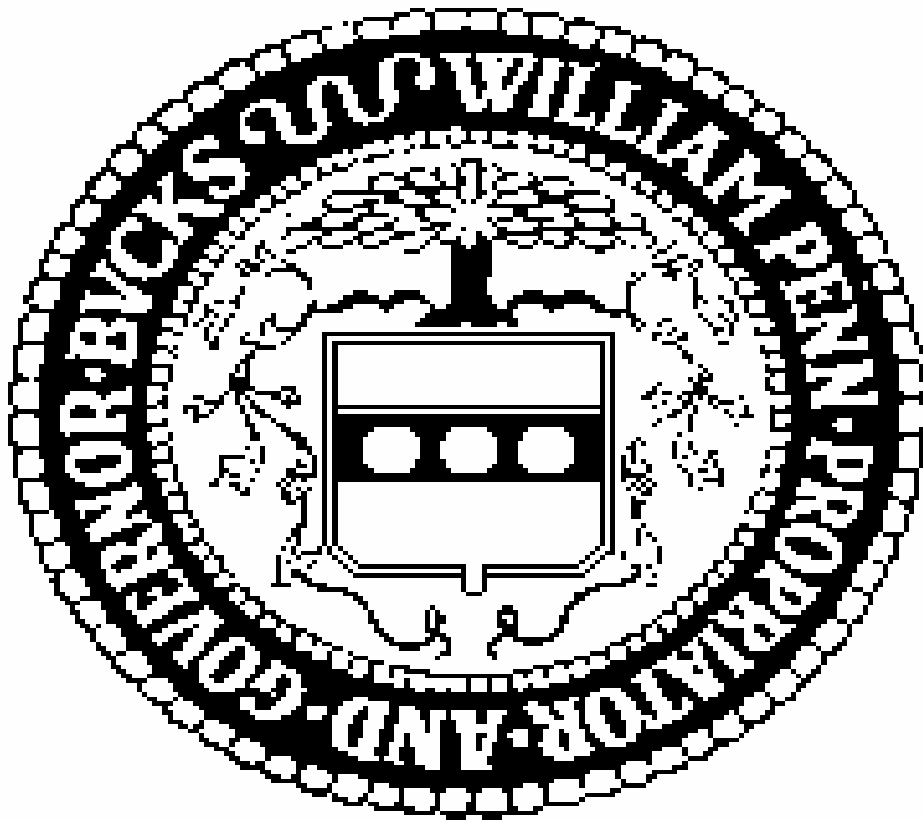


***BUCKS COUNTY DEPARTMENT OF HEALTH***

***RULES AND REGULATIONS***

***GOVERNING PUBLIC BATHING PLACES***



***EFFECTIVE DATE: JULY 1, 2008***

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**BUCKS COUNTY DEPARTMENT OF HEALTH**  
**RULES AND REGULATIONS**  
**GOVERNING PUBLIC BATHING PLACES**  
**SECTION ONE – GENERAL PROVISIONS**

**1.1 Legal Authority**

Under the provisions of the “Local Health Administration Law,” Act No. 315 approved August 24, 1951, P.L. 1304 (16 P.S. §§ 12001-12028), Pennsylvania Sewage Facilities Act, Act No. 537, 1966, January 24, P.L. (1965) 1535 §1, effective July 1, 1967, amended 1976, December 2, P.L. 1264, No. 280 (35 P.S. §§ 750-1-750.20a) Pennsylvania Safe Drinking Water Act 1984, May 1, P..L. 206, No. 43 (35 P.S. §§ 721.1-721.17) Chapter 109 adopted September 2, 1971, Title 28, Chapter 18, Public Swimming and Bathing Places, adopted September 18, 1971 as amended.

**1.2 Provisions**

The provisions of these Rules and Regulations shall apply to all municipalities in Bucks County within the jurisdiction of the Department and shall apply equally to all public bathing places within Bucks County.

**1.3 Purpose**

The purpose of these Rules and Regulations is to establish minimum standards for the operation of public bathing places for the protection of the health and welfare of the general public.

**1.4 Definitions**

The following definitions shall apply in the interpretation of these Rules & Regulations:

- (a) **Air Gap** – The unobstructed vertical distance through the free atmosphere between the lowest opening from a pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.
- (b) **Backflow** – The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from a source other than the approved source.
- (c) **Certified Lifeguard** – An individual who has a current certificate in lifeguarding, issued by a lifeguard certifying authority, as recognized by PA Department of Health.
- (d) **Certificate of Registration** – All public bathing place facilities in Bucks County must apply and receive a certificate from the Department on an annual basis. Certificate of Registration shall cover all pools including wading, diving, racing, infant, water slides, hot tubs, etc. that are operated at a particular site.
- (e) **Cross Connection** – A physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other steam gas, cooling water, chemical, or water of unknown or questionable safety, whereby there may be a flow from one system to the other, the direction depending on the pressure differential between the two systems.
- (f) **Department** –The Bucks County Department of Health.

- (g) **Dichlor and Trichlor (Outdoor Application Only)** – Dichlor and trichlor are two solid chlorine compounds that are widely used as disinfectants in swimming pools. Both are often marketed as “stabilized” chlorine. Dichlor usually comes in a granular form and is marketed for the residential swimming pool market. It is not used in commercial pools because it is unsuitable for public bathing place disinfection facilities. Trichlor is often sold in a tablet or stick form for use in an erosion feeder for small commercial pools, such as those at hotels and motels. Both dichlor and trichlor release cyanuric acid into the pool water, so it is not necessary to add cyanuric acid to a pool that uses either of these compounds as the primary disinfectant.
- (h) **EEBA** - Emergency escape breathing apparatus.
- (i) **Garbage** –All putrescible wastes, except sewage and body waste.
- (j) **Hot Tub/Spa** - A structure, designed to contain water, having a maximum depth of 48 inches used in conjunction with water recirculation systems or air injection, and utilizing, hot, cold, or ambient temperature water which is not emptied after each individual use.
- (k) **Maximum Bather Load** – The maximum number of bathers that the public bathing place is designed to accommodate.
- (l) **National Electrical Code** – The National Electrical Code published by the National Fire Protection Association.
- (m) **Person** – Shall include any individual, landowner (which is defined as any person holding title to or having a proprietary or equitable interest in either surface or subsurface rights), landlord, lessor, land occupier (including but not limited to easement owner, tenant, lessee or occupant of a structure or land, whether the landowner or not), any corporation, including public or private corporation for profit or not for profit, association, partnership, firm, trust, trustee, estate, executor, executrix, administrator, administratrix or other fiduciaries, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties, and any agent for any individual or corporation or other legal entity set forth above. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment the term “Person” shall include all of the above set forth individuals and entities as well as members, officers, and/or employees of any corporation, an association, partnership or firm and the officers, directors of any local agency, municipality, municipal authority and/or political subdivision and the supervisors, councilmen, of any political subdivision public or private corporation for profit or not for profit.
- (n) **Public Bathing Place** – An outdoor or indoor place used for amateur, professional or recreational swimming or bathing whether or not a fee is charged for the use of the place, exclusive of a bathing place at a private, single-family residence which is used solely by the owner of the residence, their family and their personal guests.
- (o) **Recreational Swimming Establishment** – A facility that is designed, constructed or designated for use by individuals for the primary purpose of swimming, if a fee is charged for admission.
  - (1) The term includes swimming pools, water slides, wave pools and swimming beaches and other outdoor swimming facilities.

