FCO 2025-19

FLOYD COUNTY BOARD OF COMMISSIONERS
AN ORDINANCE ESTABLISHING SWIMMING POOL REGULATIONS

WHEREAS, the Floyd County Board of Commissioners has deemed it necessary to pass a new ordinance as requested by the Floyd County Health Department; and

WHEREAS; IC 36-1-3-2 grants the Board of Commissioners all of the powers they need for the effective operation of government as to local affairs; and

WHEREAS, IC 36-1-3-6 states that there is no constitutional or statutory provision requiring a specific manner for exercising a power, the Board of County Commissioners may adopt an ordinance prescribing a specific manner for exercising a power; and

WHEREAS, IC 16-20-1-19 authorizes and empowers the Floyd County Health Officer by and through the staff of the Floyd County Health Department to enforce the Indiana State Department of Health swimming pool rules as promulgated at 410 IAC 6-2.1-1 et seq; and

WHEREAS, the Floyd County Board of Commissioners are desirous of authorizing and empowering the Floyd County Health Officer by and through the staff of the Floyd County Health Department to implement enforcement of the Indiana State Department of Heath Swimming Pool Rules.

NOW,THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

There should be and this is hereby established that this ordinance is to be entitled "Swimming Pool Rules" and to read as follows:

Section 1. DEFINITIONS

The definitions contained in 410 IAC 6-2.1-1 et seq are adopted herein and made a part hereof. The following additional definitions shall apply to the interpretation and enforcement of this ordinance.

(a) Certified Pool Operator – Certified Pool Operator ("CPO") or Certified Pool Technician ("CPT") means someone who has passed the certified pool-spa operator test by the National Swimming Pool Foundation or Aquatic Training Institute.

(b) Health Officer – the term "Health Officer" shall mean the Floyd County Health Officer, or their authorized representative.

(c) Public pool – means any pool, other than those pools defined as a semi-public pool, which is intended to be used for swimming or bathing and is operated by a concessionaire, owner, lessee, operator, or licensee, regardless of whether a fee is charged for use. Nothing in this article shall

be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained by an individual for the sole use of the household and house guests.

(d) Semi-public pool - means any pool restricted for use by residents, members, or registered guests that is intended to be used for swimming or bathing and is operated solely for and in conjunction with: (1) hotels, motels, apartments, condominiums, bed and breakfasts, tourist homes, or similar facilities associated with lodgings; (2) camps or mobile home parks; or (3) membership clubs, churches, or associations. Nothing in this article shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained by an individual for the sole use of the household and house guests.

(e) Spa - means a pool designed for recreational or therapeutic, or both, use, commonly known as a hot tub or therapy pool, that is not drained, cleaned, and refilled after each use. The term may include, but is not limited to:

(1) hydrojet circulation;
(2) hot water;
(3) cold water;
(4) mineral baths;
(5) air induction systems; or
(6) any combination thereof.

Section 2. MINIMUM OPERATING REQUIREMENTS FOR POOLS AND SPAS

(a) All persons owning or operating a public pool or semi-public pool in Floyd County shall comply with the minimum sanitation and operation requirements specified by the Indiana Department of Health as now provided in 410 IAC 6-2.1 et seq or as the same may be hereafter changed or amended. Such regulation and any changes and amendments thereto which may be hereafter adopted or promulgated are by reference incorporated herein and made part hereof, two copies of which are on file in the Office of the Floyd County Health Department, for public inspection.

(b) Each public pool or semi-public pool facility shall have at least one employee who is a Certified Pool Operator (CPO) or if a third-party service company provides routine maintenance, the outside service technician must be a CPO. Any individual who makes changes to the water quality, or performs routine maintenance of the swimming pool/spa system components, must also be a Certified Pool Operator.

Section 3. PERMIT AND FEE REQUIREMENTS

(a) Permit – It shall be unlawful for any person to operate a public/semi-public swimming pool, wading pool, spa, or hot tub in Floyd 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 such swimming pool, wading pool, spa, or hot tub. Only persons who comply with the applicable provisions of the ordinance shall be entitled to receive and retain such a license. Such permits shall be for a term of one (1) year or six (6) months, to be renewed annually on or prior to April

30. 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 deem necessary.

(b) Permit Fees

(1) Public/Semi-public swimming pools, wading pools, spas or hot tubs operating less than 6 months per year shall pay to the Floyd County Health Department, a license fee of seventy-five dollars ($75.00) per pool, spa wading pool, hot tub, etc., each year, submitted with the initial or annual permit renewal application, due on or before April 30. All license fees shall be payable on or before April 30, and shall be subject to the addition of a late penalty charge of seventy-five dollars ($75.00) per pool, if submitted after the permit expiration date of that year.

