ORDINANCE NO 15

OF THE BOARD OF COMMISSIONERS

OF LAPORTE COUNTY, INDIANA

An ordinance of the County Commissioners of LaPorte County, Indiana to ensure LaPorte County residents that all public and semi-public pools including but not limited to swimming pools, public wading pools, public spas, public hot tubs, public spray grounds and associated auxiliary structures shall be operated and maintained in clean and sanitary condition and free from defect.

WHEREAS, the Board of Commissioners of LaPorte County, Indiana has determined to ensure all LaPorte County residents that all public swimming pools, public wading pools, public spas, public hot tubs, public spray grounds and associated auxiliary structures shall be operated and maintained in clean and sanitary conditions and free from defects;

NOW THEREFORE, be it and it is hereby ordained by the LaPorte County Board of Commissioners as follows:

Section 1 Incorporation and Adoption

Rule 410 IAC 6-2.1 (Revised) Public and Semi-Public Pools, as amended from time to time and promulgated by the Indiana State Department of Health and 675 IAC 20-2 Swimming Pool Code, as amended from time to time and promulgated by the Indiana Fire and Building Safety Commission are hereby incorporated and adopted by reference. One copy of said rules is on file in the Office of the LaPorte County Health Department.

Section 2 Additional Provisions

A *Definitions*

Except as provided below, the terms defined in 410 IAC 6-2.1 and 675 IAC 20 shall carry the same definitions wherever used in this Ordinance as the definition provided in those regulations. For the purpose of this ordinance, the following definitions are adopted:

a "Pool" shall mean any structure, basin, chamber, or tank containing a body of water for swimming, diving, therapeutic, competition, relaxation or recreational use; however, nothing in this ordinance shall be construed as applying to any swimming or wading pool constructed or maintained by an individual for the sole use of his household and house guests, or to a pool in a hospital or health facility approved by the State

Department of Health, which pools is used for individual therapy only and is drained and filled prior to each individual. "Pool" shall also include auxiliary structures including chemical rooms, pump rooms, dressing and locker rooms, toilets, showers, and other areas and enclosures that are intended for the use of persons using the pool, but shall not include pools and auxiliary structures and equipment at private single family residences intended only for the use of the owner, his household and house guests.

b "Bather" shall mean any person using the facility and adjoining area for the purpose of therapy, relaxation, recreation or related activities.

c "Certified trained operator" shall mean a person who demonstrates knowledge of pool operation and has shown proficiency of the safe and effective operation and maintenance of pool water through passing a test that is part of a certified pool training program.

d "Department" shall mean the duly appointed, qualified and acting Health Officer of LaPorte County, Indiana, or his authorized representative.

e "Person" shall mean any individual, partnership, firm, company, corporation, association, municipality, other division of government, or his legal representative or agent.

f "Public" means used by persons other than the owner, his household and house guests.

g Recirculation equipment shall mean, but is not limited to, all piping, pumps, filters, hair and lint strainers, heaters, gauges, automatic chemical feeders, and flow meters.

h "Recreational aquatic spray grounds", also known as "spray grounds", means a pool whose water is used in conjunction with a spray pad in which sprayed water is continually drained and collected in a treatment and recirculation system.

i "Semi-Public" means any pool that is operated solely for and in conjunction with:

(1) schools, universities, hospitals, Drs. offices, and colleges;

(2) hotels, motels, apartments, condominiums, bed and breakfasts, or similar lodgings;

(3) camps or mobile home parks; or

(4) membership clubs or associations.

j "Spa" means a pool designed as a hydrotherapy unit used primarily for therapeutic or relaxation purposes which is not drained, cleaned or refilled for each individual. It does not apply to any spa used in a medical treatment facility, which is:

1 Under the direct supervision of qualified medical personnel; and

2 Drained after each use.

k Spray pad shall mean the specific area consisting of the play surface, spray features, and drains, upon which the patrons stand and are sprayed with water.

l Spray features shall mean the devices and plumbing used to convey the treated water to the spray pad to spray the patrons.

m Spray pad treatment system shall mean the equipment and processes used to filter, disinfect and circulate the water used for the spray pad and spray features.

n Spray pad treatment tank shall mean the vessel used to collect the water that has been sprayed on the spray pad and returned through the spray pad drains.

o "Temporary Spa" means a portable public spa or hot tub which is installed in one (1) location for a period of thirty (30) days or less.

