

CHAPTER 355
POOL FACILITIES

355-1. Definitions

The following definitions, as used herein, shall apply in the interpretation and enforcement of this chapter:

"Beach" shall mean any natural or artificial waterway or impoundment, or any portion thereof, which is used for swimming or wading purposes including, but not restricted to, structures used as dressing rooms, locker rooms, toilets, showers and other areas and enclosures intended for the use of persons using the beach or for storage of maintenance supplies and/or equipment.

"Health Officer" shall mean the duly appointed Health Officer of Monroe County, Indiana, or his authorized agent or representative.

"Person" shall mean any individual, partnership, firm, company, corporation, association, trustee, estate, county, municipality, authority or public or private entity; and their successors, assigns, or agents.

"Pool" shall mean a structure, basin, chamber, or tank containing an artificial body of water for swimming, bathing, competition, relaxation, or recreational use.

"Pool Facility" shall mean any swimming pool, wading pool, beaches, recreational water slide flume, spas and hot tubs (unless otherwise specifically indicated).

"Private Pool" shall mean any pool or pool facility located on private property and under control of a homeowner, the use of which is restricted to swimming or bathing by members of his family or their invited guests where no monetary expense is incurred on the part of the guest for use of or maintenance of said pool.

"Public Pool" shall mean 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.

"Recreational Water Slide Flume" shall mean a recreational device designed to provide a descending ride into a splash down pool at the base of the slide. Low friction on the slide bed or flume is achieved in all designs by providing a flowing water film.

"Seasonal Pool" shall mean any pool facility that is opened during no more than five months in a calendar year.

"Semi-Public Pool" shall mean any pool restricted for use by residents, members, or registered guest 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.

"Spa" shall mean a pool designed for recreational or therapeutic, or both, use, commonly known as a hot tub or therapy pool, that is not drained, clean, 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 bathes;
- (5) air induction systems; or
- (6) any combination thereof'.

"Swimming Pool" shall mean any structure, basin, chamber or tank containing a body of water for swimming, diving or recreational bathing and auxiliary structures, including, but not limited to, dressing and locker rooms, toilets, showers, furniture and fixtures, playgrounds, spectator areas, adjacent to, and associated with, the pool and other areas and enclosures that are intended for use of persons using the pool or for storage of maintenance supplies and/or equipment.

"Wading Pool" shall mean a pool used for bathing that has a maximum depth of two (2) feet.

"Year-Round Pool" shall mean any pool facility that is opened during more than five months in a calendar year.

355-2.

Permits and Fees

- (A) It shall be unlawful for any person to operate a public or semi-public pool facility in Monroe County, Indiana, who does not possess a valid permit, from the Monroe County Health Department. Such permit shall be posted in a conspicuous place on the premises of such pool facility. Only persons who comply with the applicable provisions of this chapter shall be entitled to receive and retain such a permit. Such permits are non-negotiable and not transferable. Application and pertinent fees shall be submitted to the Health Officer by January 31st for all Year-Round Pools and April 30th for all Seasonal Pools for each calendar year during which pools are open. For any pool that was not open the previous calendar year, application and pertinent fees may be submitted to the Health Officer after these January 31st and April 30th deadlines, if submitted at least sixty (60) days, prior to the opening of the pool facility. Permits shall be issued for the calendar year, when in the judgment of the Health Department, the establishment is in full compliance with all requirements of this chapter.
- (B) Permit fees for issuance of permits to persons to operate a pool facility shall be charged in accordance with the fee schedule established by the Board of Commissioners for the Health Department in Chapter 310-4 of the Monroe County Code. Annual fees shall be charged in a fixed amount, which will be greater for pools open more than 5 months than for pools open for 5 months or less in the calendar year. This is to be established at the time of application, due and payable at the time of issuance of the permit. If extension of open time is desired, and the pool is in complete compliance, it shall be granted upon payment of appropriate fee.
- (C) Public educational institutions shall be exempt from payment of any fees as

set by this chapter; however, such institutions must comply with all other provisions of this chapter. Private pools are not subject to the permitting, fee and other requirements of this chapter.

355-3. Construction, Operation and Inspection

- (A) It shall be unlawful for any person to construct a public or semi-public pool facility in Monroe County, Indiana, without first obtaining a building permit from the Monroe County Building Department and without conforming with all applicable federal, state and local standards.
- (B) The Health Department shall perform inspections of public and semi-public pool facilities to insure compliance with the requirements of section 4 of this chapter.
- (C) The Health Officer is authorized to conduct such inspections as it deems necessary and shall have right of entry at any reasonable hour to the pool facility, or parts thereof, for this purpose.
- (D) A written inspection report will be issued at the time of each inspection, noting any violation found. A follow-up inspection may be made to ascertain compliance of noted violations, within a reasonable period of time, as so noted on the original inspection report issued.

355-4. Sanitation, Operation and Safety Regulations

- (A) All beaches, recreational water slide flumes, spas and hot tubs shall meet the same sanitation standards applicable to the auxiliary facilities of swimming pool and wading pools according to Rule 410 IAC 6-2.1-1 et seq and any amendment or replacement of this rule.

355-5. Enforcement

Enforcement of this chapter shall be by the Monroe County Health Officer or his duly authorized representative.

355-6. Notices, Hearings, Injunctions

- (A) Whenever the Health Officer determines that there are reasonable grounds for believing that there has been a violation of any provision of this chapter, or when such determination is made by the Health Officer's duly authorized representative, a notice of such alleged violation shall be given to the owner or the duly authorized agent of the owner of such pool facility. Such notice shall:
 - (1) be in writing;

- (2) include a statement of the reasons why it is being issued; and
 - (3) be served by personal delivery thereof to, or by registered mail to the last known address or by posting a copy thereof in a conspicuous place in or about the pool facility.
- (B) Any owner or agent affected by such notice shall be entitled to a hearing before the Health Officer, or his duly appointed representative, if such owner or agent shall request such a hearing within forty-eight (48) hours, not to include weekends, or holidays, or receipt, or posting, of such notice. However, if the Health Officer shall determine that the violation or defect of such pool facility is of immediate danger to the public health, he may require compliance with the provisions of this chapter and the taking of remedial action prior to the expiration of said forty-eight (48) hour period and said order may be delivered verbally, directly to the owner of said pool facility or his agent and shall be followed with the same in writing.
- (C) If after such hearing before the Health Officer, or his duly authorized representative, he shall determine that there has been a violation of the provisions of this chapter requiring remedial action, such Health Officer, or his duly appointed representative, shall, by written notice, approve the original time limit set for remedial action, or establish a new time limit for remedial action, to be taken by the owner.
- (D) If after the expiration of the time limit prescribed for remedial action to be taken, the owner, or his agent, has failed to comply with the terms of the order requiring remedial action, the Health Department may institute prohibitory or mandatory injunction proceedings, in the Circuit Court of Monroe County, Indiana, to require compliance with said order.

355-7. Penalties

Any person who violates any provision of this chapter commits a Class A Ordinance Violation. Each day a violation continues after the expiration of the time limit to abate such conditions, as ordered by the Health Department, shall constitute a separate and distinct offense.

[end of chapter]