- (2) The term excludes those facilities owned by condominiums, other property owner associations, rental arrangements that include three or more families or social units, hotels, or motels, campgrounds, private clubs and private organizations which do not provide access to the general public, swimming facilities used exclusively for hydro therapy and residential swimming facilities used solely by the owner of a residence, the owner's family and personal guests.
- (p) **Refuse** –All nonputrescible wastes generally regarded and classified as rubbish, trash, junk and similar designations which have been rejected by a person.
- (q) **Rope and Float Line** – A continuous line, at least 1/4 inch in diameter, that is supported by buoys and attached to opposite sides of a swimming pool.
- (r) **Sewage** –Any substance that contains the waste products or excrements or other discharges from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life or to the use for domestic water supply or for recreation or which constitutes pollution under The Clean Streams Law, Act of June 22, 1937 (P.L.1937, No. 394), (35 P.S. §§ 691.1-691-1001). The term shall include, but not be limited to, toilet, lavatory, kitchen or laundry waste water, liquid waste and seepage from floor drains, liquid waste from sink drains from any structure including any trailers, campers, motor homes or recreational vehicles, garbage cans, dumpsters or compactors and the cleaning waste from these garbage storage containers.
- (s) **Sewage System** – An individual or community sewage system, whether publicly or privately owned, for the collection and disposal of sewage or industrial waters of a liquid nature, including various devices for the treatment of sewage or incidental wastes.
- (t) **Source** – A well, spring, stream, reservoir, river, lake or pond from which water is taken either intermittently or continuously for use by the public.
- (u) **Spray Pool** – A structure for use by children which is designed to collect and channel water sprayed in the air to a recirculation system or to waste without accumulating to any depth.
- (v) **Swimming Pool** – A body of water of a size in relation to the bathing load that the quality and quantity of the water confined must be mechanically controlled for the purpose of disinfection and contained in an impervious structure.
- (w) **Standard Methods** – Standard methods for the Examination of Water & Wastewater Prepared jointly by American Public Health Association, American Water Works Association, and Water Environment Federation, 21<sup>st</sup> Edition, 2005.
- (x) **Vectors** – Any rodent, insect or other animal, excluding man, which is capable of carrying or harboring a disease infectious to man.
- (y) **Turnover Period** – The number of hours required to completely replenish the water in a pool or recirculate a quantity of water equal to the capacity of the pool.
- (z) **Wading Pool** – A body of water designed for use by children which is no deeper than 3 feet and of a size in relation to the bathing load that the quality and quantity of the water confined must be mechanically controlled for the purpose of disinfection and contained in an impervious structure.

- (aa) **Water of this Commonwealth** – Any and all rivers, streams, creeks, riverlets, impoundings, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water, or any of their parts, whether natural or artificial, within or on the boundaries of this Commonwealth
- (bb) **Water Slide** – A flume designed to convey a recreational bather, with or without the aid of a device on which the bather may ride, from an elevated starting point to a pool of water or level deceleration area.
- (cc) **Water Supply** – A source or sources of water which is used for drinking water and all water treatment facilities and distribution facilities which serve a public bathing place.
- (dd) **Wave Pool** – A structure, designed to contain water, used for bathing or swimming in conjunction with a wave-making mechanism, together with buildings, appurtenances and equipment used in connection therewith.
- (ee) **Whirlpool** - A structure which is designed to contain water for the submersion of part or all of the body; is used solely for therapeutic purposes; lacks filtration and recirculation; is designed primarily for the use of one person at a time; and is completely drained once every twenty-four (24) hours.
- (ff) **Safe Drinking Water Act** – The Act of May 1, 1984 (P.L. 206, No. 43) (35 P.S. §§ 721.1-721.17) known as the Pennsylvania Safe Drinking Water Act and associated regulations.
- (gg) **Sewage Regulations** – The Pennsylvania Sewage Facilities Act, Act 537 (P.L. 1535 No. 537) (35 P.S. §§ 750.1-750.20) as amended, appropriate 25 PA Code Chapters 71, 72, 73, the Bucks County Department of Health Rules and Regulations Governing Individual and Community On-Lot Sewage Disposal systems, and the Bucks County Department of Health Rules and Regulations related to Public Health Nuisances.

## **SECTION TWO – GENERAL PROVISIONS**

### **2.1 Posting of Regulations**

A copy of the Department's Rules and Regulations Governing Public Bathing Places, Bucks County Department of Health Certificate of Registration and Certificate for a Public Bathing Place shall be available at the public bathing place for the patron's information.

### **2.2 Management of a Public Bathing Place**

A capable person or pool service company shall be in charge of the public bathing place and shall be responsible for maintaining the public bathing place in good repair and in a clean, sanitary and healthful manner as provided in the Public Bathing Law (35 P.S §§ 672-680d), the permit issued for the public bathing place and these regulations.

### **2.3 Sewage Disposal**

All sewage generated by a public bathing place shall be disposed of by one of the following methods approved by this Department:

- (a) An approved public sewage treatment plant that is permitted by the PA Department of Environmental Protection (PA DEP).

- (b) An individual on-lot sewage disposal system that is sized, constructed, maintained and operated according to Section 7 of the Pennsylvania Sewage Facilities Act (Act 537) (35 P.S. §§ 750.1-750.20) PA Code Title 25, Chapter 73 and the Department's "Rules and Regulations Governing Individual and Community On-Lot Sewage Disposal Systems".
- (c) If an approved municipal public sewer system is available, the public bathing place facility shall be connected to it and be used instead of any type of on-lot sewage disposal system or other method of sewage disposal.

## **2.4 Vector Control**

- (a) Effective measures to control the presence of rodents, flies, cockroaches and other insects or vectors on the public bathing place premises shall be utilized. Pesticide application, when necessary, shall be conducted by a certified pest control applicator/operator and in accordance with the pesticide label and all required federal and state laws. The public bathing place premises shall be kept in such condition as to eliminate the harborage, food and water conditions conducive to insect, rodent or other vector infestation.
- (b) If a public bathing place incurs a violation of section 2.4 (a), the Department may require the implementation of an Integrated Pest Management Plan (IPM).

## **2.5 License Requirement for Food Services**

Whenever food service is provided within a public bathing place facility, the food operation shall be licensed by the Department, and comply with the current Department's "Rules and Regulations for Conducting and Operating Food Facilities".

If only prepackaged drinks and prepackaged non-potentially hazardous foods are sold, a food license is not required from this Department.

## **2.6 Garbage and Refuse Disposal**

- (a) The storage, collection and disposal of garbage and refuse from a public bathing place facility shall be conducted so as to avoid the creation of public health hazards and nuisance conditions.
- (b) Every public bathing place facility shall be responsible for the proper storage, collection and disposal of all garbage generated by pool staff and bathing place patrons.
- (c) All public bathing place facilities shall be kept free of litter, garbage and refuse at all times.

## **SECTION THREE – ACCESS AND INSPECTION OF A PUBLIC BATHING PLACE**

### **3.1 Access to Public Bathing Places**

In order to carry out the purpose and provisions of these Regulations, a Department representative, upon showing proper identification, shall be permitted to enter and inspect the public bathing place facility's records and equipment at all reasonable times when the facility is open or during an emergency. The owner, manager, operator, employee or any person in charge of the facility shall provide free access to records, permits, certificates and other materials which directly relate to the operation of the public bathing place facility.

