

Bill No. 4033-08

No. 20-08-0R

AN ORDINANCE

An Ordinance of the Council of the County of Allegheny ratifying amendments to Allegheny County Health Department Rules and Regulations pursuant to Section 12011 of the Local Health Administration Law, 16 P.S. §12001 et seq.

Whereas, Allegheny County, pursuant to the Local Health Administration Law, 16 P.S. §12001 et seq., created the Allegheny County Health Department, and the Allegheny County Board of Health; and

Whereas, the Local Health Administration Law at Section 12011 provides for the Board of Health to adopt regulations and submit such regulations to Allegheny County for approval or rejection; and

Whereas, on November 7, 2007, Allegheny County Board of Health adopted the attached amendments to the Allegheny County Health Department Rules and Regulations, Article IX, "Lifeguards, Bathing Places, Bathing Beaches, Hot Tubs and Spas;" and

Whereas, it is the desire of Council to ratify the Allegheny County Health Department regulation amendments as approved by the Board of Health.

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

Section 1. Incorporation of Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

Section 2. Ratification of Regulations.

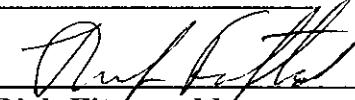
Acting pursuant to the Local Health Administration Law and the Allegheny County Home Rule Charter, County Council hereby ratifies the amendments to the Allegheny County Health Department Rules and Regulations, Article IX, "Lifeguards, Bathing Places, Bathing Beaches, Hot Tubs and Spas," attached hereto as Exhibit "A."

Section 3. Severability. 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 4. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

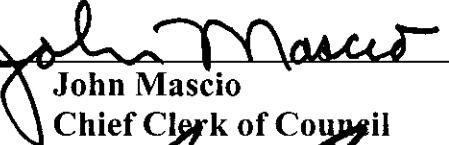
Enacted in Council, this 1st day of July, 2008.

Council Agenda No. 4033-08



Rich Fitzgerald
President of Council

Attest: John Mascio



John Mascio
Chief Clerk of Council

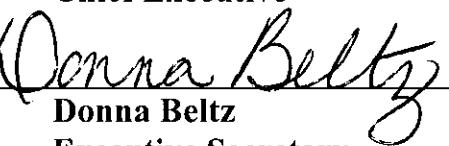
Chief Executive Office JULY 7, 2008

Approved: Dan Onorato



Dan Onorato
Chief Executive

Attest: Donna Beltz



Donna Beltz
Executive Secretary

SUMMARY OF ARTICLE IX CHANGES

The proposed changes to Article IX of the Allegheny County Health Department regulations entitled, "Lifeguards, Bathing Places, Bathing Beaches, Hot Tubs and Spas," include the following:

1. Imposition of requiring construction permits and review of plans for construction of pool, hot tub and spa construction;
2. Exemption of hotels and motels from lifeguard requirements contingent upon showing evidence of liability insurance;
3. Water testing procedures have been redefined and updated consistent with present acceptable standards;
4. Disinfection chemical range has been updated consistent with present acceptable standards.

ALLEGHENY COUNTY HEALTH DEPARTMENT

Rules and Regulations

ARTICLE IX - LIFEGUARDS, BATHING PLACES, BATHING BEACHES, HOT TUBS AND SPAS

900. **AUTHORITY.** These regulations are promulgated under the powers granted to counties by the Local Health Administration Law, Act 315, P.L. 1304, adopted August 24, 1951, as amended, and the Second Class County Code, Act of July 28, 1953, P.L. 723, as amended.

901. A. **PURPOSE.** This Article establishes minimum standards for the regulations of bathing places, hot tubs and spas essential to prevent public health hazards in Allegheny County, setting forth minimum standards governing the condition and maintenance of bathing places, hot tubs and spas; fixing certain responsibilities and duties of owners, managers, operators, and others in control of bathing places, hot tubs and spas; issuing annual operational permits; requiring the certification of bathing place, hot tub and spa managers and operators; establishing the criteria for the qualifications of a lifeguard and establishing the requirement of the presence of lifeguards at bathing places; establishing requirements and criteria for the reporting of accidents and communicable diseases associated with bathing places; authorizing the inspection of all equipment and facilities; and providing for notices, hearings, and penalties.

B. **EXCLUSIONS.** None of the provisions of this Article shall apply to therapeutic whirlpools, sensory deprivation tanks, single-family residential bathing places, bathing beaches, hot tubs or spas, or therapeutic swimming pools unless specifically stated otherwise.

902. **STATEMENT OF POLICY.** It is hereby declared that the inadequate provision for the management of bathing places, hot tubs and spas endangers the public health by causing or contributing to exposure to bacteriological contaminants and pathogens, zoonotic pathogens, injuries, and drowning, and provides a breeding place for insects and animal pests, and that the establishment and maintenance of proper management standards to control these problems are essential to the public health, safety and welfare.

903. **DEFINITIONS.** The following words and terms, when used in this Article, shall have the following meanings, unless the context indicates otherwise.

“Air Gap” - The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.

“ANSI – The American National Standards Institute.

“ANSI/NSPI-12003” – The American National Standards Institute and National Spa and Pool Institute, Standards for Public Swimming Pools.

“ANSI/NSPI – 2” – The American National Standards Institute and National Spa and Pool Institute, Standards for Public Spas.

“Backflow” - The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable water supply from any source or sources other than the approved source.

“Bathers” – Patrons of a bathing place, bathing beach, hot tub or spa engaged in activities in the water including, but not limited to, swimming and bathing.

“Bathing Beach” - The designated area of a natural or artificially constructed pond, lake, stream, river, bay or other body of water which is used for swimming or bathing purposes together with building, equipment, and appurtenances, if any, and the land areas used in connection therewith.

“Bathing Place” - Any controlled natural or artificial place for the purpose of admitting persons for amateur, professional, or recreational swimming or bathing, whether or not a fee is charged for admission or for the use of said place, or any part thereof. A bathing place includes, but is not limited to, swimming pools, wading pools, wave pools, spray pools, exercise swimming pools, lap swimming pools, and water slides. A bathing place shall include a swimming pool owned and operated by (1) the residents of a condominium or cooperative, (2) any public or private educational institution, (3) any public or private orphanage, (4) any communal group, or (5) any correctional institution.