(2)Public/Semi-public swimming pools, wading pools, spas and hot tubs operating year round, or for periods of 6 months or longer in Floyd County shall pay the Floyd County Health Department, a permit fee of One hundred twenty-five dollars ($125.00) each year per pool, spa, wading pool, hot tub etc. All license fees shall be payable on or before April 30, and shall be subject to the addition of a late penalty charge of One hundred twenty-five dollars ($125.00) per pool, if submitted after the permit expiration date of that year. Tax supported units of government and schools shall be exempt from the payment of the above-described fees.

(c) Pre-Operational/Opening Inspection Fees- All new and non-licensed Public/Semi-Public swimming pools, wading pools, spas or hot tubs are subject to a plan review and facility opening fee of one hundred dollars ($100.00) due prior to permit issuance for the respective operational year. If a pool in Floyd County has not been operational for a period of (1) one year they may be subject to the pre-operational/opening fee and pre-opening inspection at the discretion of the Health Officer.

(d) Re-Inspection Fees- Public/Semi-public swimming pools, wading pools, spas or hot tubs operating during the respective operational year shall pay to the Floyd County Health Department, a re-inspection fee of $50.00, submitted prior to the re-inspection by the Floyd County Health Department and re-opening of the pool. This fee must be paid each time the pool must be re-inspected for re-opening. The need for a re-inspection of a Public/Semi-public swimming pool, wading pool, spa, hot tub, etc. is up to the sole discretion of the Health Officer if it is found that the facility is out of compliance with 410 IAC 6-2.1 et seq.

Section 4. INSPECTION OF POOLS AND SPAS

(a) Authority to inspect and to copy records – the person operating or owning any public pool, semi-public pool and/or spa in Floyd County shall, upon the request of the Health Officer, permit such Health Officer or their authorized representative access to all pool and/or spa facilities and shall permit the Health Officer or their authorized representative to collect evidence and/or exhibits and to copy any and all records relative to the enforcement of this ordinance.

(b) Inspection of facilities – the Floyd County Health Officer and/or their designated representative shall implement a regular program of inspecting facilities permitted under this

ordinance. Each Public/Semi public swimming pool facility will be subject to a minimum of two (2) routine inspections. If upon such an inspection, the Health Officer or their designated representative finds that the permitted facility is violating any of the provisions of this ordinance, then and in that event, the Health Officer or their designated representative may promptly issue a written order to the permittee of such facility to appear at a certain time, no later than ten (10) days from the date of the second inspection, and at a place in Floyd County fixed in said notification to show cause why the permit issued under the provision of this ordinance should not be revoked. The Health Officer upon such hearing if the permittee should fail to show cause, shall revoke said permit and promptly give written notice of such action to the permittee. The Health Officer shall maintain a permanent record of his proceedings filed in the Office of the Floyd County Health Department.

(c) Suspension of permit – any permit issued under this ordinance may be temporarily suspended by the Health Officer without notice of hearing for a period not to exceed thirty (30) days, for any of the following reasons:

(1) Unsanitary or other conditions which in the Health Officer's opinion endanger the public health;

(2) Interference with the Health Officer or any of their authorized representatives in the performance of their duties;

(3) Repeated violations of 410 IAC 6-2.1 et seq as noted by the Health Officer or any of their authorized representatives.

(d) Provided, however, that upon written application from the permittee, served upon the Health Officer with fifteen (15) days after such suspension, the Health Officer shall conduct a hearing upon the matter after giving at least five (5) days written notice of the time, place and purpose thereof to the suspended permittee; provided further, that any such suspension order shall be issued by the Health Officer in writing and served upon the permittee by leaving a copy at his usual place of business or by delivery of certified or registered mail to such address. Any person whose permit has been suspended may at any time make application to the local Health Officer for the reinstatement of his permit.

Section 5. PENALTIES

(a) Upon finding a violation of this ordinance, the violator shall be punished for the first offense by a fine of not more than Five Hundred Dollars ($500.00); for the second offense by a fine of not more than One Thousand Dollars ($1,000.00); and for a third offense and each subsequent offense by a fine of note more than Two Thousand Five Hundred Dollars ($2,500.00). Each day of operation of a permitted facility in violation of this ordinance or after the expiration of the time limit for abating unsanitary conditions or in completing improvements or any other violations as described in 410 IAC 6-2.1-1et seq to abate such conditions as ordered by the Health Officer shall constitute a distinct and separate offense.

Section 6: CONFLICT OF INTREST

(a)No Floyd County Official shall conduct himself or herself in a manner that is or could have the appearance of a Conflict of Interest.

Section 7: UNCONSTITUTIONALLY CLAUSE

(a)Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

Section 8: REPEAL AND EFFECTIVE DATE

(a)All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided by law.

Adopted and Passed this 15th day of July, 2025.

BOARD OF COMMISSIONERS, COUNTY OF FLOYD

Al Knable, President

Jason Sharp, Commissioner

Frank Loop, Commissioner

Attest:

~~Diana Topping~~, Auditor
Chief Deputy Auditor