### **3.2 Inspections**

Department representatives shall conduct as many inspections of the public bathing place facility that are necessary to determine compliance with these Rules and Regulations. A regulatory service fee shall be charged by the Department for any compliance inspections that are required after an initial inspection has been conducted by the Department.

### **3.3 Reporting of Inspections**

- (a) Whenever the Department conducts an inspection of a public bathing place facility, the findings shall be recorded on the appropriate inspection report form. The inspection form shall summarize the violations based upon these Rules and Regulations, including the correction(s) to be made and the date of compliance.
- (b) Violations of a critical nature and/or a direct threat to an individual's public health shall be corrected immediately or cease the operation of the public bathing place facility until the violation(s) have been corrected.
- (c) The results of the inspection shall be reviewed with the person in charge, signed by that person and the original sheet(s) of the inspection form left with the person in charge.

### **3.4 Physical Plant Specifications**

All owners or operators of a public bathing place in Bucks County shall submit copies of the physical plant specification of all new or remodeled facilities to this Department prior to the construction work or replacement of pumps, chemical feeders, chlorinators, filtration equipment, etc. Make and model numbers must be submitted for all replacement equipment that was installed. Such equipment shall meet the standards as set forth by the National Sanitation Foundation (NSF) or other approved testing agency.

## **SECTION FOUR – HYGIENE REQUIREMENTS**

### **4.1 Common Use of Personal Items**

The common use of drinking cups, towels, hair brushes or other toilet articles shall be prohibited with the exception of sharing such items among members of the same family.

### **4.2 Personal Health**

No person with signs of illness or disease or with skin rashes or sores may enter a public bathing place except when certified by a physician not to have a disease in a communicable stage.

### **4.3 Bathing Suits and Towels**

Bathing suits and towels furnished to bathers shall be thoroughly cleaned and dried each time they are used in such a manner as to preclude the transmission of diseases and shall be stored in a clean and sanitary manner.

### **4.4 Hand Towels, Hand Dryers, Soap Dispensers**

The owner or operator of every public bathing place shall provide single-use hand towels or hand dryers and soap dispensers with soap at the hand wash sinks, and toilet paper in each locker room and/or restroom.

## **4.5 Sanitary Conditions Requirements**

The locker rooms, lavatories, restrooms, dressing rooms and all other areas of the public bathing facility shall be maintained in a clean, safe and sanitary condition.

### **SECTION FIVE – PUBLIC BATHING PLACE CLOSURES**

#### **5.1 Closures**

In order to properly protect the health and safety of the general public and patrons of these facilities, the following conditions shall constitute a critical violation which requires immediate closure of the effected pool/spa. The Department shall be notified immediately if any emergency closures take place.

- (a) Having contaminated water in a bathing place facility, confirmed by a bacteriological report from an approved, certified laboratory. A follow up sample must be taken and satisfactory results received prior to reopening.
- (b) Lack of a valid electrical certificate for the public bathing place.
- (c) Pool filters that are not operating properly or not turned on.
- (d) Unsatisfactory disinfection residual supplied by mechanical means.
- (e) Bathing place water that does not meet clarity requirements.
- (f) Fecal or vomiting of the full stomach content in the bathing pool water. See appendix for the disinfection procedure.

If any of the above conditions exist, the effected pool/spa shall remain closed until the Department has approved the reopening of the effected pool/spa by a compliance inspection or verbal approval by a Department representative provided Department guidelines were followed. An exception to this requirement shall be made if an approved written fecal/vomit response is on file with this Department and a certified pool operator (CPO) is present to supervise the execution of the response policy and compliance with all regulations contained herein.

### **SECTION SIX – ELECTRICAL SAFETY**

#### **6.1 National Electrical Code**

All electrical wires, outlets, appliances and devices shall be designed and installed in accordance with the most recent versions of the National Electrical Code.

#### **6.2 Electrical Wiring**

All electrical wiring, when exposed and accessible to bathers, shall be in rigid conduit or electrical plastic or metal tubing and all boxes, fittings, and accessories used in damp or wet locations shall be installed and equipped as to prevent the entrance of water.

#### **6.3 Electrical Conductors**

No insulated or uninsulated electrical conductors or wires shall cross over any portion of an indoor or outdoor public bathing place, hot tub or spa, except ceiling lighting of sufficient height above the surface of the water and the pool deck around the pool facility to prevent bathers from contacting the fixtures.

#### **6.4 Metal Fencing**

All metal fences, railings or other appurtenances on which a broken electrical conductor or wire might fall shall be effectively grounded.

#### **6.5 Grounding Requirements for Water and Other Piping**

All water and other piping to and from a public bathing place, hot tubs or spa, including inlet and outlet pipes shall be metallically bonded together and adequately connected to the same grounding electrode used to ground the neutral conductor of the electrical system. This shall be in addition to the grounding requirements for electrical equipment and circuits as required by the National Electrical Code.

#### **6.6 Ground Fault Circuit Interrupters (GFCI)**

All electrical equipment and wiring shall be equipped with ground fault circuit interrupters.

#### **6.7 Limited Access to Mechanical Equipment**

All pumps, filters, other mechanical and electrical equipment shall be enclosed in such a manner as to be accessible only to authorized persons.

#### **6.8 Electrical Inspections**

All electrical installations at public bathing places, hot tubs or spas and any future additions or modifications to these installations, prior to being placed into service and every three (3) years thereafter shall be inspected and approved by a licensed electrical inspection agency. The electrical inspection conducted shall meet the standards of the National Electrical Code. A duplicate copy of the inspection certificate and the results shall be forwarded to this Department by the bathing place owner/operator or directly by the electrical inspection agency.

#### **6.9 Lighting**

Artificial indirect lighting shall be provided at all swimming pools which are to be used at night or which do not have adequate natural lighting so that all portions of the pool, including the bottom, may be readily seen without glare or railing reflections. Underwater lights in public bathing places, regardless of the installation date shall comply and meet the requirements for underwater light as specified in the National Electrical Code.

If electrical defects in the underwater lights are noted by the electrical inspection agency, the lights shall be disconnected immediately to prevent electrical shock or electrocution of pool patrons. The lights must be repaired or removed within 30 days of written notice. A copy of this report shall be forwarded to the Department immediately by the owner/operator or the electrical inspection agency.

### **SECTION SEVEN – WATER SUPPLY**

#### **7.1 Water Quality**

The quality of the water supply at a public bathing place used for drinking, food preparation, cleaning, and personal hygiene shall at all times meet the standards of 25 PA Code, Chapter 109, Safe Drinking Water.

## **7.2 Water Supply Source**

- (a) When a community public water supply operated under permit from the Pennsylvania Department of Environmental Protection (PA DEP) is available to the public bathing place it shall be used in place of a private water supply.
- (b) If a community public water supply is not available to the public bathing place, a non-community water system can be used that is constructed, maintained and operated in accordance with 25 PA Code, Chapter 109 Safe Drinking Water.
- (c) No physical connections shall be maintained between a public community water supply and a non-community water supply
- (d) Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap. The air gap between the free flowing discharge end of a potable water supply line, faucet, plumbing fixture, or other device and the flood level rim of an open or non-pressure receiving vessel shall be at least two (2) times the diameter of the pipe supplying the water.

