

No. 29-03-OR

Bill No. 1119-03

AN ORDINANCE

Revision to the Allegheny County Health Department's Rules and Regulations Article IX, "Lifeguards, Bathing Places, Beaches, Hot Tubs, and Spas

Whereas, The Allegheny County Health Department has an existing regulation Article IX, "Lifeguards, Bathing Places, Bathing Beaches, Hot Tubs and Spas.", if any

Whereas, at a regularly scheduled and advertised meeting the Board of Health has amended this Regulation, if any.

The Council of the County of Allegheny hereby enacts as follows:

Revise the following definitions to read:

"Permit" - A permit, or any modification or amendment thereof, issued to construct or operate a swimming pool, spa or hot tub.

"Person" - A natural person, individual, corporation, municipality, county, political subdivision, partnership, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution, authority, agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Article pertaining to a fine or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

"Public Water Supply" - A potable water supply which meet the definition of a public water supply as that term is defined in the Pennsylvania Safe Drinking Water Act, the Act of May 1, 1984, P.L. 206, No. 43, 35 P.S. §§721.1 et seq., as amended.

"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.

"Standard Methods" - The Standard Methods For the Examination of Water and Wastewater 20th Edition published jointly by the American Public Health Association, American Water Works Association and Water **Environment** Federation, or equivalent methodology acceptable to the Department.

"Swimming Pool" - A structure which is designed to contain water and is located either indoors or outdoors and used for bathing or swimming together with buildings, appurtenances, and equipment used in connection therewith.

911. PUBLIC NOTICES

The owner or operator of a bathing place, bathing beach, hot tub, or spa shall post in a conspicuous location the following information for the public:

- A. A notice that the following information is available for the information of the public upon request:
 - (1) A copy of the most recent electrical inspection.
 - (2) A copy of the most recent bacteriological monitoring results.
 - (3) A copy of the lifeguard certification, first aid certification and cardiopulmonary resuscitation certification for each lifeguard employed at the facility.
 - (4) A copy of all applicable Material Safety Data Sheets (MSDS).
 - (5) A copy of the bathing place manager or operator certification.
 - (6) A copy of this Article.
- B. Hot tubs and spas shall be posted with signs prohibiting the use of the hot tub or spa 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 should they wish further information on the use of hot tubs or spas.
- C. All bathing places shall post signs at the pool entrance stating "Report all incidents involving vomitus, fecal contamination or unsafe conditions to management immediately."

912. LIFEGUARDS

- A. Lifeguard(s) shall be on duty at the waterside at all times when a bathing place or bathing beach is used by swimmer(s) or bather(s) and shall not be assigned other tasks that will divert their attention from the safety of the swimmer(s) or bather(s).
- B. Each owner and operator of a bathing place and bathing beach shall develop and maintain on site a written plan detailing the number of lifeguard(s) to be present at waterside whenever one or more bathers or swimmers are using the bathing place and bathing beach. Such plan is based on the surface area of the pool and bather load and shall meet the following minimum criteria:
 - (1) 6000 square feet or less: One (1) lifeguard for the first 50 bathers and one (1) additional lifeguard for the second 50 bathers. Thereafter a minimum of three (3) lifeguards for 101 bathers or more.

- (2) 6001 to 13,500 square feet: Two (2) lifeguards for the first 50 bathers and one (1) additional lifeguard for the next 50 bathers or part thereof. One (1) additional lifeguard for each additional 150 bathers or part thereof to a maximum of 400 bathers. Thereafter a minimum of six (6) lifeguards for 401 bathers or more.
- (3) 13,501 to 50,000 square feet: Four (4) lifeguards for the first 100 bathers and one (1) additional lifeguard for each 150 bathers or part thereof to a maximum of 850 bathers. Thereafter, a minimum of ten (10) lifeguards for 851 bathers or more.

or

Four (4) lifeguards for the first 8000 square feet of surface area and one (1) additional lifeguard for every additional 3600 square feet of surface area or part thereof.

- (4) 50,001 square feet or more: Five (5) lifeguards for the first 10,000 square feet and one (1) additional lifeguard for each additional 12,000 square feet of surface area.
- (5) While performing his/her duties, a lifeguard must assume the most advantageous position available to observe his/her assigned sector 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.