“Commonwealth” - The Commonwealth of Pennsylvania.

“Condominium” - A building or complex in which units of property, such as apartments, are owned by individuals and common parts of the property, such as the grounds and building structure, are owned by the unit owners.

“Cross-connection” Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other steam, gas, a 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.

“Department” - The Allegheny County Health Department.

“Director” - The Director of the Allegheny County Health Department or authorized representative.

“EEBA” - Emergency escape breathing apparatus.

“Facility” - All land, structures, and other appurtenances or improvements where swimming or bathing is permitted or takes place.

“Hot Tub or 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. The term does not include whirlpools.

“Include” - Including, but not limited to.

“Homeowner’s Association or Community Association” - An organization of all owners of units in a common interest development, and is given authority to enforce covenants, conditions, and restrictions and managing the common amenities of the development.

“Major Reconstruction” – Shall include: Pool deck reconstruction, gutter replacements, design changes to pumps, filters, chlorinator/brominator, change in size, shape of pool or bottom of the pool, piping size changes, and separating pool from wading pool system or other items after review by the Department that are deemed to be a significant change in the structure or operation

of the pool. All major reconstruction and new construction require the submission of form(s) for plan review and approval by the Department prior to the start of work.

“Municipality” - A city, incorporated town, township, borough, county, any political subdivision, or any authority created by any of the foregoing.

“National Electrical Code” - The National Electrical Code published by the National Fire Protection Association.

“Notice of Violation” - A written advisory stating that a person has, through an act of omission or commission caused, allowed to be caused, or allowed to exist, a condition contrary to statutes, laws or rules and regulations. A notice of violation may include a request for an action or the development of a corrective action plan to prevent a reoccurrence of the violation.

“Operator” - A person who operates a bathing place, bathing beach, hot tub, spa, or therapeutic swimming pool.

“Owner” - The person or municipality who is the owner of record of a facility or part of a facility.

“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.

“Therapeutic Swimming Pool” - A swimming pool used exclusively for therapeutic purposes under the waterside supervision of a person licensed by the Commonwealth as a Physical Therapist and a swimming pool used exclusively for adaptive aquatics instruction/recreation under the waterside supervision of a person certified as an Adaptive Aquatics Instructor. If the pool is used for any other purpose at any time, the pool is considered to be a public bathing place. The term includes whirlpools.

“Turnover Period” - The number of minutes or hours required to completely replenish the water in a swimming pool, hot tub, or spa or recirculate a quantity of water equal to the capacity of the swimming pool, hot tub, or spa.

“Wading Pool” - A structure for use by children which is designed to contain water and is not deeper than two (2) feet.

“Waters of the Commonwealth” - Rivers, streams, creeks, rivulets, lakes, dammed water, ponds, springs and all other bodies of surface water and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

“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.

“Water Supply” - A source or sources of water, as well as any and all water treatment, storage, transmission and distribution facilities.

“Wave Pool” - A structure, designed to contain water, used for bathing or swimming in conjunction with a wave-making mechanical or hydraulic ram mechanism, together with buildings, appurtenances and equipment used in connection therewith.

“Whirlpool” - A structure which is designed to contain water for the submersion of parts 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 at least once every twenty-four (24) hours.

904. **ENTRY AND INSPECTION.**

- A. In order to carry out the purpose and provisions of this Article, the Director, upon showing proper identification of office, may enter and inspect any property, records, and equipment at all reasonable times and, in an emergency at any time. The owner, manager, operator, employee, or any person having custody or control of such property, records, or equipment shall give the Director free access for the purpose of such inspections.
- B. Any time that the Director is denied access for the purpose of inspection at any facility, any permit issued under the Department's rules and regulations shall be immediately suspended and such suspension shall continue until such time as an inspection is made by the Department.

905. **VIOLATIONS.**

- A. Whenever the Director determines that there has been a violation of any provision of this Article or any applicable laws and regulations of Allegheny County, the Commonwealth, or the United States, the Director may suspend the permit or may give notice of the violation to such persons and municipalities as the Director deems necessary to aid in the enforcement of the provisions of the regulations of Allegheny County, the Commonwealth, or the United States.
- B. The notice of violations shall:
 - (1) Be written or verbal followed by written confirmation;
 - (2) list the sections of the laws and regulations violated; and
 - (3) notify the person responsible for compliance of the right to an administrative hearing.
- C. The notice of violation may require an action or the development of a corrective action plan to prevent the recurrence of the violation.

D. A notice of violation or a notice of permit suspension shall be served upon the person responsible;

- (1) By handing a copy to the person or employee, including lifeguards, responsible or by handing a copy to the persons designated by law to receive such notices of violation; or
- (2) by sending a copy to the person's last known address by proof of mailing, postage prepaid, or by certified mail, postage prepaid, with a request for a return receipt; and/or
- (3) by posting a copy in a conspicuous place in or about the facility.

906. **HEARINGS.** Any person aggrieved by any action of the Department may request and shall be granted a hearing in accordance with the Allegheny County Health Department Rules and Regulations, Article XI, "Hearings and Appeals".

907. **EMERGENCY ORDERS.** Whenever the Director determines that an emergency exists which necessitates immediate action to protect the public health, safety, or welfare, the Director shall without prior notice, cite the existence of the emergency and require corrective action necessary to abate the emergency. Notwithstanding the provisions of Sections 905 and 906 of this Article, this order shall be effective upon service and shall be complied with immediately.

908. **NOTICES OF VIOLATION: NON-COMPLIANCE.**

- A. Following the issuance of a notice of violation, the Director may impose civil penalties; institute appropriate actions or proceedings in law or in equity to restrain, correct, or abate the violations; or take any other action available to cause the violation to be abated.
- B. The County may recover the amount of the expense of any action taken to abate or cause abatement of any violation in accordance with the Local Health Administration Law, Act of August 24, 1951, P.L. 1304, as amended and any other applicable rules, regulations, or laws of Allegheny County, the Commonwealth, or the United States, or any amendment or reenactment thereof.