## **SECTION EIGHT – CERTIFICATE OF REGISTRATION**

### **8.1 Certificate of Registration**

All existing and proposed public bathing place facilities located in Bucks County are required to obtain a Certificate of Registration from the Bucks County Department of Health. An annual fee and application must be submitted to the Department for a public bathing place facility. Every owner/operator of a public bathing place in Bucks County must submit an SA-125, "Application for a Public Bathing Place Certificate of Registration".  
NOTE: The Certificate of Registration will cover all pools including, wading, diving, racing, infant, water slides, hot tubs, etc. that are operated at a particular site. All public bathing place facilities will be inspected annually by a Department representative to determine compliance with these Rules and Regulations.

## **SECTION NINE – POOL DEPTH MARKERS**

### **9.1 Location of Depth Markers**

The depth of water shall be plainly marked at or above the water surface on the vertical pool wall and on the edge of the deck, at points of change in bottom slope and spaced at not more than 25 ft. intervals. Markings should be on both the sides and ends of the pool. Where depth markings cannot be placed on the vertical walls above the water level, other means shall be used so that the depth markings will be plainly visible to the persons in the pool.

### **9.2 Design of Depth Markings**

Depth markings shall be indicated in feet and inches, or they may be indicated in meters depths. They shall be shown in numerals, and the units of depth shall be indicated as follows: (1) feet or ft. (2) inches or in. (3) meters or m. No other designations are acceptable. The English numbers and units shall be a minimum of four (4) inches in height, while metric numbers and units, if used shall be approximately half the height of the English markings. Both English and Metric numbers and units shall have colors which contrast with the background.

### **9.3 No Diving Areas**

In all areas of the pool where the water depth is less than five (5) feet the words “No Diving-Shallow Water”, shall be clearly marked on the pool deck with all letters of acceptable contrasting color of at least four (4) inches in height. The warnings shall be placed every (25) feet around the shallow portion of the pool.

### **9.4 Safety Rope**

A safety rope and buoys with buoy keepers shall be attached to the pool wall one (1) to two (2) feet toward the shallow end of the pool from the pool floor breakpoint separating the shallow and deep areas of the pool. The safety rope shall be securely anchored and recessed into the pool wall. It shall have corrosion resistant fixtures, be sufficient size and strength to provide a handhold, and be able to support an adult bather with their head above water.

## **SECTION TEN – CIRCULATION AND FILTRATION**

### **10.1 Adequate Circulation**

Water shall be introduced to and withdrawn from a public bathing place, hot tub or spa so as to provide adequate, uniform circulation at all times. All public bathing places, hot tubs and spas shall maintain adequate, uniform disinfection residual at all times.

### **10.2 Recirculation and Filtration**

All public bathing places, hot tubs, and spas shall be provided with a recirculation and filtration system capable of maintaining bacteriological, chemical and physical standards established by these Regulations.

### **10.3 Turnover Periods**

- (a) The turnover period for wading pools, spray pools, and zero-depth entry areas shall be two (2) hours or less.
- (b) The turnover period for a wave pool shall be four (4) hours or less.
- (c) The turnover period for hot tubs and spas shall be thirty (30) minutes or less.
- (d) The turnover period for all other public bathing places shall be eight (8) hours or less.

### **10.4 Overflow Facilities and Bottom Cleaning**

Skimmers or a perimeter overflow system (gutters) shall be provided and water levels maintained to effectively remove scum, debris or other floating matter. The bottom of the public bathing place, hot tub or spa shall be vacuumed or otherwise strained clean as frequently as necessary to keep the bottom free of all foreign materials.

### **10.5 Color Coding of Exposed Piping**

All exposed piping within the filtration room of the public bathing facility shall be color coded with directional arrows indicating the direction of flow. Where two colors do not have sufficient contrast to easily differentiate between them, a six (6) inch band of contrasting color shall be painted on one pipe approximately in 30 inch intervals.

## **10.6 Recirculation and Filtration Equipment**

All filtration and recirculating equipment shall be designed to be readily accessible and have sufficient clearance from walls and ceiling to permit adjustment, maintenance, inspection and replacement.

## **10.7 Flow Meters**

A flow meter or other device must be provided to continuously measure flow rate in the recirculation system. The indicator shall have a range of readings appropriate for the anticipated flow rate, shall be located where it is readily accessible for reading and maintenance and installed according to manufacturers recommendations.

## **SECTION ELEVEN – WATER CLARITY**

### **11.1 Pool Clarity**

All water in a public bathing place, hot tub or spa shall be sufficiently clear to permit the bottom of the deepest portion to be readily visible from pool side. Water clarity shall be determined by meeting one of the following criteria.

- (a) A black disk six (6) inches in diameter on a white field placed at the point which is greatest in depth is clearly visible from the deck around the deep area.
- (b) The protective cover over the main drain is clearly visible from the deck around the deep area. The protective cover over the main drain shall be painted a contrasting color in relationship to the color of the pool floor.

## **SECTION TWELVE – LIFESAVING EQUIPMENT**

### **12.1 Life Saving Devices**

- (a) Each public bathing place shall be equipped with one (1) or more reaching devices of at least ten (10) feet in length. The devices may include but are not limited to poles, shepherd crooks and any reasonable means to extend an individual's reach. These devices shall be placed adjacent to the pool so as to be readily available.
- (b) Each public bathing place shall be equipped with one (1) or more throwing buoys, not more than twenty-four (24) inches in diameter. These devices must have at least thirty (30) feet or over half the width of the bathing place of rope line attached. Life jackets or other flotation devices capable of supporting an adult in the water may be substituted for the required throwing buoys. These devices must be placed adjacent to the pool and be readily accessible.
- (c) Each public bathing place, hot tub or spa shall be equipped with a first aid kit containing the items in the Appendix of these Regulations filled and readily accessible for emergency use.
- (d) An operable telephone with a list of emergency telephone numbers shall be maintained at each public bathing place.

## SECTION THIRTEEN – WATER QUALITY

### 13.1 Bacteriological

All public bathing places, hot tubs and spas shall be maintained in such a manner as to assure that the bacteriological quality of the water meets or exceeds the standards established by this Department and the Commonwealth.

- (a) The water quality in a public bathing place, hot tub or spa shall be determined through the collection and analysis of water samples for the presence of coliform bacteria and heterotrophic plate count in accordance with Standard Methods procedure: Sections (9221A, 9221B, 9221C or 9222A, 9222B, or 9222C for coliform, and Section 9215 for heterotrophic plate counts). Water test samples taken from all public bathing places shall be conducted by a laboratory certified by the Pennsylvania Department of Environmental Protection (PADEP). The water in a public bathing place, hot tub or spa shall be considered contaminated and unsafe for swimming or use by the public when one of the following conditions exists:
- (1) On Initial Sampling:  
**Standard (I):** If the multiple tube fermentation method is used more than one of the standard ten (10) milliliter portions, as confirmed, show the presence of organisms of the coliform group.  
**Standard (II):** If the membrane filter technique is used, more than one coliform colony forming unit is present per 50 milliliter sample tested.
  - (2) On-Follow-up Sampling:  
**Standard (I):** If the multiple tube fermentation method is used, more than one of the standard ten (10) milliliter portions, as confirmed, show the presence of organisms of the coliform group.  
**Standard (II):** If the membrane filter technique is used, more than one coliform colony forming unit is present per 50 milliliter sample taken.
  - (3) On multiple consecutive samples two (2) of any ten (10) consecutive samples show:  
**Standard (I):** If multiple tube fermentation method is used, more than one of the standard ten (10) milliliter portions, as confirmed, show the presence of organisms of the coliform group.  
**Standard (II):** If the membrane filter technique is used, more than one coliform colony forming unit is present per 50 milliliter sample tested.
  - (4) Heterotrophic plate counts must be processed using at least two plates per dilution:  
**Standard (I):** If Heterotrophic are in excess of the two hundred (200) colony forming units per ml in two (2) consecutive samples.  
**Standard (II):** If Heterotrophic plate counts in excess of two hundred (200) colony forming units per milliliter is more than ten (10) percent of any series.
- (b) If warranted, the Department may require additional samples from a hot tub or spa to determine the presence of either staphylococci or fecal streptococci bacteria.