B *Plan Review*

a Prior to the construction, rehabilitation, or alteration of any pool in LaPorte County, a plan review of the plans and specification sheets with the approval of the State of Indiana Department of Homeland Security Plan Release Division shall be submitted to the Health Officer for plan review. For new construction, the plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed and non-fixed equipment and facilities. Plans shall also include, but not limited to, pool area, and volume, pool inlets and outlets, waterline, enclosure for pool area, turnover rate, filtration and circulating system, bather load, shape and depth of pool, deck design, ladders, steps, diving equipment, drainage systems, including backwash water, electrical system and total dynamic head. In addition, plans shall include applicable lot dimensions and property lines, applicable existing or proposed water wells, all applicable subsurface drains and outlets, utilities, pipelines, etc. Failure to submit the appropriate plans prior to the beginning of construction, rehabilitation, or alteration may result in Penalties. See Section 5 of this ordinance.

b All plans shall be prepared by a person licensed to practice engineering or architecture.

C *Design, Construction, Operation and Maintenance*

a Public and semi-public pools shall be designed, constructed, maintained, and modified in accordance with this ordinance, 410 IAC 6.2-1 and 675 IAC 20 of the Indiana Department of Fire and Building Services.

b Public and semi-public spas shall not be less than one thousand (1,000) gallons.

c Public and semi-public pools shall be designed in such a way that access to all piping, pumps, automatic chemical treatment systems, and hair and lint strainers, in the recirculation system are easily accessible for maintenance and inspection of equipment.

d Public and semi-public pools must have color coded piping or directional arrows on recirculation equipment.

e Spray ground design standards

1 Construction material shall be of materials which are inert, stable, nontoxic, watertight and enduring. Sand or earth surfaces are not permitted.

2 Spray pad surface must be slip resistant and easily cleanable.

3 The spray pad shall be sloped to drain(s). The slope shall be sufficient to prevent water from collecting on the pad.

4 The size, number and locations of the spray pad drains shall be determined and specified so as to assure water does not accumulate on the spray pads. Flow through the drains to the spray pad treatment tank shall be under gravity, and direct suction outlets from the spray pad are prohibited.

5 Valves and piping shall be provided in the spray pad drain system to allow for discharging spray pad water to waste prior to returning to the spray pad treatment tank.

6 A continuous clear deck shall surround the entire spray pad perimeter. It shall be not less than five feet wide. The deck shall be of a uniform, easily cleaned, impervious material and be protected from surface runoff.

7 The deck shall be sloped at least one-fourth inch per foot to deck drains or grade.

8 Deck drains, when used, shall be spaced and arranged so that not more than 400 square feet of area is tributary to each drain, and drains shall not be spaced more than 25 feet apart. There shall be no direct connection between the spray pad deck

drains and the sanitary sewer system, the treatment tank, or the recirculation system.

9 Carpeting shall not be permitted on the spray pad or decks.

10 Hose bibbs shall be provided to facilitate flushing of the spray pad and deck areas and shall be provided with anti-siphonage devices.

11 Spray features shall be designed and installed so as not to pose a tripping hazard, a hazard to patrons due to water velocity from the spray feature discharge, or other safety hazards.

12 Artificial lighting shall be provided at all spray pads which are used at night, or which do not have adequate natural lighting, so that all portions of the spray pad and deck may be readily seen.

13 All spray pad equipment and chemical storage rooms shall be provided with artificial lighting sufficient to illuminate all equipment and supplies.

14 No electrical wiring shall pass overhead within a 20-foot horizontal distance of the spray pad.

15 Ground-fault circuit interrupters shall be provided on all spray pads, for all lighting and other electrical circuits in the area of the spray pad. These devices may be required in an existing spray pad, when the permit-issuing official determines it is necessary to protect the safety of patrons.

16 When water is supplied to the spray features by a pump which removes water directly from the spray pad treatment tank independent from the spray pad treatment tank filter pump, the turnover rate for filtration will be determined by the feature flow rate. The filtration flow rate for the spray pad treatment tank must be at least 1/3 of the design spray feature flow rate.

17 When all of the water supplied to the spray features is filtered upon removal from the spray pad treatment tank before being supplied to the spray features, a reduced pumping rate for filtration/treatment of the spray pad treatment tank water can be used when the spray features are not in operation. However, a minimum 4-hour turnover rate is required.

18 The minimum flow rate through the filtration system for combined pool/spray pad systems shall be equal to or greater than the sum of the flow rate for the specific type pool as required in 410 IAC 6-2.1 plus one third of the spray feature flow rate.