909. **PERMITS.**

- A. It shall be unlawful for any person to construct, alter, modify, operate, or continue to operate any bathing place, bathing beach, hot tub, spa, or any structure intended to be used as a bathing place, bathing beach, hot tub, or spa without having first obtained all necessary permits required by the Commonwealth and or the local jurisdiction.
- B. It shall be unlawful for any person to operate or continue to operate any bathing place, bathing beach, hot tub, spa or any structure intended to be used as a bathing place, bathing beach, hot tub or spa without having a valid operation permit issued by the Director.
- C. Application for an annual operation permit shall be made to the Department on the application form provided by the Department. A separate application must be filed whenever there is a need to amend or modify an operation permit.
- D. The application form for an operation permit to operate a bathing place, bathing beach, hot tub, or spa shall include such information as the Department shall deem necessary.
- E. Annual operation permits issued under this Article shall expire on April 30. Annual operation permits shall be renewable annually, if the applicant has met all the requirements of this Article.

- F. When the Department has found an application incomplete, the applicant shall be notified in writing within fifteen (15) days.
- G. The Director may refuse to issue any permit under this Article if:
 - (1) The applicant has outstanding, unresolved violations, or is responsible for outstanding, unresolved violations of Commonwealth, Federal, or County environmental regulations; or
 - (2) The applicant, through past action, has demonstrated an inability or refusal to comply with Commonwealth, Federal, or County environmental regulations; or
 - (3) The director determines that the facility poses an unreasonable health risk to the residents of Allegheny County.
- H. Upon approval of the application, the Director shall issue an annual operation permit to the applicant provided the director finds that the bathing place, bathing beach, hot tub, or spa complies with the standards contained in this Article, and all other applicable rules, regulations, and laws of Allegheny county, the United States, and the Commonwealth.
- I. The Department will take action on complete applications within thirty (30) days of receipt.
- J. All annual operation permits issued under this Article are non-transferable.
- K. At least ten (10) days prior to the sale or transfer of any facility permitted under this Article, the Department shall be notified, in writing, of such contemplated sale or transfer. The Department, at the request of any party, shall keep such information confidential.
- L. Annual operation permits may be suspended by the Department at such times when provisions of these rules and regulations are not adhered to.
- M. The Director may authorize a temporary permit if the provisions of Section 909 of this Article are met.
- N. The operation permit, or a facsimile thereof, issued by this Department or a notice of its availability must be posted within the physical confines of the facility so as to be readily visible.
- O. Construction Permit.
 - (1) General Requirement
 - a. A construction permit shall be obtained from the Department prior to construction or renovation of a public bathing place.
 - (2) Review of Plans and Fees for Bathing Places.
 - a. Plans must be submitted to the Allegheny County Health Department for approval prior to the issuance of a construction permit. A plan review fee must be paid before plans will be reviewed and approved by the Director. Plans shall be drawn to scale and include capacities for all pipes, pumps, pressure ratings, flow rates, filtration information, pool size, and disinfection.
 - b. The plan review fee will be determined by the Director.

- c. Design plans for public swimming pools shall comply with Title 34, Labor and Industry Part XIV, Uniform Construction Code Chapter 401, Uniform Construction Code Training and certification of Code Administrators and the "American National Standards for Public Pools" issued by ANSI and NSPI (ANSI/NSPI-12003) and Public Bathing Law (35 P.S. §§ 672-680d)
- d. Design plans for public hot tubs and spas shall comply with Title 34, Labor and Industry Part XIV, Uniform Construction Code Chapter 401, Uniform Construction Code Training and Certification of Code Administrators and the "American National Standard for Public Spas" issued by ANSI and NSPI (ANSI/NSPI-2 1999).

910. LIFEGUARD FEES.

The owner or operator of each facility in Allegheny County required to maintain lifeguards under this regulation shall annually pay a Lifeguard Registration Fee. All fees required by this Section shall be set forth in a schedule as determined by the Director upon annual consultation with the Board of Health.

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 possible 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 next 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 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 exclusive 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 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/lifeguarding 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 912-C will apply to condominium and residential owners unit associations if they provide individuals at pool side identified as "lifeguards".

F. Hotels and Motels shall be exempt from this requirement so long as they maintain liability insurance for any untoward event that may occur.

G. 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.

- H. 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.
- I. 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 provide 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.

913. **CRITERIA FOR RECOGNIZED AGENCIES.** An agency certifying individuals as lifeguards for the purpose of this Article shall have the following elements contained in the lifeguard course:

- A. Written training course/instructors manual/course study/test book
- B. Cardiopulmonary resuscitation training
- C. First aid certification
- D. System for evaluating swimming ability
- E. Instruction in lifeguarding methods
- F. Instruction in lifeguarding responsibilities and pool operation
- G. Administrative organization for administering testing and certification
- H. Re-certification program
- I. Instructors certification program and qualifications
- J. Agency has an informational retrieval system to verify certification

When an agency has submitted sufficient documentation of course criteria to the satisfaction of the Director, said agency shall be certified as an approved lifeguard and/or lifesaver training agency for a period of not more than three years. Certification shall be renewable upon proper application.

914. REGISTERED BATHING PLACE MANAGERS.

- A. Effective January 1, 1998 no person shall operate a bathing place, bathing beach, hot tub or spa in Allegheny County who does not employ the services of a manager registered by the Department as proficient in the requirements of this Article.