- (1) Tests for the presence of staphylococci shall be conducted according to Standard Method 9213B.6.  
**Standard (I):** Test for the presence of staphylococci shall not exceed five (5) colonies per 100 ml in any sample.  
**Standard (II):** Tests for the present of staphylococci shall not exceed two (2) colonies per 100 ml in any two consecutive samples.  
**Standard (III):** Tests for the presence of staphylococci shall not exceed one (1) colony per 100 ml in more than thirty (30) percent of any series sample.
- (2) Tests for the presence of fecal streptococci shall be conducted according to Standard Method 9230.B (2) or 9230.C (3) and must meet the following criteria:  
**Standard (I):** When the multi-tube fermentation technique is used to analyze the samples for fecal streptococci, at least five (5) tubes of double strength Dextrose broth must be inoculated with a ten (10) milliliter portion of the sample and no more than one ten (10) milliliter portion of any sample may show a positive test for fecal streptococci as defined under confirmed test procedures presented in Section 9230.B (3) for fecal streptococcus.  
**Standard (II):** When the membrane filter test technique is used the number of verified fecal streptococci colony forming units as defined under 9230.C (5) shall be no more than one colony per fifty (50) milliliter sample.

## 13.2 Chemical

All public bathing places, hot tubs and spas shall be maintained in such a manner as to assure that the chemical quality of the bathing water meets or exceeds the standards established by this Department and the Commonwealth.

- (a) Bathing Places. The pH of the water must be maintained between 7.2 and 7.8.
- (b) Hot Tubs and Spas. The pH of the water must be maintained between 7.2 and 7.8.

## 13.3 Temperature

The temperature of the water in any public bathing place, hot tub or spa shall not exceed 104°F.

# SECTION FOURTEEN - DISINFECTION

## 14.1 Disinfection Equipment

All public bathing places, hot tubs, and spas must be equipped with an approved device or devices to provide continuous disinfection to prevent the growth of pathogenic organisms. Such equipment shall meet the standards as set forth by the National Sanitation Foundation (NSF) Standard #50 "Swimming Pool, Spa and Hot Tub Circulation System Components".

- (a) Public Bathing Place
  - (1) Where chlorine gas, calcium hypochlorite, sodium hypochlorite or lithium hypochlorite is used for disinfection, the free chlorine residual in the water in all parts of the pool shall be not less than 1.0 ppm (mg/l) nor more than 6.0 ppm.
  - (2) When bromine is used for disinfection, the free bromine residual in the water in all parts of the pool shall be not less than 2.0 ppm (mg/l) nor more than 8.0 ppm.
- (b) Hot Tubs and Spas

- (1) When chlorine gas, calcium hypochlorite, sodium hypochlorite, or lithium hypochlorite is used for disinfection, the free chlorine residual in the water of the hot tub or spa shall be not less than 2.0 ppm (mg/L) nor more than 6.0 ppm.
- (2) Where bromine is used for disinfection, the free bromine residual in the water of the hot tub or spa shall be not less than 2.0 ppm (mg/l) nor more than 8.0 ppm.
- (3) All hot tubs and spas regardless of the standard disinfection shall be shocked daily to 5.0 ppm free chlorine, and at least once each week from 5.0 to 10.0 ppm free chlorine. If the hot tub or spa is drained daily, the operator is exempt from the requirements of this subsection.

(c) Cyanuric Acid (**Outdoor Application Only**)

When cyanuric acid is used as a stabilizer, the concentration may not exceed 50 ppm in the public bathing place, hot tub or spa. Cyanuric acid is intended to reduce the loss of free chlorine that is caused by the sun's UV rays. Indoor pools are not exposed to direct sunlight and therefore, there is no benefit in using cyanuric acid or trichlor or dichlor in indoor pools, hot tubs or spas.

(d) Other Types of Disinfection

Any other type of disinfection that is proposed for a public bathing place that is not listed in the Regulations must be approved by this Department prior to it being used.

(e) Test Kits

Testing kits shall be provided for making the necessary tests for residual disinfection and pH. The kit for disinfection residual shall be accurate within 0.1 milligram per liter of chlorine or equivalent. The pH kit shall be accurate within 0.2 pH units. Test kits must be specifically designed for the particular contaminant. All disinfectant monitoring shall be performed using the diethyl-p-phenylenediamine (DPD) test method.

## **SECTION FIFTEEN – DISINFECTANT EQUIPMENT**

### **15.1 Gas Chlorination**

When gas chlorination equipment is installed such equipment shall be housed in a separate room or building equipped with an exhaust fan to reduce to a practical minimum the possibility of Cl<sub>2</sub> gas leakage into other rooms or areas where people gather. Such room or building shall be secured so as to prevent access of unauthorized persons at all times. The room shall have an airtight duct beginning near the floor and terminating at a safe point of discharge to the out-of-doors away from the pool and deck areas. A louvered air intake shall be provided near the ceiling opposite the duct of fan. A ventilating fan, capable of one air exchange per minute and operated from a switch outside the door, shall be provided in conjunction with the airtight duct. The exhaust fan must be in operation whenever chlorine gas is present in the room/or building whether or not such gas is contained in the cylinder(s). The door shall be provided with a shatterproof inspection window, and shall not be latchable from the inside.

- (a) When gas chlorination equipment is installed, there shall be provided an emergency escape breathing apparatus (EEBA) designed for respiratory protection during escape from oxygen deficient atmospheres, gases and vapors and of a type approved by the National Institute of Occupational Safety and Health (NIOSH). The EEBA shall provide at least a five (5) minute supply of air. A record shall be kept of the EEBA usage to ensure that the EEBA will be serviceable when needed. The

EEBA shall be kept in a closed cabinet accessible without a key and located outside the room/or building in which the chlorinator is maintained. An EEBA shall not be required when an approved self-contained breathing apparatus (SCBA) is provided.

- (b) Whenever gas chlorination equipment is installed and two (2) or more staff are available, entry to the room or building in which the chlorinator is located shall be conducted using a buddy system. One person shall be located at the outside of the room or building with the EEBA to maintain surveillance of the person who enters the chlorinator room and be able to respond to an emergency situation. Such response shall not exceed the retrieval of a victim and an attempt to close the valve on the chlorine cylinder. When only one staff person is available, the EEBA shall be carried with them whenever they enter the room in which the chlorinator is located.
- (c) Full or empty chlorine cylinders shall be anchored to the wall or an immovable object at all times, except when replacing an empty cylinder with a full one. Proper equipment shall be available to handle the movement of the chlorine cylinders.
- (d) A container of commercial 26% Baume' aqua ammonia or equivalent shall be provided for chlorine gas leak detection. The container shall be located on the outside of the chlorinator room.