19 The spray pad treatment tank that receives the effluent water from the spray pad shall conform to the following specifications.

a The volume of the water in the spray pad treatment tank shall be sufficient to assure continuous operation of the filtration system. The capacity shall be measured from six inches above the uppermost pump inlet to the bottom of the overflow waste outlet.

b The spray pad treatment tank must be designed to provide ready access for cleaning and inspections, and be capable of complete draining. An overflow pipe to convey excess water to waste must be provided.

c The spray pad treatment tank shall be constructed of materials which are inert, corrosion resistant, nontoxic, and watertight such as concrete, fiberglass, stainless steel, etc., which can withstand all anticipated loadings under full and empty conditions.

d An automatic water level controller shall be provided for the spray pad treatment tank.

e The makeup water shall be introduced into the spray pad treatment tank through an air gap or by another method which will prevent back flow and back-siphonage.

f A screen or similar device shall be provided through which all water from the spray pad shall pass before entering the spray pad treatment tank or another method/process described to provide for removal of debris on the surface layer of the spray pad treatment tank water.

g An adequate number of filtered/treated water inlets shall be provided and located for complete mixing and circulation of treated water within the spray pad treatment tank.

h There must be at least one main spray pad treatment tank drain suction outlet supplying water to the spray pad treatment tank filtration system. It shall be provided at the deepest point in the spray pad treatment tank.

i *Drain* outlets shall be protected by grating. Openings in the grates shall not be over one-half inch wide. Gratings or drain covers shall not be removable without the use of tools.

j The recirculation piping and fittings shall be of nontoxic material, resistant to corrosion, and able to withstand operating pressures suitable for water supply use.

k The pipes, fittings and valves of the recirculation system shall be sized so that velocities do not exceed 6 feet per second under suction, 10 feet per second under pressure and 3 feet per second in gravity flow. The velocities may be exceeded when hydraulic computations indicate higher velocities will not adversely affect the spray pad treatment system.

l All equipment and piping shall be designed and fabricated to drain completely by use of drain plugs, drain valves or other means. All piping shall be supported continuously or at sufficiently close intervals to prevent sagging. All suction piping shall be sloped in one direction, preferably toward the pump. All supply and return pipelines to the spray pad shall be provided with insertable plugs or valves to allow the piping to be drained to a point below the frost line. Provision shall be made for expansion and contraction of pipes.

m A hair and lint strainers shall be provided through which all water shall pass before entering the pump. The strainers shall be of rigid construction, fabricated of corrosion-resistant material and sufficiently strong to prevent collapsing when clogged. The openings shall be no greater than one-eighth inch in any dimension. The total clear area of all openings shall be at least four times the area of the connecting pipe. The strainer shall have a quick-opening cover. Spare strainer baskets shall be provided. In systems where the filter is located on the suction side of the pump, strainers are not required.

n The recirculation pump shall have adequate capacity to meet the design requirements of the spray pad treatment tank, including filter backwashing. It shall be of a self-priming type if installed above the hydraulic gradient. A gauge that indicates both pressure and vacuum shall be installed on the pump suction

header and a pressure gauge shall be installed on the discharge side of the pump.

o A means of continuously measuring rate of flow shall be provided in the recirculation system. For sand filters, the flow-measuring equipment shall be located where the backwash flow rate can also be determined. The indicator shall be capable of measuring at least 1-1/2 times the design flow rate and shall be accurate within 10 percent of true flow. The indicator shall have a range of readings appropriate for the anticipated flow rates, and be installed where it is readily accessible for reading and maintenance and with straight pipe upstream and downstream of any fitting or restriction in accordance with the manufacturer's recommendation.

p Automatic devices are required for regulating the rate of flow through the filtration system and flow to the spray features.

q A spray pad treatment tank treatment system shall have one or more filters. It shall be installed with adequate clearance and facilities for ready and safe inspection, maintenance, disassembly and repair.

f If a spray ground is connected to a potable water supply and is discharged directly to a sanitary sewer system, fencing requirements do not apply.

g Newly constructed pools are not permitted to have vinyl liners.

D *Water Supplies and Plumbing Fixtures*

a A public pool and all plumbing appurtenances appertaining thereto including drinking fountains, lavatories and showers, shall be provided with a safe, portable water supply which meets the provisions of 327 IAC 8-2. If plumbing appurtenances are present in or near a pool enclosure, they must be in complete working order and up to all applicable codes.

b If a handwashing sink has a self-closing, slow-closing, or metering faucet, it shall provide a flow for at least 15 seconds without the need to reactivate the faucet.

c All portions of the water system serving public pools and their ancillary facilities shall be protected against backflow and back siphonage. Water introduced into the public pool, either directly or through their recirculation system, shall be supplied through an air gap

or by other methods acceptable to the state building commissioner in accordance with 675 IAC 16 Plumbing Code.