- B. Any person desiring registration by the Department shall make written application on forms provided by the Department. Each application must be accompanied by a filing fee.
- C. Prior to registration by the Department, the person shall:
 - (1) Have successfully completed a course in the management and operation of a bathing place, bathing beach, hot tub or spa offered by The National Swimming Pool Foundation, or other course acceptable to the Director and show written proof which must display an expiration date of five years or less from the date of issue to that effect; and
 - (2) Have passed a proficiency test offered by the Department or other proficiency test acceptable to the Director.
- D. The registered Bathing Place manager shall visit the bathing place, bathing beach, spa or hot tub each day of use to assure compliance with the provisions of this Article. The manager shall document such daily visits and indicate any actions taken by placing his/her signature on the daily log sheet or other verifiable record.
- E. Registered Bathing Place Managers shall reapply for renewal every five (5) years and meet the training and proficiency requirements of the Department.
- F. Whenever the Director determines that a Registered Bathing Place Manager is responsible for violations of any critical provisions of the Article, the Department may suspend or revoke their registration as follows;
 - (1) Notice of such suspension or revocation shall be served as specified by Section 905D of this Article.
 - (2) A hearing shall be afforded as provided by Section 906 of this Article.
 - (3) A person whose registration has been suspended or revoked shall meet the requirements of the Department prior to resuming duties of a Registered Bathing Place Manager.
- G. All fees required by this Section shall be set forth in a schedule as determined by the Director upon annual consultation with the Board of Health.
- H. Any other registration, certification or licensure by the Commonwealth or other entity shall not satisfy the requirements of this section.
- I. Bathing places, bathing beaches, hot tubs and spas 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 are exempt from the requirements of this Section.

915. CIRCULATION AND FILTRATION.

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

C. Turnover Periods.

- (1) The turnover period for wading pools and spray pools shall be two (2) hours or less.
- (2) The turnover period for hot tubs and spas shall be thirty (30) minutes or less.
- (3) The turnover period for all other bathing places shall be eight (8) hours or less. Pools constructed after January 1, 2008 shall have a turnover period of 6 hours or less.

D. Overflow facilities shall be provided and water levels maintained to effectively remove scum, debris, or other floating matter. The bottom of the bathing place, hot tub, or spa shall be vacuumed or otherwise cleaned as frequently as necessary to keep the bottom free of all foreign matter.

916. **WATER CLARITY.** All water in a 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 white field placed at that 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.

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 or 9223 A and 9223 B, 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: Using any of the Standard Methods described in section 917 A. (1) above, a confirmed or verified quantitative result is obtained indicating the presence of greater than one colony-forming unit per 100 mL of water.

- (b) On follow-up sampling:

Standard: Using any of the Standard Methods described in section 917 A. (1) above, a confirmed or verified quantitative result is obtained indicating the presence of greater than one colony-forming unit per 100 mL of water.

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

Standard: Using any of the Standard Methods described in section 917 A. (1) above, a confirmed or verified quantitative result is obtained indicating the presence of greater than one colony-forming unit per 100 mL of water.

(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 are 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(a), 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 in a bathing place, hot tub or spa shall be considered contaminated when one of the following conditions exists:

(a) Tests for the presence of staphylococci shall be conducted according to Standard Method 9213B.6 Membrane Filter technique, or 9213B.7 Modified Multiple Tube procedure.

Standard: (i) When the Membrane Filter or Modified Multiple Tube technique is used, test results for the presence of staphylococci exceeds five (5) colonies per 100 ml in any sample.

Standard: (ii) When the Membrane Filter or Modified Multiple Tube technique is used, test results for the presence of staphylococci exceeds two (2) colonies per 100 ml in any two consecutive samples.

Standard: (iii) When the Membrane Filter test or Modified Multiple Tube technique is used, test for the presence of staphylococci exceeds 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 or 9230.C and must meet the following criteria: A minimum sample volume of 50 mL must be tested. Regardless of the sample volume tested, the quantitative result obtained must be reported as colony forming units per 100 mL of sample. The water in the hot tub or spa shall be considered as contaminated when one of the following conditions exists:

Standard: When the Membrane Filter (9230.C) or multi-tube fermentation technique (9230.B) is used to analyze the samples for fecal streptococci a confirmed or verified result is obtained indicating that Fecal Streptococci exceeds 2/100 mL

(3) The water quality in a bathing beach shall be determined through the collection and analysis of water samples for the presence of fecal coliform bacteria using Standard Methods: 9221B/9221E, Fecal Coliform Procedure or 9222D, Membrane Filter Procedure or 9222E, Delayed incubation Fecal Coliform procedure. 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 7.8.
- (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.

918. **DISINFECTION.** Bathing places, hot tubs, and spas must be equipped with an approved device to provide continuous disinfection to prevent the growth of pathogenic organisms.

A. Bathing Places.

- (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 facility shall be not less than 1.0 ppm (mg/l) nor more than 5.0 ppm. The ideal range for free chlorine is 2.0 to 4.0 ppm. Combined chlorine shall not exceed 0.2 ppm.
- (2) Where bromine is used for disinfection, the total bromine residual in the water in all parts of the facility shall be not less than 2.0 ppm (mg/l) nor more than 10 ppm. The ideal range for total bromine is 4.0 to 6.0 ppm.
- (3) Where iodine is used for disinfection, the total iodine residual in the water in all parts of the facility shall be not less than 1.0 ppm (mg/l).

B. Hot Tubs and Spas.

- (1) Where 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 10.0 ppm. The ideal range of free chlorine is 3.0 to 5.0 ppm. Combined chlorine shall not exceed 0.5 ppm.

- (2) Where bromine is used for disinfection, the total bromine residual in the water of the hot tub or spa shall be not less than 2.0 ppm (mg/l) nor more than 10.0 ppm. The ideal range for total bromine is 4.0 to 6.0 ppm.
- (3) Where iodine is used for disinfection, the total iodine residual in the water of the hot tub or spa shall be not less than 2.0 ppm (mg/l) nor more than 10.0 ppm.
- (4) All hot tubs and spas regardless of the standard disinfectant 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. When cyanuric acid is used as a stabilizer, the concentration may not exceed 50 ppm in the bathing place, hot tub, or spa.

919. **MONITORING.** All bathing places, bathing beaches, hot tubs, and spas must monitor the water quality in accordance with the criteria established by this Article. All monitoring results must be recorded on forms provided by the Department or the independent laboratory. A copy of the results must be kept on file for three (3) years by the pool owner. Any corrective action taken shall be documented in the appropriate records.