### **15.2 Access to Disinfectant Equipment & Chemicals**

All other types of disinfectant equipment shall be installed in such a manner as to prevent access by unauthorized persons at all times. All other disinfection chemicals shall be stored and used in compliance with the recommendations specified by the manufacturer.

### **15.3 Material Safety Data Sheets (MSDS)**

Copies of MSDS sheet for all pool chemicals must be maintained in conformity with the requirements of the Federal Superfund Amendments and Reauthorization Act (SARA).

### **15.4 Solution Tanks**

For solution tanks in excess of 100 gallons in volume, a method of containment of the chemical in the event of a spill shall be provided.

## **SECTION SIXTEEN – BACTERIOLOGICAL AND CHEMICAL QUALITY**

### **16.1 Bacteriological and Chemical Quality**

All public bathing places, hot tubs and spas must monitor the water quality in accordance with the criteria set forth by these Rules and Regulations.

- (a) Bacteriological quality must be monitored once each week when the public bathing place is in operation. All sample analyses must be performed by a laboratory certified by the Commonwealth in accordance with the provisions of 25 PA Code Chapter 109 "Pennsylvania Safe Drinking Water".
- (b) Chemical quality must be maintained as follows:
  - (1) Outdoor public bathing places shall monitor the free disinfectant residual and pH prior to opening each day and at least once each two (2) hours the facility is in operation if no automated chemical controller is utilized for the dosing and control of disinfection and pH adjusting chemicals. If an automated controller is utilized than these values shall be manually tested prior to opening each day and at least once each six (6) hours the facility is in operation. Total chlorine must also be monitored twice daily.
  - (2) Indoor public bathing places shall monitor the free disinfectant residual (when chlorine is used, the total chlorine must also be monitored) and pH prior to opening each day, and at least once each six (6) hours the facility is in operation.

## **16.2 Hot Tubs and Spas**

- (a) Bacteriological quality must be monitored once each week the facility is in operation. One (1) representative sample must be collected from each hot tub or spa for each monitoring period. All sample analyses must be performed by a laboratory certified by the Commonwealth in accordance with the provisions of 25 PA Code, Chapter 109, "Pennsylvania Safe Drinking Water".
  - (1) Chemical quality. Free disinfectant residual and pH must be monitored at least once every hour each hot tub or spa is open for operation. Total chlorine must also be monitored twice daily
  - (2) Temperature. The temperature of the water must be monitored prior to opening each day and once every hour each hot tub or spa is open. The temperature shall not exceed 104°F.

## **SECTION SEVENTEEN – REPORTING OF WATER QUALITY TEST RESULTS**

### **17.1 Reporting Requirements**

- (a) Copies of the bacteriological monitoring results shall be submitted to the Department directly by the certified laboratory or the owner/operator. If the bacteriological test results are unsatisfactory, the Department must be notified by telephone or by fax within 24 hours of the receipt of the laboratory result. Copies of the results shall be immediately submitted to the Department.
- (b) Copies of the daily operational log shall be submitted to the Department at the end of each month. These reports must include all disinfectants, pH and temperatures (if required) in monitoring, and the quantity of disinfectant and other chemicals used in the operation of the public bathing place.
- (c) The owner/operator of a public bathing place, hot tub or spa shall immediately notify the Department of any condition that results or will result in the failure of being able to maintain the physical, chemical or bacteriological water quality of the facility. Such conditions shall include, but are not limited to, the breakdown or malfunction of required circulation, filtration and disinfection equipment or systems, release of hazardous chemicals, diarrheal accident or contamination by broken sewer line.

## **SECTION EIGHTEEN - LIFEGUARDS**

### **18.1 Certified Lifeguards**

Lifeguard(s) shall be on duty at the waterside at all times when a public bathing place is used by patrons and shall not be assigned other tasks that direct their attention from the safety of patrons who are in the water.

While performing their duties, a lifeguard must assume the most advantageous position available to observe their assigned area of coverage. The most advantageous position may be a lifeguard chair, standing at pool side or roving so that glare on the water or any other obstruction may be reduced, thereby enabling the greatest amount of protection to be provided under the given circumstances.

### **18.2 Required Number of Lifeguards**

- (a) At least one certified lifeguard for every 4,000 square feet of water surface area, plus one certified lifeguard for any fraction thereof, equal to or greater than 1,000 square feet, shall be on duty at the waterside at all times the recreational swimming establishment is open for use for general swimming purposes. At no time shall there be less than two (2) certified lifeguards present and available to all patrons when the

recreation swimming establishment is open to the general public for recreation swimming.

- (b) The bather load of the recreational swimming establishment may not exceed the maximum bather load as defined in the permit application.
- (c) During periods when swim meets, swim team practices, learn-to-swim programs, lifeguard training or other special events in which the use of the recreational swimming establishment is restricted to only those persons participating in the special events, at least one certified lifeguard, whose sole duty is to protect the bathers, shall be present at waterside during the event.
- (d) When a wading pool is open to the public, the certified lifeguard shall have an unobstructed view of the entire wading pool from a certified lifeguard's assigned station. If the certified lifeguard does not have an unobstructed view, an additional certified lifeguard shall be on duty to guard only the wading pool.
- (e) If the recreational swimming establishment has a diving board or water slide, a certified lifeguard shall be on duty to monitor the diving well or catch area when the diving board or water slide is open to the public.

### **18.3 Lifeguard Qualifications**

- (a) Lifeguards shall be capable swimmers, skilled in lifeguarding methods evidenced by their possession of a current and valid certificate or other proof of proficiency of lifeguarding skills from a recognized agency offering instruction in lifeguarding fields.
- (b) Lifeguards shall have current and valid certification in American Red Cross Standard First Aid or its equivalent.
- (c) Lifeguards shall have current and valid certification in adult cardiopulmonary resuscitation (CPR) from the American Red Cross or equivalent. In addition, lifeguards shall have current and valid certification in adult, child and infant cardiopulmonary resuscitation (CPR) from the American Red Cross or equivalent.

### **18.4 Educational, Instructional and Competitive Use of Public Bathing Places**

- (a) When a public bathing place is being used exclusively for elementary, middle or secondary school curriculum courses, and where the school is certified by the Pennsylvania Department of Education or collegiate/post secondary curriculum courses, there shall be at least one (1) instructor present at all time who possesses:
  - (1) A current valid cardiopulmonary resuscitation (CPR) certificate from the American Red Cross or other nationally recognized certifying agency; and
  - (2) A current and valid first aid certificate from the American Red Cross or its equivalent from a nationally recognized certifying agency; and
  - (3) A current and valid Water Safety Instructor certificate from the American Red Cross, or Aquatic Instructor or Aquatic Director certificate from the YMCA or equivalent from a nationally recognized certifying agency.
- (b) When a public bathing place is being used exclusively for elementary school, middle school, secondary school or collegiate or interscholastic competition, training or practice or used exclusively for organized swim team competition, training or practice, the responsible person(s) shall comply with all lifeguard/water safety requirements, policies, guidelines or standards of the nationally recognized governing organization, i.e. National Federation of State High School Associations (NF), National Collegiate Athletic Association (NCAA), National Association of Intercollegiate Athletics (NAIA), United States Swimming Association, US Diving, Inc., YMCA, or other nationally recognized governing organization.
- (c) When a public bathing place is being used exclusively for aquatic instruction under the guidance of the American Red Cross, YMCA, YWCA, Boy Scouts of America, Girl Scouts USA or other nationally recognized organization with written aquatic

safety/lifeguard policies, guidelines or standards, the responsible person(s) shall comply with and the implement the written policies, guidelines or standards of the respective national organization.