E *Sewer Systems and Drains*

a The sewer system shall be adequate to serve the facility, including the bathhouse, locker room, and related accommodations. The building drains and sewers shall have the capacity to carry filter backwash flows without surcharging or flooding onto the equipment room floor. Sewer systems which discharge filter backwash water to a drain, ditch, stream, or lake must comply with the provisions of 327 IAC 2-1 Water Pollution Control Board.

b There shall be no direct physical connection between the sewer system and any drain from the public pool or their recirculation system. Separation by air gap is required.

c Public pools and their ancillary facilities shall discharge to the public sewer system if such is feasibly available in the local area. If a public sewer system is not available within a reasonable distance, sewage may be disposed of in accordance with either of the following:

1 Rule 410 IAC 6-10, commercial on-site wastewater disposal, in the case of sewage disposal systems which the rule defines as "on site."

2 Applicable rules of the water pollution control board in the case of sewage disposal facilities other than commercial on-site sewage disposal systems.

F *Lighting and electrical requirements*

a Lighting or other electrical circuits provided in the spray pad area must be protected by ground-fault circuit interrupters in accordance with the Uniform Code.

b Defects in the electrical system, including overhead lights and their respective lenses, shall be immediately repaired.

c Portable electrical devices, such as announcing systems and radios within the reach of patrons on the spray pad, shall be prohibited.

d When night use of the spray pad is permitted, surface lighting shall be adequate to allow an observer to clearly see the spray pad and deck.

e No overhead electrical wiring shall pass within 20 feet horizontally of the spray pad.

G *Visitor and Spectator Areas: Food and Drink Areas*

a The spaces used by visitors and spectators at public pools shall be completely separate from those spaces used by bathers. Visitors and spectators in street clothes may be allowed within the perimeter enclosures of the public pool if the visitors and spectators are in a separate area which is segregated from the space used by the bathers by a barrier or wall at least twenty-nine (29) inches high.

b No food or drink shall be permitted in the immediate area of the public pool or on the decks surrounding the public pool except that food and beverage will be allowed in the visitor and spectator area, or in a similarly separated snack area for bathers, if beverages are served in non-breakable containers and refuse containers with lids are provided to keep litter off the public pool decks.

H *Fencing/enclosures*

a All spray pads shall be enclosed within a fence or other barrier at least 6ft high to prevent access by patrons and animals when the spray pad is closed. Access to the spray pad shall be prevented when the spray pad is closed.

I *Right of Closure*

a A public pool that does not meet the applicable bacteriological quality standards enumerated in Section 2-M of this rule is a health hazard. Failure to meet these requirements shall constitute grounds for closure.

b The right is reserved to close any public swimming pool in the event of any epidemic or threatened epidemic of disease which the department may have reason to believe may be transmitted through the use of the facility, or because of continued failure to meet the facility water sampling or water quality requirements established by this rule. Failure to make necessary corrections within a specified length of time after notification shall constitute grounds for closure. The facility shall remain closed until the problems have been corrected to the satisfaction of the department.

c The Health Officer may temporarily close for use any public swimming pool whenever any of the following conditions occur. Such pool shall not reopen for use until the condition has been brought into compliance.

1 The amount of residual disinfectant is less than the minimum amounts specified in Section 2-L.

2 The microbiological quality of the pool is below that specified in Section 2-M.

3 The pH of the pool does not comply with provisions of section 2-L.

4 The clarity of the water does not comply with the provisions of Section 2-N.

5 Pool attendants are not employed as required in Section 2-J.

6 There is a malfunction or non-function of the recirculation system.

7 There is any other condition which may endanger the health, safety, or welfare of persons using the pool, spa or spray ground.

J *Safety Requirements: Supervision*

a Each pool facility shall have at least one employee or retain the services of a professional who shall demonstrate knowledge of pool operation and has shown proficiency of required information through passing a test that is part of a certified pool training program. Proof of certification shall be made available to the Health Officer upon request. The certification must be renewed whenever required but not more than a period of five years.

b Each certified trained operator shall be available to the facility whenever it is open for use, and who shall assume responsibility for compliance with this rule.

c Every public pool shall be equipped with a first aid kit and (2) blankets suitable for use at recreational water facilities as recommended by the American Red Cross. The first aid kit shall be kept filled and ready to use whenever the pool is open for use and shall be equipped with the following:

