



200 E. Berry Street ♦ Suite 360 ♦ Fort Wayne, IN 46802

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March 19, 2012

RE: ADA requirements

Dear Pool Operators:

The Fort Wayne-AlLEN County Department of Health has received many inquiries about the recent changes to the Americans with Disabilities Act (ADA) regulations for swimming pools, which took effect March 15, 2012. The requirements apply to all public facilities, as well as public accommodations and places where the public is invited to attend. Public facilities would include parks and schools. Public accommodations would include hotels, swim clubs, and fitness organizations. Pools at private clubs, apartment complexes and in subdivisions which are only open to members/residents and their guests do not appear to fall under the regulations, unless private swim lessons or swim meets at the facility are open to others who are not residents. If that is the case, it becomes a place where the public is invited to attend and must meet the requirements. The regulations are quite complex and we highly advise that you contact your attorney for clarification as this letter is just to inform operators of the basics concepts of the new regulations.

The new ADA requirements are a federal law and enforced by the U.S. Department of Justice. Prior ADA regulations, which have been incorporated into state code and are enforced by the Allen County Building Department, do not include the swimming pool requirements at this time. If you are making modifications to your facility, or adding equipment which permanently attaches or requires an electrical connection, you should contact the building department even if the changes are not part of ADA compliance requirements to ensure you understand what regulations must be met at that time.

If the Indiana State Department of Health revises 410 IAC 6-2.1, the Public and Semi-Public Swimming Pools Rule, to include the new ADA requirements, our department will begin to enforce them as we do the rest of the rule. Until then we wanted you to be aware of the requirements and how they might affect your facility. We are not planning to enforce these federal provisions as part of our normal local inspectional program in Allen County. We have added a couple of documents about the ADA requirements to our website, www.allencountyhealth.com. We also suggest you visit www.ada.gov.

Thank you for your consideration of this issue. If you have any questions regarding this matter, please feel free to contact this office at (260) 449-7530.

Sincerely,

Gary Chapple, REHS
Pollution Control Director