- (d) When a public bathing place is being used exclusively for aquatic competition, training, practice or instruction other than specified in 18.4 a) 1, 2 and 3, one lifeguard shall be present at waterside for each fifty (50) participants in addition to any coaches or instructors who are in the water.

### **18.5 Condominium Association & Residential Owner Associations**

Bathing places owned and operated by a condominium association or a residential unit owner association, as defined by the PA Uniform Condominium Act, for the exclusive use of residents and their guests, wading pools and spray pool are exempt from the requirements of Section Eighteen of these Regulations. However, the owner/operator of these facilities accept full responsibility and liability for any accidents, and injuries related to patrons swimming at their facilities. Whenever a public bathing place area is opened for use and no lifeguard service is provided, warning signs shall be placed in plain view of the entrances and inside the pool area which state, **“WARNING – NO LIFEGUARD ON DUTY”** at least 4 inches in height. In addition, the signs shall also state in clearly legible lettering at least 2 inches in height **“NO SWIMMING ALONE. CHILDREN AND NON-SWIMMERS SHALL NOT USE THE POOL UNLESS ACCOMPANIED BY A RESPONSIBLE ADULT”**.

### **18.6 Criteria for Recognized Agencies**

An agency certifying individuals as lifeguards for the purpose of these Rules and Regulations shall have the following elements contained in the lifeguard course: (1) Written training course/instructions manual/course study/text book, (2) Cardiopulmonary resuscitation training (CPR), (3) First aid certification, (4) System for evaluating swimming ability, (5) Instruction in lifeguarding methods, (6) instruction in lifeguarding responsibilities and pool operation, (7) Administrative organization for administering testing and certification, (8) Re-certification program, (9) Instructors certification program and qualifications, (10), Agency has an informational retrieval system to verify certification.

## **SECTION NINETEEN – REPORTABLE DISEASES AND INJURIES**

### **19.1 Swimming Related Injuries**

Every owner/operator of a public bathing place, hot tub or spa that is covered by these Regulations shall report all injuries requiring off-site treatment which were sustained by any individual using those facilities. Medical treatment includes treatment administered by physicians, hospital staff and emergency medical personnel. Such reports shall be made to the Department in writing within one (1) week of occurrence. Injuries such as drowning, an event requiring resuscitation, head or spinal injuries or poisoning or asphyxiation from gaseous or liquid disinfectants shall be reported to the Department immediately by telephone or fax.

### **19.2 Disease Reporting**

The owner/operator of any public bathing place, hot tub or spa facility is covered by these Regulations shall report every occurrence or suspected occurrence of human Pseudomonas aeruginosa dermatitis or folliculitis, Staphylococcus aureus infection, Legionella pneumophila infection, Mycobacterium spp. Infection or Acanthamoeba keratitis associated with or suspected of being associated with an exposure at a public bathing place, hot tub, spa, therapeutic swimming pool or whirlpool to this Department along with all

information deemed necessary by the Department within forty-eight (48) hours of becoming aware of the occurrence or suspected occurrence.

## **SECTION TWENTY – PUBLIC BATHING PLACE SECURITY**

### **20.1 Security**

All outdoor public bathing places, hot tubs and spas shall have a means of being physically closed to patrons during non-operating hours when supervision is not provided. The facility must be completely surrounded by a fence or wall designed to prevent entrance during hours of closure. Fencing installation shall meet local municipal ordinances and permitting requirements as specified by the Borough or Township where the public bathing place is located. All entrances to the pool shall be provided with a self-closing and self-locking gate with a lock. Indoor pools, which may be used for activities unrelated to the pool, shall be made secure to assure that all unauthorized persons can be excluded from the facility when it is not in operation.

## **SECTION TWENTY-ONE – PUBLIC NOTICES**

### **21.1 Posting of Public Information**

The owner/operator of a public bathing place, hot tub or spa shall make available upon public request the following information:

- (a) Posting of User Load, Maximum number of patrons permitted in the pool.
- (b) Copy of the current electrical certificate.
- (c) Copy of the Bucks County Department of Health “Certificate of Registration.”
- (d) Copy of the most recent bacteriological monitoring results.
- (e) Copy of the lifeguard’s certification, first aid certification and cardiopulmonary resuscitation certification. In lieu of posting, copies may be made available upon request.
- (f) A copy of all applicable Material Safety Data Sheets (MSDS) for chemicals used at the pool facility. In lieu of posting, copies may be made available upon request.
- (g) Copy of the State Bathing Place Certificate to Operate.
- (h) Copy of the Bucks County Department of Health’s Public Bathing Place Regulations.
- (i) All pool rules shall be legibly stated on a sign in at least one conspicuous location within the pool area.
- (j) “Pool Closed” sign shall be posted whenever the facilities are not open for use.

### **21.2 Hot Tubs and Spas Posting of Information**

Hot tubs and spas shall be posted with signs prohibiting the use of the hot tubs by children under five (5) years of age, advising women who are pregnant or possibly pregnant of the potential danger to their fetus from exposure to the high temperature water in the spa or hot tub and recommending that they consult their physician prior to using these facilities.

### **21.3 Vomitus and Fecal Contamination Incidents**

All public bathing places shall post signs at the facility entrance(s) stating “Report all incidents including vomitus, diarrhea, fecal contamination or unsafe conditions to the management of the facility immediately.

## **SECTION TWENTY-TWO – DIVING FACILITIES, STARTING BLOCKS AND SLIDES**

## **22.1 Diving Facilities**

All one (1) and three (3) meter competition diving facilities shall conform to standards adopted by the recognized national governing body for that sport, specifically the National Collegiate Athletic Association (NCAA) for university/college competition, the National Federation of State High School Association (NF) for secondary interscholastic competition and United States Diving for open competitions. Use of competitive diving boards must be physically restricted during recreational non-competitive use of the bathing place.

All non-competitive diving facilities three (3) meters or less in height above the water surface shall conform to the standards as shown in the Appendix Table 1 of these Regulations.

All diving boards greater than three (3) meters in height must be constructed in a separate diving well and not be part of the general purpose public bathing place. In addition, the diving board, platform and well shall be constructed with the current standards of the Federation International de National Amateur (FINA).

All public bathing places which do not have bottom racing lines but have a diving facility shall place a four (4) to six (6) inch wide stripe of a contrasting color across the bottom of the pool at the slope break.