A. Bathing Places.

- (1) Bacteriological quality must be monitored once each week a facility is open for aquatic purposes in accordance with the requirements of Section 917 of this Article. All sample analyses must be performed by a laboratory certified by the Commonwealth in accordance with the provisions of 25 Pa Code Chapter 109, "Safe Drinking Water".
 - (a) Swimming pools and wave pools greater than 100,000 gallons in volume shall collect one (1) sample from the shallow end of each swimming pool and one (1) from the deep end of each swimming pool twelve (12) inches below the surface of the water.
 - (b) Swimming pools, wave pools and wading pools less than or equal to 100,000 gallons in volume shall collect one (1) sample from the shallow end of the pool twelve (12) inches below the surface of the water.
 - (c) Spray pools shall collect one (1) sample from the return water prior to the application of the water to the filter if there is filtration. Spray pools which discharge to waste and do not recirculate and filter the water are not required to conduct routine bacteriological monitoring.
- (2) Chemical quality must be monitored as follows:
 - (a) Outdoor 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 two (2) hours the facility is open, except condominium and home owner association pools that do not employ lifeguards are permitted to monitor at opening, mid-day and evening, (3 times and day).
 - (b) Indoor bathing places shall monitor the free disinfectant residual (when chlorine is used, the total chlorine must also be monitored) and pH once each six (6) hours the facility is open.

- (c) When cyanuric acid is used as a stabilizer, it must be monitored and recorded at least weekly.
- B. Bathing Beaches. Bacteriological quality must be monitored daily each day the facility is open for aquatic purposes in accordance with the requirements of Section 917 of this Article. All sample analyses must be performed by a laboratory certified by the Commonwealth in accordance with the provisions of 25 Pa Code Chapter 109, "Safe Drinking Water".
- C. Hot Tubs and Spas.
 - (1) Bacteriological quality must be monitored once each week the facility is open for aquatic purposes in accordance with the requirements of Section 917 of this Article unless there is an exceedance of the standards established in Section 917, in which case the bacteriological quality must be monitored daily until no exceedance has occurred for at least seven (7) consecutive days or the hot tub or spa shall be drained, refilled, and shock chlorinated prior to use. 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 24 Pa Code Chapter 109, "Safe Drinking Water".
 - (2) Chemical quality. Free disinfectant residual (when chlorine is used, the total chlorine must also be monitored) and pH must be monitored at least once every hour each hot tub or spa is open.
 - (3) Temperature. The temperature of the water must be monitored prior to opening each day and once each hour each hot tub or spa is open.
- D. Special Monitoring. The Director may require additional monitoring to provide information on contamination of the bathing place, bathing beach, hot tub, or spa where a potential health hazard may exist in the water and monitoring required by this Article may not be adequate to protect the public health.
- E. All disinfectant monitoring shall be performed using the Palin diethyl-p-phenylenediamine (DPD) test method. Test kits must be specifically designed for the particular contaminant.
- F. Reporting Requirements.
 - (1) Copies of the bacteriological monitoring results shall be submitted to the Department upon request. If the bacteriological quality criteria are exceeded, the Department must be notified by telephone within twenty-four (24) hours of receipt of the laboratory results and copies of the results shall be immediately submitted to the Department.
 - (2) Copies of the daily operational log shall be submitted to the Department upon request. These reports shall include all disinfectant, pH and temperature (if required) monitoring; and the amount of disinfectant and other chemicals used in the pool operation.
 - (3) Any special monitoring required by the Department will include the reporting requirements for that monitoring.
 - (4) The owner or operator of a bathing place, bathing beach, hot tub or spa shall immediately notify the Department of any condition that results or will result in the failure to maintain the physical, chemical or bacteriological water quality set forth in this Article. Such conditions shall include but are not limited to the breakdown or

malfunction of required circulation, filtration and disinfection equipment or systems; on-site release of hazardous materials; or direct contamination by a broken sewer.

- (5) Reports are not required for time periods when the facility is not open for aquatic purposes.

920. **SAFETY.** Construction, equipment, operation, and maintenance at all bathing places, bathing beaches, hot tubs, and spas shall be such as to reduce to a practical minimum the danger of injury to persons from drowning, falls, collisions, fires, nuisances or hazards of any kind.

A. Lifesaving equipment: (The following sections shall apply to all bathing places. However, condominium associations and residential unit owners associations need only comply with Sections (1), (2), (3) First Aid Kit only, and (4) of Section 920 A.

- (1) Each bathing place and bathing beach shall be equipped with one (1) or more reaching devices of at least ten (10) feet in length. These devices may include but are not limited to poles, shepherd crooks, and any reasonable means to extend the person's reach. These devices shall be placed adjacent to the pool so as to be readily available.
- (2) Each bathing place and bathing beach 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 one-half the width of the bathing place, whichever is greater, of 3/16 inch line attached. Life jackets, or other flotation devices capable of supporting an adult in water may be substituted for the required throwing buoys. These devices must be placed adjacent to the pool and be readily accessible.
- (3) Each bathing place, bathing beach, hot tub, and spa shall be equipped with a first aid kit containing the items in Appendix A, filled and readily accessible for emergency use. A backboard made to the specifications of the American Red Cross or other emergency medical agency shall be available. The backboard must be equipped with head and neck immobilizers and restraining straps.
- (4) An operable telephone with a list of emergency telephone numbers shall be maintained at each facility. Such telephone need not be located so as to be available at all times to patrons.
- (5) Each bathing place, bathing beach, hot tub, and spa shall provide non-sterile disposable examination gloves and disposable resuscitation barriers to be carried by each lifeguard on their person any time they are on duty.
- (6) Each bathing place and bathing beach owner or operator shall provide rescue tubes to each lifeguard at water side.

B. Disinfectant Equipment

- (1) When gas chlorination equipment is installed such equipment shall be housed in a separate room equipped with an exhaust fan to reduce to a practical minimum the possibility of gas leakage into other rooms or areas where persons gather. Such room shall be secured so as to prevent the 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 or fan. A ventilating fan, capable of one air change 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, whether or not such gas is contained in a cylinder(s). The door shall be provided with a shatterproof inspection window, and shall not be latched from the inside.