1 One unit bandage scissors;

2 One unit tweezers;

3 Four units of adhesive bandages, one (1) by three (3) inches;

4 Two units of 2 inch bandage compress;

5 One unit 3 inch bandage compress;

6 One unit 4 inch bandage compress;

7 Two units of absorbent gauze pad, 3 inches by 3 inches;

8 One unit of gauze compress, 18 inches by 36 inches;

9 Two units of large compress, 24 inches by 72 inches;

10 Two units of 4 inch gauze roller bandages;

11 Two units of triangular bandages;

12 Two units of instant ice packs';

13 Two units of disposable gloves, and

14 One unit of adhesive tape.

d The "No Diving" signs with letters at least four (4) inches high must be on the pool's deck and can be no more than eighteen (18) inches away from the pool.

e When a public pool is not open for use, access shall be prevented by a fixed barrier with a locked entrance and a sign stating "Pool Closed" in clearly legible letters at least four (4) inches high affixed to the entrance closure.

f A telephone shall be located at or within two hundred (200) feet of the public pool facility, and the working capability of the telephone shall be easily verified. The telephone must remain available for emergency use. Emergency telephone numbers must be posted within view of a person using said telephone. The information posted shall include the name and telephone number of the nearest available of the following:

1 Physician.

2 Ambulance or rescue unit.

3 Hospital.

4 Police station.

5 Fire Department.

g A sign shall be posted in the immediate vicinity of the public pool stating the location of the telephone. The sign shall also state that emergency telephone numbers are posted at the telephone.

h The facilities and mechanical equipment of every public pool shall be operated under the close supervision of a certified trained operator.

i All pool chemicals shall be stored in accordance with manufacturer recommendations.

j A clock shall be in full view of patrons using the public or semi-public spa.

k An emergency kill switch so as to cut power to any and all working jets and pumps shall be located in the newly constructed spa area.

l A "Maximum Bather Load sign with letters at least four(4) inches high must be on the pool's deck and can be no more than eighteen (18) inches away from the pool.

K *Suits and Towels.*

a All multi-use suits and towels furnished to bathers at a public pool shall be washed thoroughly with detergent and hot water, of at least one hundred seventy-five degrees Fahrenheit (175 F). If they are laundered in warm soapy water, the concentration of chlorine must be at least fifty (50) parts per million. Suits and towels must be rinsed, and thoroughly dried after each use

b Clean suits and towels must be kept strictly separated from those which have been used and are unlaundered.

L *Disinfection: Water Quality.*

a Bacteriological sampling shall start at least one (1) weeks prior to the opening of the public pool.

b Public pools, when open for use, shall be continuously and automatically disinfected with a chemical which imparts an easily measured, free residual.

c A free residual of the disinfectant chemical shall be maintained throughout the pool at concentrations in accordance with the following:

	CHLORINE		BROMINE	
POOL TYPE	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
WADING POOLS	3.0 ppm	7.0 ppm	4.0 ppm	10 ppm
SPA POOLS	2.0 ppm	7.0 ppm	4.0 ppm	10 ppm
WATERSLIDE PLUNGE POOLS	2.0 ppm	7.0 ppm	3.0 ppm	10 ppm
WAVE POOLS	2.0 ppm	7.0 ppm	3.0 ppm	10 ppm
SPRAY GROUNDS	2.0 PPM	10 PPM	4.0 PPM	10 PPM
ALL OTHER POOLS	1.0 ppm	7.0 ppm	2.0 ppm	10 ppm

d Whenever the residual disinfectant level falls below the minimum designated level, the public pool shall be closed and kept free of bathers until that minimum level has been restored.

e The department may accept other disinfecting materials or methods when such materials or methods have been adequately demonstrated to provide a satisfactory residual effect which is easily measured and to be otherwise equally effective under conditions of use or halogen concentrations as required in subsection (b) or as a secondary disinfectant to be used in conjunction with a halogen. Such materials and methods shall not be dangerous to public health, create objectable physiological effects, or impart toxic properties to the water. The use of gaseous (elemental) chlorine as a disinfectant in public pools is prohibited.

f Water shall be manually tested shall be collected from the deepest part of the pool maintaining distance from inlets and outlets.

g A test kit to measure the concentration of free available disinfectant, accurate within five-tenths (0.5) mg/L and covering a minimum range of five-tenths (0.5) mg/L to ten (10) mg/L, shall be used at each public pool. Reagents shall have a mark of receipt on them and used within the timeframe of the manufacturer specifications.