C. Qualifications.

- (1) 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 instructions in lifeguarding fields.
- (2) Lifeguards shall have current and valid certifications in American Red Cross Standard First Aid or its equivalent.
- (3) Lifeguards shall have current and valid certifications in adult cardiopulmonary resuscitation from the American Red Cross or equivalent. Effective June 1, 1995 lifeguards shall have current and valid certifications in adult, child and infant cardiopulmonary resuscitation from the American Red Cross or equivalent

D. Educational, Instructional, and Competitive Use of Public Bathing Places.

- (1) When a public bathing place or bathing beach is being used exclusively for elementary, middle, or secondary school curriculum courses where the school is certified by the Pennsylvania Department of Education or collegiate/post secondary curriculum courses, there shall be at least one instructor present at all times who has:
 - (a) A current and valid cardiopulmonary resuscitation certificate from the American Red Cross or other nationally recognized certifying agency; and
 - (b) A current and valid first aid certificate from the American Red Cross or its equivalent from a nationally recognized certifying agency; and
 - (c) 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.
- (2) When a public bathing place or bathing beach is being used exclusively for elementary school, middle school, secondary school, or collegiate intrascholastic or interscholastic competition, training or practice or when a public bathing place is being used exclusively for organized swim team competition, training and practice, the responsible person shall comply with all lifeguard/water safety requirements, policies, guidelines or standards of the respective 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.
- (3) When a public bathing place or bathing beach is being used exclusively for aquatic instruction under the auspices 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 shall comply with and implement the written policies, guidelines or standards of the respective national organization.
- (4) When a public bathing place or bathing beach is being used exclusively for aquatic competition, training, practice or instruction other than as specified in Sections 912.D (1), (2), and (3), one lifeguard shall be present at waterside for each fifty (50) participants in addition to any coaches or instructors in the water.

- (5) Any time Sections 912.D.(1) through 912.D.(4), inclusive, of this Article do not apply, the responsible person must comply with the requirements of Sections 912.A and 912.B of this Article.
- E. Bathing places owned and operated by a condominium association or a residential unit owners association, as defined by the PA Uniform Condominium Act, for the exclusive use of residents and their guests, wading pools and spray pools are exempt from the requirements of this Section.
- F. A lifeguard supervisor shall be designated in the lifeguard plan whose duties and responsibilities include:
1. Being physically present at all times that the bathing place is open for business.
 2. Insuring that lifeguard protection is provided for pool patrons.
- G. In addition to 912.F, the lifeguard supervisor or some other person will be identified by position title by the pool manager/owner/operator, who will be responsible for the following:
1. Educating patrons regarding the rules and regulations of the facility and enforcing the rules as necessary to maintain a pleasant and hazard free environment.
 2. Taking corrective action to eliminate hazardous conditions.
 3. Develop and implement emergency action plans.
 4. Supervise the safety inspection, general care and cleaning of the facility.
- H. Public bathing places which require more than one lifeguard on duty while operating must insure that a lifeguard supervisor or some other person identified by the pool manager/owner/operator provides the following:
1. Supervision and training of lifeguard staff.
 2. Testing and interviewing prospective lifeguard applicants.
 3. Provide pre-season and in service training and test the rescue skills of the lifeguard through planned training exercises.

917. WATER QUALITY

A. Bacteriological. All bathing places, bathing beaches, 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.

(1) The water quality in a 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 counts in accordance with Standard Methods procedures: *Sections (9221A, 9221B, and 9221C, or 9222A, and 9222B, or 9222C for coliform, and Section 9215 for Heterotrophic plate counts)*. The water in a bathing place, hot tub or spa shall be considered contaminated when one of the following conditions exists.

a) 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.

b) 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 tested.

- (c) On multiple consecutive samples, two (2) of any ten (10) consecutive samples show:

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.

- (d) Heterotrophic plate counts must be processed according to method (9215) using at least two plates per dilution.

