

**DARIEN HEALTH DEPARTMENT
REGULATIONS, SECTION 30R**

ARTICLE VIII. PUBLIC POOL REGULATIONS
DIVISION 1. GENERALLY

Sec. 30R-8-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Authorized agent means an employee of the town health department designated by the director of health to enforce the provisions of the town health department public pool code.

Health department means the Darien health department.

Director of health means the director of health of the Darien health department.

Nonprofit organization means an organization holding tax-exempt status as defined by the United States Internal Revenue Code, 26 USC 501, which is operated by an entity not associated with a branch of federal, state or local government.

Person means any individual, firm, partnership, association, corporation, company, municipality, political subdivision, community governmental agency, club, organization, or other entity owning or operating a public pool.

Person in charge means the individual present at the public pool who is the apparent supervisor of the public pool at the time of the inspection. If no individual claims to be supervisor, then any employee present is deemed to be the person in charge for the purposes of this article.

Public health code means the Public Health Code of the state.

Public pool means any artificial basin as defined in Section 19-13-B33b of the public health code of the state.

Swimming pool operator means a person at least 18 years of age who is responsible for the daily operation of the public pool and who shall be held responsible for compliance with all applicable provisions of the town health department public pool regulations and the public health code of the state.

Sec. 30R-8-2. Authority.

This article is enacted pursuant to the powers and duties set forth in GS. §§ 7-148, 19a-206, and 19a-207, 19a-243, and Section 19-13-B33b of the public health code of the state and other applicable state statutes._

Sec. 30R-8-3. Hearings and service of notices.

(a) Hearings provided for by this article shall be conducted by the director of health at a time and place designated by the director of health. Hearings will be conducted within five days of receipt of a request for same. The director of health shall thereupon immediately examine the merits of the case and may sustain, modify or rescind such suspension or revocation. A written report of the hearing decision shall be furnished to the permit holder by the director of health. The permit holder or person in charge who is aggrieved by such action of the director of health may, within 48 hours after the making of such decision, appeal to the commissioner of health who shall thereupon immediately notify the authority from whose decision the appeal was taken and examine into the merits of such case and may sustain, modify or rescind such action.

(b) A notice provided for in this article is deemed to have been properly served when a copy of the inspection report form or other notice has been delivered to the permit holder or person in charge or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder as reported on the permit application. A copy of the notice shall be filed in the records of the director of health.

Sec. 30R-8-4. Penalties other than revocation.

Any person who shall violate any provisions of this article and/or the public health code shall be subject to a fine of not more than \$100.00 for each day that an offense continues between the date of notice of violation and the date of correction as known by re-inspection, or the date of disposition by a court of competent jurisdiction. Absent proof of a claim that said violation has been corrected as herein provided for said violation shall be deemed to have continued consecutively each day during the period of time prior to said disposition. In addition thereto, such persons may be enjoined from continuing such violation.

Sec. 30R-8-5. Supervision of public pools.

Every pool shall be under the immediate supervision of a swimming pool operator at least 18 years of age who shall be held responsible for compliance with **all** provisions and regulations relating to equipment, pool operation, maintenance, testing and safety of bathers. The operator shall be knowledgeable in the operation of the pool and in pool water chemistry and testing. A certificate of competency obtained by having attended and successfully completed a swimming pool operator's training course acceptable to the director of health shall be presented by each operator as evidence of compliance with this section commencing January 2004. Information on how to contact the swimming pool operator shall be posted at the swimming pool whenever the operator is not on the premises where the public pool is located. The name of the swimming pool operator shall be submitted to the director of health at the time of application for a permit and shall be kept updated whenever there is a change in personnel.

Sec. 30R-8-6. Inspections; right of entry.

The director of health or his authorized agent shall conduct inspections, as he deems necessary to ensure compliance with all provisions of these regulations and the public health code, and shall have the right of entry at any reasonable hour to inspect the pool and appurtenant facilities.

Sec. 30R-8-7. Closure of public pools.

(a) The director of health or his authorized agent may order a pool to cease operation when it is found that any one or several of the following conditions exists:

- (1) The amount of residual disinfectant is less than the minimum amount specified in Section 19-13-B33b(b)(5) of the public health code or this section.
- (2) The pH of the water does not comply with the provisions of Section 19-13-B33b(b)(6) of the public health code.
- (3) The clarity of the water does not comply with the provisions of Section 19-13-B33b(b)(4) of the public health code.
- (4) The temperature of the pool water exceeds 104 degrees Fahrenheit.
- (5) There is a malfunction or nonfunction of the pool recirculating system.
- (6) The safety equipment required by Section 19-13-B33b(b)(10)(14)(16)(18)(c)(1)(3)(4) of the public health code or section 30R-7-8 is not provided.
- (7) The public pool does not have a valid permit issued by the director of health.
- (8) The director of health or his authorized agent finds any other condition, which constitutes a public health or safety hazard or a health nuisance to bathers or pool patrons.