h Public pool water shall be maintained in an alkaline condition as indicated by a pH of not less than seven and two-tenths (7.2) and not over seven and eight-tenths (7.8). A pH test kit accurate to the nearest two-tenths (0.2) pH unit and covering a minimum range of seven (7.0) to eight (8.0) pH units shall be provided at each public pool. The alkalinity of the water in public pools shall be maintained at a level of at least eighty (80) mg/L as titrated to the methyl orange end point.

i The recirculation system for a public spray ground shall be maintained in condition to recirculate the volume of water every six (6) hours. All other pools will comply with the required amount of turnover hours stated in Rule 410 IAC 6-2.1-32. A device shall be provided to measure the flow of the water through the recirculation system. Such device shall be located where it is accessible and easily read. The water from the spray pad treatment system cannot be combined/circulated with water from other aquatic facilities such as swimming pools, water slides, or wave pools. The spray pad treatment tank filtration, circulation and spray pad chemical disinfection equipment must operate 24 hours a day.

j The temperature of a public spa water shall not exceed one hundred and four degrees Fahrenheit (104 F.) or forty degrees Celsius (40 C.). A thermometer capable of

accurately measuring temperature in the range of eighty degrees Fahrenheit (80 F.) or twenty-seven degrees Celsius (27 C.) to one hundred twenty degrees Fahrenheit (120 F.) or forty-nine degrees Celsius (49 C.) shall be provided at each public spa facility. The thermostat for controlling the water temperature of a public spa shall be located in such a way that it cannot be adjusted by the customers.

M *Bacteriological Examination.*

a The owner of each public pool shall arrange for the collection and bacteriological examination of the water in that spa or hot tub in accordance with the following schedule:

Operators of public pools shall submit at least one (1) water sample per week for bacteriological examination whenever the facility is open for use.

Results of such examination shall be reported to the department as soon as results are available. Failure to meet this requirement shall constitute grounds for closure by the department.

b No two (2) consecutive samples or three (3) samples collected from any public pool, collected in a six (6) week period shall demonstrate the following:

1 Contain more than two hundred (200) bacteria per milliliter, as determined by the standard thirty five degree Centigrade (35 C.) agar plate count.

2 Show positive test (confirmed test) for coliform organisms in any of the five (5) ten-milliliter (10 ml) portions of a sample, or more than one (1) coliform organism per fifty milliliters (50 ml) when the membrane filter test is used.

3 Show the presence of any coliform when the one hundred (100) milliliter presence/absence test is used.

4 Show the presence of more than two (2) colony forming units when the one hundred (100) milliliter enzyme substrate coliform test is used.

Failure to collect and analyze weekly water samples during the period that a pool is open for use is considered an unsatisfactory report for the applicable week.

All public pool samples shall be collected, dechlorinated, and examined for total bacteria using the heterotrophic thirty-five degree Centigrade (35 C.)

plate count method and for total coliform using the multiple tube fermentation test, the membrane filter test, the MMO-MUG test, the one hundred milliliter (100 ml) presence/absence test, or the one hundred milliliter (100 ml) quantifiable enzyme substrate test. Such tests shall be performed by a state approved bacteriological laboratory in accordance with the procedures outlined in Part 9000, Microbiological Examination of Water, of the eighteenth (18th) edition of "Standard Methods for the Examination of Water and Wastewater (APHA)" or the most recently approved and accepted addition. Where samples are examined in laboratories other than those of the department, copies of the report of the examination shall be sent by the laboratory or by the public pool operator to the LaPorte County Health Department.

N *Physical Water Quality.*

a The water at a public spa or shall have sufficient clarity at all times that a black disk, at least six (6) inches in diameter on a white field placed at a depth of at least four (4) feet of water, shall be readily visible from the surface of the water. Failure to meet these requirements shall constitute grounds for immediate closure of the public spa or public hot tub by the department of the local board of health. A public spa or which does not meet the applicable clarity standards enumerated in this subsection is a health and safety hazard.

b Chemicals used in controlling the quality of water in public spas or public spray ground shall be demonstrated as imparting no toxic properties to the water. The addition of chemicals for algae control shall be approved by the department, and, where appropriate, the Indiana State Chemist.

O *Cleaning of Public Spas*

a Visible dirt on the bottom of the public spa shall be removed every twenty-four (24) hours or more frequently as required.

b Scum or floating matter on the public spa water surface shall be removed continuously by skimming, flushing, or other effective means when the public spa is open for use.

c A public spa shall be drained and scrubbed with a disinfecting agent at least once every two (2) weeks when open for use, and more frequently if there are indications of poor water quality or clarity.

d The deck and cover of a public spa shall be cleaned and scrubbed with a disinfecting agent at least once every week. Such disinfecting agent shall be compatible with other pool chemicals used and have a concentration, when applied, equivalent to one hundred (100) mg/L available chlorine.

