will effect compliance with the provisions of the ordinance;
- (d.) Shall allow a reasonable time for the correction of the violation(s); and
- (e.) Shall be served upon the Owner or his agent, provided that such notice shall be deemed to be properly served upon such Owner or agent, if a copy thereof is sent by certified mail to the address listed on the permit about the facility affected by such notice, or if the Owner is served with such notice by any other method authorized by the laws of this state.

10-5-17-3

The Health Commissioner may order a fine, suspension or revocation of any permit issued under this Ordinance for the following reasons:

- (a.) Interference with the Health Commissioner, or his/her authorized representatives, in the performance of his/her duties. Interference shall be defined as the process of obstructing, hampering or blocking the Health Commissioner in the performance of his/her duties.
- (b.) As a result of the willful and/or continuous violation of any provision of this Ordinance.

10-5-17-4

- a. Except as set forth in 10-5-17-4(b)(1) or (2), no fine, suspension or revocation shall be ordered by the Health Commissioner except after a hearing held pursuant to 10-5-17-5.
- b. Notwithstanding any other provisions of this Ordinance, whenever the Health Commissioner, or his/her authorized representatives find unsanitary or other conditions, involving the operation of a facility regulated under this Article the operation of which, in his/her reasonable belief, constitutes an imminent health hazard, he/she shall, without notice or hearing, issue and serve a written order upon the permittee requiring the immediate closure of its facility, which order shall cite the existence of said unsanitary condition(s) and shall specify the corrective action(s) to be taken.
 - 1. Such order shall be effective immediately.
 - 2. Upon written request to the Health Commissioner, the permittee shall be afforded a hearing on the next business day as set forth in 10-5-17-5.
 - 3. The Health Commissioner or his/her representative shall make a reinspection upon the request of the permittee during normal (Health Department) business hours. When the Health Commissioner determines that the necessary corrective action(s) have been taken, operation of the facility may be resumed.

10-5-17-5

- a. All hearings required under this section, except those set forth in 10-5-17-4(B)(1) and (2), shall be held only upon at least ten (10) days written notice to the permittee of time, place and nature thereof. The notice of hearing shall be served upon the permittee by leaving or mailing by Certified Mail the notice to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the Health Commissioner.
- b. At any hearing required under this Ordinance, every person who is a party to such proceedings shall have the right to submit evidence, to cross-examine witnesses and to be represented by legal counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitive evidence may be excluded.
- c. Upon the conclusion of such hearing, the Health Commissioner shall enter a final order, subject to the right of appeal in accordance with 10-5-17-6.

10-5-17-6

- a. Any permittee aggrieved by any final order of the Health Commissioner shall be entitled to a review of the final order before the Board by filing a written request therefore with the Secretary of the Board within fifteen (15) days after such final order is issued.
- b. Upon the Health Commissioner's receipt of such request, the Board shall hear the matter de novo in an open hearing at least ten (10) days written notice of the time, place and nature thereof. (The Health Commissioner and permittee may agree to a shorter period of time, if requested by either party.) The notice shall be issued by the Secretary of the Board to the Health Commissioner and the permittee filing the request.
- c. The notice of hearing shall be served upon the permittee by leaving or mailing by Certified Mail the notice to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the Secretary of the Board.
- d. At such hearing, the same rules of procedure shall apply as in the case of the hearing before the Health Commissioner; provided, that upon written request by the permittee or the Health Commissioner, the Board shall cause the proceedings before it to be recorded by a reporter employed for such purpose, and the same, together with all papers and documents filed therein, shall, at the request of either party be reproduced by said Board in the form of a transcript, a copy of which shall be available to any party.
- e. The expense of such proceedings shall be charged to the permittee who applied for the review, except that copies of transcripts shall be at the expense of the party requesting the same. At the time the transcript is requested, the Board may require the permittee to pay a deposit in an amount determined by the Board to be necessary to secure such expense(s).
- f. The Board shall make written findings of fact and shall enter its final order or determination of the matter in writing.

10-5-18 Chapter 18: Enforcement and Penalties

10-5-18-1

It shall be the duty of the Health Commissioner to enforce the provisions of this Ordinance. Any permit issued in conflict with the provisions of this ordinance shall be null and void. A violation of an Order issued by the Health Commissioner, Department or Board shall be considered to be a violation of this ordinance.

10-5-18-2

Whenever the Health Commissioner determines that the Owner of any swimming pool is in willful violation of any of the provisions of this ordinance, the Health Commissioner shall furnish evidence of said willful violation to the attorney for the Board, who shall prosecute all persons violating said provisions of this Ordinance.

10-5-18-3

The operation of any public or semi-public pool which is contrary to any of the provisions of this Ordinance is hereby declared to be a common nuisance and an unlawful violation of this Ordinance; and the Owner of said swimming pool shall be liable for maintaining a common nuisance.

10-5-18-4

Any Owner who violates any provision of this Ordinance shall upon conviction be punished by a fine of not more than five hundred dollars (\$500.00) for each violation. Each day of the existence of any violation of this Ordinance shall be a separate offense.

10-5-18-5

The Health Commissioner may bring an action for an injunction in the Circuit Court or Superior Court of Allen County, Indiana, to restrain any Owner from violating the provisions of this ordinance or to cause such violation to be prevented, abated or removed.

10-5-18-6

Any Owner violating any of the provisions of this ordinance shall become liable to Allen County for any expense, loss, or damage occasioned by reason of such violation, including reasonable attorney's fees and costs.

10-5-18-7

The remedies provided for in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

10-5-19 Chapter 19: Enforcement Interpretation

10-5-19-1

The Health Commissioner may initiate any procedures as he/she deems necessary for proper enforcement in order to carry out the purpose and intent of this ordinance.

10-5-20 Chapter 20: Repeal - Severability

10-5-20-1

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

10-5-20-2

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance.

10-5-21 Chapter 21: Incorporated by Reference

10-5-21-1

The requirements of Indiana State Department of Health swimming pool rule 410 IAC 6-2.1 are hereby incorporated by reference as part of this ordinance and all public and semi - public swimming pool and spas shall be constructed and operated in accordance with the terms and provisions of such rule.

10-5-21-2

The requirements of Indiana administrative code 675 IAC 20 are hereby incorporated by reference as part of this ordinance and all public and semi-public swimming pools and spas shall be constructed and operated in accordance with the terms and provisions of such code.

10-5-21-3

Standard Methods for the Examination of Water and Wastewater, (APHA/AWWA/WEF), part 9000 Microbiological examination, Twentieth Edition, 1999 is incorporated by reference as part of this ordinance.

10-5-21-4

Standards of the Chlorine Institute, Inc., Pamphlet 82, July 1999 is incorporated by reference as part of this ordinance.

10-5-22-1

This ordinance shall be in full force and effective from and after 12:01a.m., on the 1st day of January, 2005.

**[Ordinance # 9-08-04-32, passed on 9-08-04]
Amended: July 25, 2008**

Amended: November 13, 2015