## **22.2 Starting Blocks**

- (a) The recreational non-competitive use of the starting blocks is strictly prohibited. Access to starting blocks shall be physically restricted during the recreational/non-competitive use of a bathing place.
- (b) Starting blocks shall be used only during supervised swimming competitions and practices.
  - (1) For bathing places constructed prior to June, 1989, the use of starting blocks for swimming competitions and practices must comply with standards by a national recognized governing body such as the National Collegiate Athletic Association (NCAA), United States Swimming, National Federation of States High School Associations (NF) or equivalent.
  - (2) For bathing places constructed after June 1989, starting blocks shall be so designed and installed so that they can be easily removed from the pool and deck when not being used by competitive swimming and shall be located at the deepest end of the lane.

## **22.3 Water Slides**

Swimming pool water slides shall conform with the United States Consumer Product Safety Commission standards contained in 16 CFR Part 1207 to the extent it is applicable.

## **SECTION TWENTY-THREE – STAIRS, LADDERS AND DECKS**

### **23.1 Stairs**

When stairs are provided, they shall be located in the shallowest end of the pool. Stairs shall be of non-slip design, have a minimum tread of twelve (12) inches, a minimum rise of seven (7) inches, and a maximum rise of ten (10) inches. Where recessed stairs are provided, there shall be a handrail at each side of the stairs. Diagonal stairs shall be designed so that all areas of the stairs are within reach of a handrail. Both the top and front edge surface of each step shall have 1-2 inch line of contrasting color.

### **23.2 Ladders**

Pool ladders shall be corrosion-resistant and equipped with non-slip treads. All ladders shall be so designed as to provide a handhold. There shall be a clearance of not more than six (6) inches nor less than three (3) inches between any ladder and pool wall.

### **23.3 Decks**

There shall be provided, completely around every swimming pool, a clear, unobstructed paved walk or deck not less than four (4) feet wide, extending from the pool edge or coping of the pool. The deck width behind a diving board or platform shall be a minimum of six (6) feet and preferable eight (8) feet, measured from the back of the equipment (ladder, railing, board edge, etc). The deck shall be of a uniform, easily cleaned, impervious material, and be of slip-resistant construction. The deck shall be protected from surface runoff, and drain away from the pool.

## **SECTION TWENTY-FOUR - OTHER PERMITS AND CERTIFICATION REQUIREMENTS**

### **24.1 Construction Permits for Public Bathing Places**

Any person who wishes to construct/or modify/or replace a public bathing place must contact their local municipality for the necessary permitting and submission of plans to construct a pool facility, hot tub or spa.

### **24.2 PA Department of Health Certificate to Operate**

Every public bathing place located in the Commonwealth is required to apply and file an application with the State Health Department for a Certificate of Operation before a public bathing place can be placed into operation. Information concerning this requirement can be found in the Appendix of these Rules and Regulations.

### **24.3 Pesticide Certification**

By Commonwealth Regulatory requirement, applicators of general use pesticides-including chlorine, bromine, and algaecides must obtain Pesticide Applicator Certification including Category 24 for Swimming Pools, through the PA Department of Agriculture. Information concerning this requirement can be found in the Appendix of these Rules and Regulations.

Any violations of these items listed under this Section will be forwarded to the appropriate agency by this Department for follow-up and for legal action.

## **SECTION TWENTY-FIVE - VARIANCES**

### **25.1 Modifications and Waivers**

The Department may grant a variance upon receiving a written request and appropriate fee from the owner or operator of a public bathing place to convene a hearing before the Department's Administrative Hearing Officer. If in the opinion of the Department's Hearing Officer a health hazard will not result in modifying or waving the requirements of these Rules and Regulations a variance may be granted. If a variance is granted, the Department will retain the information specified in subsection (25.2) in its records for the public bathing place facility.

### **25.2 Documentation of Proposed Variances and Justification**

Before a variance from a requirement of these Rules and Regulations is approved by the Administrative Hearing Officer, the information that is provided by the person requesting the variance and retained in the Department's file on the public bathing place shall include the following:

- (a) A statement of the proposed variance from these Rules and Regulations requirement(s) citing relevant Rules and Regulations Section (subsection number(s)).
- (b) An analysis of the rationale for how the potential public health hazards addressed by the relevant Rules and Regulations Section(s) will be alternatively addressed by the proposal.

### **25.3 Failure to Comply With Said Variance.**

If the owner or operator fails to comply with the conditions of the variance, said variance will become null and void. This may result in the Department having to take legal action or suspend the Certificate of Registration for the public bathing place facility.

## **SECTION TWENTY-SIX - ADMINISTRATIVE HEARINGS AND MEETINGS**

### **26.1 Administrative hearings.**

Administrative hearings provided for in these Rules and Regulations shall be conducted by the Department's Administrative Hearing Officer at a time and place designated by it and in accordance with the "Local Agency Law 353". Testimony shall be transcribed or recorded and the Hearing Officer shall make available copies of the transcript should either party request such copies. The cost of such transcription shall be the expense of the party requesting such transcript. The Hearing Officer shall make an adjudication (decision) in a reasonable time period following the hearing and shall affirm, deny or modify the notice provided by the Department.

### **26.2 Administrative meetings.**

Administrative meetings may be conducted before the Bureau Chief and/or an Environmental Sanitation Supervisor in order to discuss violations of these Rules and Regulations and compliance remedies necessary by the owner or operator. A letter defining the source of said meeting shall be delivered or sent to the owner or operator of the public bathing place facility following the meeting.

## **SECTION TWENTY-SEVEN - SEVERABILITY**

### **27.1 Severability**

If any section, subsection, paragraph, clause, or provision of these Rules and Regulations shall be declared by a court of competent jurisdiction to be invalid, such decision shall not offset the validity of the Rules and Regulations as a whole or any part thereof. It is hereby declared to be the intention of the Bucks County Department of Health, the Buck County Board of Health and the Bucks County Commissioners that the remainder of the Rules and Regulations would have been enacted if such invalid section had not been enacted and that it is their intent, intention and desire that the remaining portions of the Rules and Regulations remain in effect.

## **SECTION TWENTY-EIGHT - PENALTY PROVISIONS**

### **28.1 Summary Offense**

In accordance with the provisions of Act No. 315, approved August 25, 1951, P.L. 1304, as amended, any person who violates any provisions of these Rules and Regulations or who interferes with the Health Director or any other agent of the Bucks County Department of Health in the discharge of their official duties, or who refuses to permit the Director of the Bucks County Department of Health or their authorized representative to inspect any premises when such inspection is authorized by a properly issued search warrant, shall, for the first offense, upon conviction thereof in a summary proceeding before a District Justice of Bucks County, be sentenced to pay the costs of prosecution and a fine of not less than thirty (\$30.00) dollars nor more than three hundred (\$300.00) dollars, and in a default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.

### **28.2 Misdemeanor Offense**

Any person who violates any of the provisions of these Rules and Regulations, or who interferes with the Health Director or any other agent of the Bucks County Department of Health in the discharge of their official duties, or who refuses to permit the Director of the Bucks County Department of Health or their authorized representative to inspect any premises when such inspection is authorized by a properly issued search warrant, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred (\$500.00) dollars nor more than one thousand (\$1000.00) dollars or to undergo imprisonment not exceeding one (1) year, or both.

### **28.3 Prosecution**

All prosecution shall be brought in the name of the County wherein the alleged offense is committed.

<b>Approved Bucks County Board of Health:</b>	<b>March 28, 2008</b>
<b>Approved Bucks County Board of Commissioners:</b>	<b>May 21, 2008</b>
<b>Effective Date:</b>	<b>July 1, 2008</b>