P *Operating and Supervision.*

a The maximum allowable bather load of a public spa shall not exceed one (1) person for each three (3) feet of the inner edge of the spa or hot tub seat or bench.

b Every spray ground shall be maintained and operated in a clean, safe and sanitary manner at all times. Spray ground recirculation and chemical disinfection equipment shall be operated continuously. Ultraviolet light disinfection units shall be operated in accordance with approved plans and specifications.

c Spray ground equipment and appurtenances shall be operated and maintained in accordance with approved plans and specifications.

d Cracks in the spray pad and/or decking shall be repaired when they may be a potential for leakage, present a tripping hazard, a potential cause of lacerations, or impact the ability to properly clean and maintain the spray pad area.

e Drain grates shall be secured in place at all times. Broken or missing drain grates shall be repaired or replaced before the spray pad is used.

f Inlets shall be adjusted to produce uniform circulation of water and to facilitate the maintenance of a uniform disinfectant residual throughout the spray pad treatment tank.

g The water level in the spray pad treatment tank shall be maintained continuously by an automatic level control system

h The deck shall be kept clean and free of puddled water. Glass containers are prohibited from the spray pad and all deck areas.

i At the beginning of each day prior to use and at other times when needed, the spray pad must be adequately cleaned and flushed to remove any materials or contaminants on the surface of the spray pad. The water must be flushed to waste and not discharged into the spray pad treatment tank. Flushing may be accomplished by use of a hose

supplied with potable water or by operation of the spray features providing it adequately flushes the entire pad surface and is discharged to waste.

j The spray pad treatment tank shall be completely drained and cleaned at a frequency necessary to maintain water quality.

k All spray grounds shall be equipped with a recirculation system which includes filtration and disinfection facilities to provide water quality consistent with the bacteriological, chemical and physical standards required in Section *I* of this ordinance. The filtration and chemical treatment systems for the spray pad treatment tank must operate 24 hours a day.

Q *Records of Operation.*

a Daily operating records shall be maintained and recorded each day the public pool is open for use and shall include the following:

1 Total bather loads;

2 Water temperature (spa);

3 Volume of fresh water added;

4 Operating periods of recirculating pumps and filters and corresponding rate-of-flow meter readings;

5 Amounts and types of chemicals used;

6 Disinfectant residuals;

7 pH readings;

8 Maintenance (and any malfunction) of equipment;

9 Results of bacteriological examinations; and

10 Reports of accidents, injuries, illness, and complaints related to the public pool operation;

11 Closures that are not part of normal closing hours, such as for a chemical treatment process, an accident or injury or any other specific reason.

b An injury/incident/illness report using a form prescribed by the department shall be made for each occurrence that:

1 results in death;

2 requires resuscitation;

3 results in transportation to a hospital or other facility for medical treatment; or

4 results in an illness connected to the water quality at the pool.

c The injury/incident/illness report shall be forwarded to the department within ten (10) days and kept onsite for no more than a period of one (1) year.

d Daily operating records shall be accessible to inspection by health authorities at all times. Weekly summaries of these records shall be submitted to the local board on request, using forms acceptable to that authority.

R Personal Conduct

a The owner or operator of a public spray ground shall develop, post, and enforce rules governing personal conduct at his spray ground. Such rules shall include, but are not limited to, the following:

1 The hours that a spray pad is open; and

2 That spray pad use is prohibited at any other time.

3 Anyone who has or has had diarrhea within the past two (2) weeks shall not use the spray pad.

4 Spray features use recirculated water, do not drink.

5 All diaper aged children shall use plastic pants with tight fitting elastic at the legs and waist, or swim diapers.

6 No animals on or near spray pad.

7 Pollution of the spray pad area is prohibited. Urinating, discharge of fecal matter, expectorating or blowing the nose in any spray pad is prohibited.

8 Street clothes are not allowed in the spray ground.

b Placards embodying the personal conduct regulations and instructions in subsection (a), and those relating to suits and towels, shall be conspicuously posted in the public pool room or enclosure and in the dressing rooms and offices at all public pools which are subject to this rule.

S *Temporary Spas.*

a Portable public spas and public hot tub facilities are subject to the requirements of this rule. The lessee or custodian shall be responsible for operation of the portable public spa or public hot tub in accordance with this rule during the period of the lease, rental agreement or other contractual agreement.

b The owner of the portable public spa or public hot tub shall be responsible for thoroughly cleaning and disinfecting the unit after termination of the lease, rental or other agreement and before it is used at another location.