- (a) Where 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 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 or more staff are available, entry to the room in which the chlorinator is located shall be conducted using a buddy system. One person shall be located on the outside of the room with the EEBA to maintain surveillance of the person who enters the chlorinator room and 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 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.
- (d) A container of commercial 26% Baume'aqua ammonia or equivalent shall be provided for chlorine gas leak detection. The container shall provide a mist or vapor to avoid direct contact of ammonia with equipment and be located on the outside of the chlorinator room.

- (2) 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 recommendations specified by the manufacturer.
- (3) Copies of MSDS sheets for all chemicals must be maintained in conformity with the requirements of the Federal Superfund Amendments and Reauthorization Act (SARA).

C. Diving Facilities, Starting Blocks and Slides.

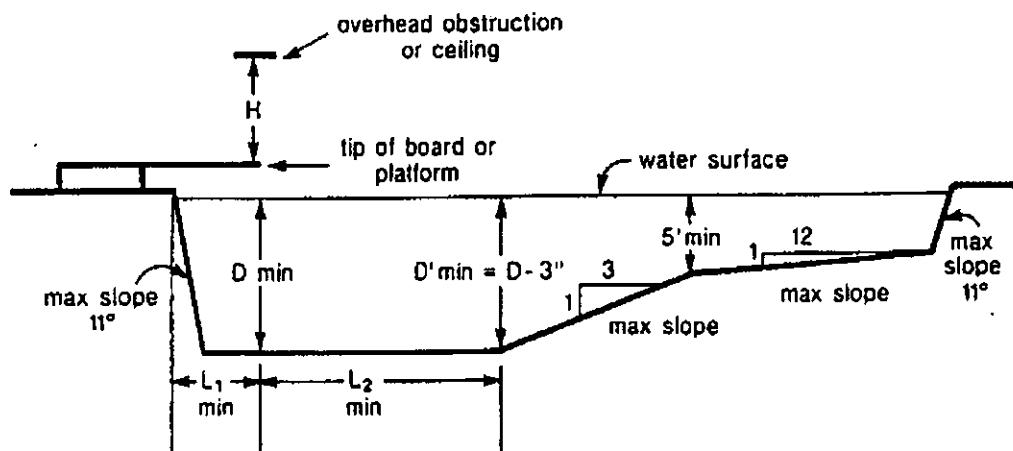
- (1) All one (1) and three (3) meter competitive diving facilities shall conform to standards adopted by the recognized national governing body for that sport, specifically the National Collegiate Athletic Association (NCAA) for university/college competition, the National Federation of State High School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

TABLE I
MINIMUM DIMENSIONS
FOR POOLS WITH DIVING EQUIPMENT

DIVING AREA CHART

Board/Platform Height Over Water	Diving Boards			Platforms	
	less than 1M	1M	3M	1M	3M
Max. Diving Board Length - Plt. Area	12'	16'	16'	* 5'x16'	* 5'x16'
D	10'	12'	13'	12'	13'
L ₁	3'	6'	6'	5'	5'
L ₂	16'	20'	20'	17'	20'
H	16'	16'	16'	10'	10'
From Plumbment to Pool Wall at Side	10'	12'	12'	10'	10'
From Plumbment to Adjacent Plumbment	10'	12'	12'	10'	10'

FIGURE 1



- * Minimum recommended dimensions of the 1M and 3M diving platform by NCAA. Other minimum lengths and widths that will be accepted are the current Federation Internationale de Natation Amateur (FINA) standards and the current United States of America Diving, Inc. (USA Diving) standards.

FIGURE I

- (3) 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 bathing place. Any such diving board, platform and well shall be constructed to conform with the current standards of the Federation Internationale de Natation Amateur (FINA).
- (4) All 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 down the longitudinal axis on the center of the pool. A stripe, four (4) to six (6) inches wide of a contrasting color, shall be placed across the bottom of the pool at the slope break.
- (5) The use and placement of starting blocks shall comply with the following:
 - (a) The recreational/non-competitive use of 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.
 - (i) For bathing places constructed prior to June 1989, the use of starting blocks for swimming competitions and practices must comply with standards adopted by a nationally recognized governing body such as the National Collegiate Athletic Association (NCAA), United States Swimming, National Federation of State High School Associations (NF) or equivalent.
 - (ii) For bathing places constructed after June 1989, starting blocks shall be so designed and installed that they can be easily removed from the deck when not being used by competitive swimmers and shall be located at the deepest end of the racing lane.
- (6) Any area of a bathing place where the water depth is less than five (5) feet must have the edge of the deck marked with the phrase "SHALLOW WATER NO DIVING" in at least four (4) inch letters every twenty-five (25) linear feet in a contrasting color. such markings must be connected by a horizontal stripe at least four (4) inches in height and in the same contrasting color. Diving into water less than five (5) feet deep shall be prohibited in the non-competitive use of a bathing place.
- (7) All water slides shall conform with the United States Consumer Product Safety Commission standards contained in 16 CFR Part 1207.
- (8) Bathing places owned and operated by a condominium association or a residential unit owners association, as defined by the PA Uniform Condominium Act, in existence on the effective date of this regulation, shall be exempt from Sections C.1, 2, 3, 8 and 10 of this Section.
- (9) Bathing places owned and operated by a condominium association or a residential unit owners association, as defined by the PA Uniform Condominium Act, constructed after the effective date of this regulation shall comply with the applicable design standards of the Commonwealth. Prior to construction the owner and/or

operator shall provide to this Department a statement certifying such compliance bearing the signature and imprint of the seal of a registered professional engineer or registered architect, legally qualified to practice in the Commonwealth.

D. Electrical Safety.

- (1) All electrical wires, outlets, appliances and devices shall be designed and installed in accordance with the most recent version of the National Electrical Code.
- (2) All electrical wiring, where 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 so installed and equipped as to prevent the entrance of water.
- (3) No insulated or uninsulated electrical conductors or wires shall cross over any portion of a bathing beach or an indoor or outdoor bathing place, hot tub, or spa except ceiling lighting of sufficient height above the surface of the water and the deck around the facility to prevent bathers from contacting the fixtures.
- (4) All metal fences, railings, or other appurtenances on which a broken electrical conductor or wire might fall shall be effectively grounded.
- (5) All water and other piping to and from a bathing place, hot tub, 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) All electrical equipment and wiring shall be equipped with ground fault circuit interrupters (GFCI).
- (7) All pumps, filters, other mechanical and electrical equipment shall be enclosed in such a manner as to be accessible only to authorized persons.
- (8) Electrical installations at all bathing places, bathing beaches, hot tubs, or spas and any future additions or modifications to such installations, prior to being placed in service and every three (3) years thereafter, shall be inspected and approved in accordance with this Article and the National Electrical Code by an electrical inspection agency acceptable to the Director and evidence in duplicate of the inspection and the results thereof forwarded to this Department.
- (9) All facilities must be maintained in conformance with the requirements of the National Electrical Code.