(b) Procedure for closure.

- (1) Closure under this article shall be effective immediately upon the delivery of written notice to the person in charge at the public pool by the director of health or his authorized agent.
- (2) Public pools closed under this article shall remain closed until written approval to reopen has been issued by the director of health or his authorized agent.
- (3) Any person who is aggrieved by an order to close a public pool may, within 48 hours of the receipt of such order, file a written request for a hearing with the director of health. If a written request for a hearing is filed with the director of health by the permit holder or person in charge within 48 hours following the service of such notice, the director of health shall thereupon immediately examine the merits of such closure and may sustain, modify or rescind such closure. The permit holder or person in charge who is aggrieved by such action of the director of health may, within 48 hours after the making of such decision, appeal to the commissioner of health who shall thereupon immediately notify the authority from whose decision the appeal was taken and examine into the merits of such case and may sustain, modify or rescind such action.
- (4) An appeal of an order of the director of health to close a public pool issued pursuant to this section shall not stay enforcement of the closure order unless granted in writing by the director of health.

Sec. 30R-8-8. Operation of public pools.

(a) Public pools shall comply with the requirements of Section 19-13B33b of the public health code except as otherwise provided in these regulations.

(b) If bromine is used as a disinfectant in the public pool, the bromine residual shall be maintained at a level of not less than 2.0 ppm in a swimming pool, and at a level 3.0-5.0 ppm in a whirlpool or spa.

(c) The total alkalinity of the pool water shall be maintained at a level of 80-150 ppm. Equipment for measuring the total alkalinity of the pool water shall be available at each pool.

(d) Every public pool shall have available and use a D.P.D. (diethyl-phenylene-diamine) type test kit or other testing method acceptable to the director of health for measuring disinfectant residuals in the pool. The use of O.T.O. (orthotolidine) type test kits is prohibited.

(e) Chemical tests for disinfectant residual and pH shall be performed at least three times per day during the operating season. Testing for total alkalinity and cyanuric acid level, if applicable, shall be performed weekly and within three hours of the addition of make-up water to the pool. Records of chemical tests shall be kept on forms acceptable to the director of health and shall be maintained at the pool site.

(f) Persons suffering from diarrhea or vomiting or having skin lesions, inflamed eyes, ear discharges, throat infection or any other condition, which has the appearance of being infectious, shall be prohibited from using the pool.

(g) Infants and children who are not fully toilet trained shall wear tightfitting rubber or plastic pants or other leakproof clothing when using the pool.

Sec. 30R-8--9. Safety.

(a) Lifeguards, when provided, shall possess a current life saving certificate from the American Red Cross or other certifying agency acceptable to the director of health. Lifeguards shall also have certification in cardiopulmonary resuscitation as specified in Section 19a-113a-1 of the public health code. When lifeguards are provided, there shall be a least one lifeguard for each 50 bathers or major fraction thereof and shall be on duty whenever the pool is open for use.

(b) Where there is a change in the slope of the pool bottom, a safety line shall be provided across the pool at the point of the change in slope to delineate the non-swimmers' area from the swimmers' area. This line shall be equipped with floats not more than five feet apart, and shall be kept in place at all times, except during competitive swimming events and in areas designated for lap swimming where lane float lines are used.

(c) No glass containers or glass objects other than pool testing equipment and eyeglasses shall be permitted in the pool or on the decks surrounding the pool.

(d) All indoor pools shall be equipped with auxiliary lights, which shall function when the main light fixtures fail due to a power failure of any type.

(e) When gaseous chlorine is used as a disinfectant source, chlorine cylinders and proportioning equipment shall be housed in a separate, locked, well-ventilated enclosure. This enclosure shall be provided with a window and a vent fan located at floor level which terminates out-of-doors and shall contain:

- (1) An approved floor-level scale for weighing the chlorine cylinders to determine the amount of chlorine fed over any period of time and to permit the operator to know when the supply of chlorine in the cylinder is nearing exhaustion.
- (2) An ammonia fume dispenser bottle to be used to check for chlorine leaks.
- (3) Provisions to secure all full and empty chlorine cylinders to the scale or to the walls to prevent accidental tipping of the cylinders.

- (4) An approved chlorine cylinder valve stem wrench. This wrench shall be kept on the valve stem of the cylinders in use so the chlorine supply can be shut off quickly in case of an emergency.
- (5) Valve protection hoods kept in place on all cylinders except those attached to the chlorinator.
- (6) Where applicable, all inground public swimming pools must maintain a minimum 25-foot separating distance from all parts of on site and/or neighboring subsurface sewage disposal systems and private water wells (for drinking and irrigation purposes).

Sec. 30R-8-10. Food service.