Standard:i) If Heterotrophic plate counts are in excess of two hundred (200) colony forming units per ml in two (2) consecutive samples, or

Standard:ii) If Heterotrophic plate counts in excess of two hundred (200) colony forming units per milliliter in more than ten (10) percent of any series of samples.

- (2) In addition to the requirements in section 917.A(1), the water quality in a hot tub or spa shall be determined through the collection and analysis of water samples for the presence of either staphylococci or fecal streptococci bacteria. The water must meet the following criteria:

- (a) Tests for the presence of staphylococci shall be conducted according to Standard Method 9213.B.6

Standard:i) Tests for the presence of staphylococci shall not exceed five (5) colonies per 100 ml in any sample

Standard:ii) Tests for the presence of staphylococci shall not exceed two (2) colonies per 100 ml in any two (2) 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 of samples.

- (b) Tests for the presence of fecal streptococci shall be conducted according to Standard Method 9230.B(2) and 9230.B(3) or 9230.C(3), (a) or (b) 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 at section 9230.B(3) for fecal streptococcus.

Standard:ii) When the membrane filter test technique is used the number of verified fecal streptococcal colony forming units as defined under 9230.C(5) shall be no more than one colony per fifty (50) milliliter sample.

- (3) The water quality in a bathing beach shall be determined through the collection an analysis of water samples for the presence of fecal coliform bacteria using Standard methods: 9221 E and 9222 D. The water must meet the following laboratory test criteria:

(a) Fecal coliform count shall not exceed 1000/100 ml in any single sample.

(b) The fecal coliform density in at least five consecutive samples of the water taken over not more than a 30-day period shall not exceed a geometric mean of 200 per 100 milliliters.

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

(1) Bathing places. The pH of the water must be maintained between 7.2 and 8.2.

- (2) Bathing beaches. The water in bathing beaches shall be considered to exceed the chemical quality standards when the Department determines that any substance is being discharged or may be discharged into the water that is or may be hazardous to the health of persons using the bathing beach.
- (3) Hot tubs and spas. The PH of the water must be maintained between 7.2 and 7.8.

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

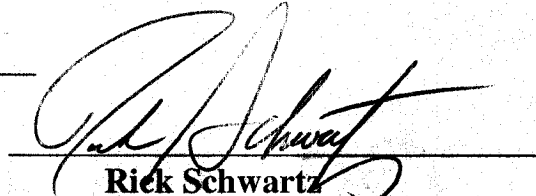
Effective Date: All revisions effective June 1, 2003.

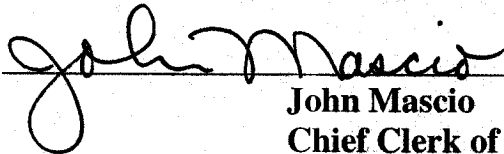
SECTION *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.*

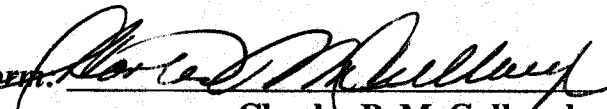
SECTION *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

Enacted in Council, this 3rd day of June, 2003

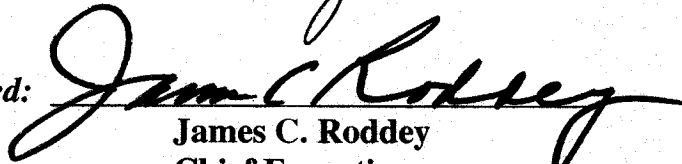
Council Agenda No. 1119-03



Rick Schwartz
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Approved as to form: 
Charles P. McCullough
County Solicitor

Chief Executive Office June 10, 2003

Approved: 
James C. Roddey
Chief Executive

Attest: 
Victoria Spence
Executive's Secretary

MEMORANDUM

OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: Robert B. Webb *RBW*
County Manager

DATE: April 10, 2003

RE: Requesting County Council Approval

Attached is an Ordinance containing the revision to the Allegheny County Health Department's Rules and Regulations Article IX, "Lifeguards, Bathing Places, Beaches, Hot Tubs, and Spas. This request is submitted by the Health Department.

Please put on the next agenda for County Council approval.

Thank you.