E. Wading and spray pools shall be separated from a swimming pool or bathing beach by an effective barrier or fence with a self-latching, self-closing gate which restricts young children from entering the main swimming pool or bathing beach area without the barrier posing a threat of injury to the child. If the wading pool or spray pool is separated from the main swimming pool or bathing beach by a distance of at least fifteen (15) feet, such barrier shall not be required. However, the wading pool or spray pool shall be located adjacent to the shallowest area of the swimming pool or bathing beach. No obstructions, such as raised drains, steps,

drinking fountains, or concrete structures which may pose a threat of injury to a child shall be placed in a wading pool or spray pool area. Bathing places constructed prior to June 1989 shall comply with the provisions of this Section except that adult supervision, not necessarily a lifeguard, of the wading or spray pool may be provided in lieu of a fence with a self-latching, self-closing gate.

F. Main Drain Protection

All main drain outlets in bathing places shall be covered by a grating that can not be easily removed by bathers, will not pose a tripping hazard and is designed to prevent entrapment. Outlet openings of the grating shall be at least four times the area of the discharge pipe. The maximum width of grate openings shall not exceed one inch. If only one main drain is provided, it shall be the anti-vortex type.

All outlets/drains under suction in a hot tub or spa shall be designed to guard against hair and body entrapment.

G. Depth Markings

Every bathing place shall have depth markers at least four (4) inches in height and of a contrasting color on the vertical wall of the pool above the water surface and on the edge of the deck spaced at not more than twenty-five (25) feet apart except in the shallow end of the pool where the water is less than five (5) feet in depth. In the shallow end of the pool, the depth markings must be located, at minimum, at the shallow end entry point of the pool, at the five (5) foot depth and a point halfway between those two points. Pools constructed prior to January 2008 shall be exempt from the half-way marking requirement in the shallow end. Pools undergoing major reconstruction shall be required to be in compliance with the most current revision of this Article. Markings shall be on both sides and ends of the pool. Where depth markings cannot be placed on the vertical walls of the pool above the water level, other means shall be used so that the markings will be plainly visible.

Depth markings shall be indicated in feet and inches, and may also be indicated in meter depths if desired. Depth markings shall be shown in numerals and the units of depth shall be indicated as follows.

- (a) Feet or Ft.
- (b) Inches or In.
- (c) Meters or M.

No other depth designations are acceptable.

921. HYGIENE.

- A. The common use of drinking cups, towels, hair brushes or other toilet articles shall be prohibited.
- B. No person with signs of illness or disease or with skin rashes or sores may enter a bathing place, bathing beach, hot tub or spa, except when certified by a physician not to have a disease in a communicable stage.
- C. 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 disease and shall be stored in a clean and sanitary manner.

- D. The owner or operator of every bathing place, bathing beach, hot tub, or spa 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.
- E. The locker rooms, lavatories, restrooms, dressing rooms and all other areas of the facility shall be maintained in a clean, safe and sanitary condition.

922. WATER SUPPLY.

- A. The quality of the water used for drinking, food preparation, cleaning, and personal hygiene purposes shall at all times meet the standards of 25 PA Code, Chapter 109, "Safe Drinking Water".
- B. The bathing place, hot tub, or spa water shall be obtained from a public water supply.

923. FOOD SERVICE. Where food service is provided, the food service facilities and operation shall comply with the provisions of Article III "Food Safety" of this Department's rules and regulations.

924. SEWAGE DISPOSAL.

All sewage systems serving bathing places, bathing beaches, hot tubs, or spas shall conform to the Sewage Facilities Act, the Act of January 24, 1966 (1965), P.L. 1535, No. 537, 35 P.S. §§750.1 *et seq.*, the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, No. 394, 35 P.S. §§691.1 *et seq.* 25 PA Code, Chapters 71, 72 and 73, and Article XIV "Sewage Management" and Article XV "Plumbing and Building Drainage" of this Department's rules and regulations.

925. VECTOR CONTROL. All bathing places, bathing beaches, hot tubs, and spas shall be constructed and maintained in such a manner as to prevent the harborage, breeding, or feeding of rodents, insects, and other animal pests.

926. MUNICIPAL WASTE.

- A. All areas of all bathing places, bathing beaches, hot tubs, and spas, including all storage areas, shall be maintained in such manner as to prevent public health hazards and environmental pollution from municipal waste.
- B. All municipal waste, refuse and garbage shall be stored, transported and disposed in accordance with the provisions of Article VIII "Solid Waste and Recycling Management" of this Department's rules and regulations.

927. PLUMBING. All plumbing shall comply with the provisions of Article XV "Plumbing" of this Department's rules and regulations. Cross connections and backflow shall not be permitted.

All hose bibbs must be equipped with a backflow prevention device approved by the Department.

928. SECURITY.

- A. Every owner, every manager and every operator of a bathing place, bathing beach, hot tub, and spa shall develop a security plan. Such plan shall include measures designed to prohibit access to the facility by unauthorized persons during non-operating hours and detailed procedures to assure that all unauthorized persons have been excluded from the facility prior to the certified lifeguard(s) leaving at the end of operating hours.
- B. All outdoor bathing places, hot tubs and spas shall have a means of being physically closed to users during periods when supervision is not provided and must be completely surrounded by a fence or wall designed to prevent entrance during periods of closure. The fence or wall shall

not be less than four feet in height above the adjacent ground surface and in certain situations (i.e. anticipated problems with swimming when the pool is closed and located in an area where people gather) a fence or wall of greater height is desirable.