T *Health & Safety*

a No swimming pools, artificial body of water, building, area, premises or parts thereof, shall be constructed, made, used, maintained or operated in any manner which may cause or be conducive to any health or safety hazard.

Section 3 Permit Requirements.

Permit - It shall be unlawful for any person to operate a public pool in LaPorte County, Indiana, who does not possess a valid permit from the Health Officer. Such permit shall be posted in a conspicuous place on the premises of pool. Only persons who comply with the applicable provisions of this ordinance shall be entitled to receive and retain such a license. Such permit for a yearly operating pool shall be for a term of one (1) year, to be renewed annually on or prior to an anniversary date established by the Health Officer. Any permit issued by the Health Officer shall contain the name and address of the person to whom a license is issued and such other data as the Health Officer may deem necessary.

Section 4 Powers for Inspection: Enforcement: Service of Notices and Order Hearings.

A. The Health Officer or his duly authorized agent, bearing proper credentials and identification, shall be permitted and properly equipped with codes and/or keys to enter upon all properties at proper times for the purpose of inspection, and/or monitoring necessary to carry out the provisions of this ordinance. Including but not limited to chemical rooms, pump rooms, dressing and locker rooms, toilets, showers, and other areas and enclosures that are intended for the use of persons using the pool. Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, he shall give notice to such alleged violation to the person or persons responsible therefore, and to any known agent of such person, as hereinafter provided. Such notice shall:

Be in written form;

Include a statement of reasons why it is being issued;

Allow a reasonable time for the performance of any act it requires;

Be served upon the owner or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon him personally, or if a copy thereof is sent by certified mail to his last known address or if a copy thereof is posted in a conspicuous place in or about the facility affected by notice, or if he is served with such notice by any other method authorized or required under the laws of this state. Such notice must contain an outline of remedial action, which, if taken, will effect compliance with the provisions of the ordinance.

Request for a Hearing.

B. Any person affected by any such notice of closure issued by the Health Officer may request and shall be granted a hearing on the matter before said officer or designated hearing officer, provided that such person shall file in the office of the latter within ten (10) days after service of the notice, a written petition requesting such hearing and setting forth a statement of the grounds thereof. Upon receipt of such petition, the Health Officer shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be heard as soon as practical after the receipt of request thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show because why compliance with the ordinance should not be met.

Post Hearing Procedures.

C. After such hearing, the Health Officer shall sustain, modify, or withdraw the notice, depending upon his findings as to whether compliance with the provisions of this ordinance has been met. If the Health Officer shall sustain or modify such notice, it shall be deemed to be an order. Any notice served pursuant to Section 4-B of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer within ten (10) days after such notice is served. Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately, but upon petition to the Health

Officer shall be afforded a hearing as soon as possible, in the manner provided in Section 4-C. After such hearing, depending upon the finding as to whether the provisions of this ordinance have been complied with, the Health Officer shall continue such order in effect, or modify it or revoke it.

Section 5 Penalties

Any person, firm or corporation who shall violate any provision of this ordinance shall be served by the Health Officer with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof. Any person, firm or corporation found in violation of that order shall be subject to the penalties set forth in Section 5-B. Any person, firm or corporation who shall violate any provision of this ordinance shall be subject to penalty as hereinafter prescribed in this Section. On being found to have violated the provisions of this Ordinance, the violator shall be subjected to a fine of five hundred dollars ($500.00) for the first offense; a fine of not more than one thousand dollars ($1,000.00) for the second repeat offense; a fine of not more than one thousand five hundred dollars ($1,500.00) for the third and each subsequent repeat offense.

Any person violating any of the provisions of this ordinance shall become liable to said County for any expense, loss or damage occasioned by reason of such violation.

Section 6 Enforcement Interpretation

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

Section 7 Repealer

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

Section 8 Effective Date

This ordinance shall become effective on _____.

This Ordinance having been passed and adopted by the La Porte County Board of Commissioners on August 5, 2008

LAPORTE COUNTY BOARD OF COMMISSIONERS

Section 8 *Effective Date*

This ordinance shall be effective upon its passage and posting of law.

Dated this 5th day of August, 2008.

LAPORTE COUNTY BOARD OF COMMISSIONERS

Bill Hager, President

Mike Bohacek, Vice President

Barbara Huston, Member

ATTEST

Teresa Shuter, Auditor