Where provision is made for serving food and/or beverages at the pool, no containers of glass or other material, which might cause a hazard to bathers, shall be used. The pool facility shall be so arranged and posted to permit the consumption of food and beverages only in a specified area. Any food service area shall comply with the public health code of the state and town health department regulations.

Sec. 30R-8-11. Conflict with state regulations.

In. any case where a provision of these regulations is found to be in conflict with a regulation of the state department of public health or any other state law or regulation, on the effective date of the ordinance from which these regulations are derived, the provision which establishes the higher standard for the promotion and protection of the health and safety of the public shall prevail.

DIVISION 2. PERMITS

Sec. 30R-8-12. Required; application.

(a) No person shall operate, maintain or permit the operation or maintenance of any public pool in the town without having a permit from the director of health.

(b) Any person operating or desiring to operate a public pool in the town shall, within 60 days of the ordinance from which these regulations is derived from becoming law, make application for such a permit on forms provided by the director of health. Such application shall include the name and address of the pool, the name and mailing address of the owner of the pool including the names of the corporate officers if applicable. The applicant shall also provide the name of the swimming pool operator who shall be legally responsible for the daily operation of the pool and for compliance with all applicable codes and ordinances and such other information as shall be deemed necessary by the director of health. The application shall be accompanied by the permit fee established in accordance with section 30R-7-13. Public pools operated by schools, government organizations or nonprofit organizations must obtain a permit, but shall be exempt from the permit fee.

Sec. 30R-8-13. Fees.

Permit fees as called for in these regulations shall be established from time to time upon the recommendation of the director of health and approved by the board of selectmen after public notice and public hearing.

Sec. 30R-8-14. Each pool to have separate permit.

Each public pool at a single location, which has its own recirculation and water treatment system shall be deemed to be a separate pool and shall be required to have a separate permit.

Sec. 30R-8-15. Compliance with local, state and federal codes.

Only those persons who comply with the requirements of these regulations of the town health department, the public health code of the state and the Occupational Safety and Health Administration (OSHA) shall be entitled to receive and retain such a permit.

Sec. 30R-8-16. Inspection prior to issuance of permit.

Prior to the issuance of final approval for a permit, the director of health or his authorized agent shall inspect the public pool to determine compliance with the provisions of these regulations, the public health code and any other applicable statutes, ordinances, or rules and regulations.

Sec. 30R-8-17. Issuance.

The director of health shall issue a permit to the applicant if the inspection reveals that the public pool meets the requirements of these regulations and the public health code.

- (1) *Renewal.* Permits shall be renewed annually and shall be valid from the date they are issued until April 30 unless revoked by the director of health, or until such time as the pool changes ownership, closes or goes out-of-business.
- (2) *Preoperational inspection.* A preoperational inspection is required for relicensing purposes prior to the scheduled opening of all public pools.
- (3) *Transferability.* Permits shall not be transferable from person to person, or from location to location. The valid permit shall be posted in a location easily observed by patrons.

Sec. 30R-8-18. Suspension; hearing.

The director of health may suspend any permit for the operation of a public pool in the event of an emergency endangering the public health or the failure of the permit holder to comply with the requirements of this article or the public health code. The permit holder or person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the director of health by the permit holder within 48 hours.

Sec. 30R-8-19. Revocation or nonrenewal; hearing.

(a) The director of health may revoke or refuse to renew the permit for serious or repeated violations of the provisions of these regulations or the public health code, or for interference with the director of health, or his authorized agent, in the performance of his duties.

(b) Written notice of intent to revoke or refusal to renew the permit, setting forth the violation shall be delivered to the permit holder or person in charge five days prior to such revocation or nonrenewal. The permit holder may file a written request for a hearing with the director of health within 48 hours of receipt of the notice. If no request for a hearing is filed within 48 hours, the revocation of the permit becomes final. The director of health shall remove a revoked permit from the premises. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

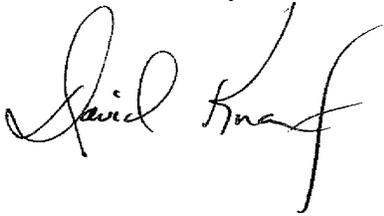
Sec. 30R-8-20. Reinstatement of suspended permit.

(a) A suspended permit will be reinstated in writing when an inspection made by the director of health or his authorized agent reveals that the conditions causing suspension of the permit have been corrected. The inspection will be conducted within 48 hours of a request for such inspection from the permit holder.

(b) After a period of 60 days from the date of revocation or nonrenewal, a written application may be made for the issuance of a new permit, as provided in section 30R-7-13 and the payment of the annual fee.

Effective Date of these Regulations

These regulations, Articles II, III, IV, VI, VII, VIII and IX shall be in full force and effect on March 29, 2010 by David Knauf, Director of Health for the Town of Darien.

A handwritten signature in black ink, appearing to read "David Knauf". The signature is fluid and cursive, with the first name "David" and last name "Knauf" clearly distinguishable.

Dated March 29, 2010.