All entrances to the pool shall be provided with a self-closing and self-latching gate with a lock. Indoor pools, located in a room which may be used for activities unrelated to the pool, shall also be surrounded by a fence or wall similar to that required to secure an outdoor pool.

929. REPORTABLE DISEASES AND INJURIES.

- A. Every operator and owner of any bathing place, bathing beach, hot tub, spa, or other facility covered by this Article shall report all injuries requiring medical treatment which were sustained by any person using said facilities. Medical treatment includes treatment administered by physicians, hospital staff, and emergency medical personnel. Such reports shall be made to the Department within one week of occurrence on forms provided by the Department. Information on the victim, type of injury, treatment, outcome and injury circumstances shall be designated on the Department's report form. Injuries such as drowning, an event requiring resuscitation, head or spinal injuries, or poisoning or asphyxiation from gaseous or solid disinfectants shall be reported to the Department by telephone immediately.
- B. Every operator and owner of any bathing place, bathing beach, hot tub, spa, or other facility covered by this Article shall report every occurrence or suspected occurrence of human Giardiasis, Cryptosporidosis, 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 bathing place, bathing beach, hot tub, spa, therapeutic swimming pool, or whirlpool to the Department along with all information deemed necessary by the Department within forty-eight (48) hours of becoming aware of the occurrence or suspected occurrence.

930. CONFORMITY CLAUSE. All bathing places, bathing beaches, hot tubs, spas, therapeutic swimming pools, and whirlpools shall be constructed, maintained and operated in accordance with the requirements of the Public Bathing Law, the Act of June 23, 1931, P.L. 899, No. 299, as amended, 35 P.S. §672 *et seq.*, where the Act is not preempted by Act 45, the Uniform Construction Code Act, relating to swimming and bathing places unless more stringent requirements are imposed by this Article.

931. UNCONSTITUTIONALITY CLAUSE. Should any section, paragraph, sentence, clause, or phrase of this Article be declared unconstitutional or invalid for any reason, the remainder of said Article shall not be affected thereby.

932. PENALTIES.

- A. **Summary Offenses.** Any person who violates any of the provisions of this Article or any rule or regulation of the Allegheny County Department of Health, or who interferes with the Director or any other agent of the Department of Health in the discharge of their official duties, shall, for the first offense, upon conviction thereof in a summary proceeding before any alderman, magistrate or justice of the peace of Allegheny County, or before any police magistrate if such offense be committed in a city of the second class, be sentenced to pay the costs of prosecution and a fine of not less than thirty dollars (\$30.00) nor more than three hundred dollars (\$300.00) and, in default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.
- B. **Misdemeanors.** Any person who violates any of the provisions of this Article or any rule or regulation of the Allegheny County Department of Health, or who interferes with the Director or any other agent of the Department of Health, in the discharge of their official duties, 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 dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or to undergo imprisonment not exceeding one (1) year, or both.

C. **Separate Offenses.** For the purpose of this Section, violations on separate days shall be considered separate offenses. Each violations of any separate subsection or section of this Article shall constitute a separate offense.

933. **EFFECTIVE DATE.** This Article shall become effective May 15, 1993. Upon the effective date of this Article, the existing Article IX, "Lifeguards", effective May 1, 1983, as amended, is hereby repealed and superseded by this Article. This document includes all amendments through

APPENDIX A
MINIMUM CONTENTS OF FIRST AID KIT

Adhesive bandages Band-Aids (assorted sizes)	Three rolls of sterile gauze (assorted sizes)
Hand cleaner	EIGHT sterile gauze pads (assorted sizes)
Disposable gloves	One cold pack or accessibility of ice
One pair of bandage scissors	Plastic bags
One pair of tweezers	One container for all the above clearly labeled as a FIRST AID KIT
Small flashlight with extra batteries	
One emergency blanket	
One triangular bandage	
Adhesive tape	

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APPENDIX A – FIRST AID KIT

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EMERGENCY ORDERS

ENTRY AND INSPECTION

FOOD SERVICE

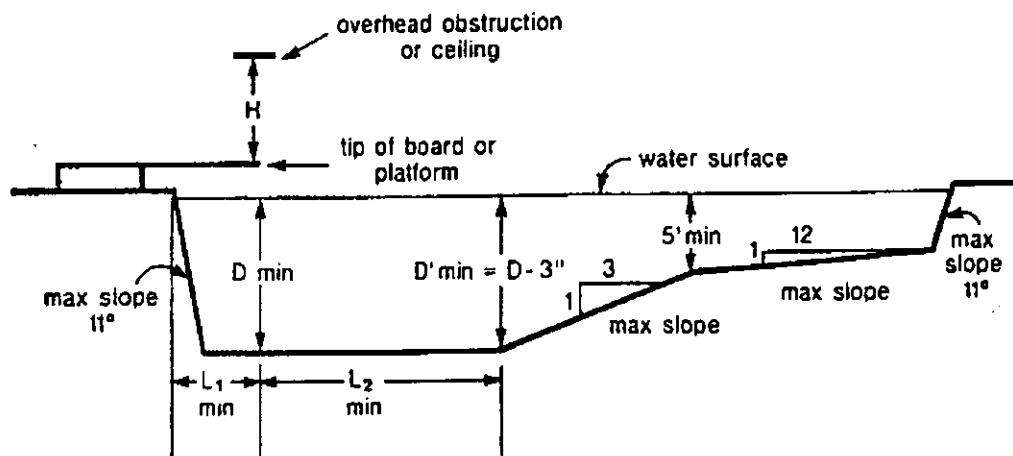
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VIOLATIONS
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WATER QUALITY
WATER SUPPLY

FIGURE 1



M E M O R A N D U M

OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

ALLEGHENY COUNTY COUNCIL

FROM: James M. Flynn, Jr
County Manager

'08 MAY 15 AM10:29

DATE: May 15, 2008

RE: Proposed Ordinance

Attached is an Ordinance ratifying amendments to Allegheny County Health Department Rules and Regulations pursuant to Section 12011 of the Local Health Administration Law, 16 P.S. §12001 et seq.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

Please place this on the next agenda for County Council approval.