

HENDRICKS COUNTY

PUBLIC POOL AND SPA ORDINANCE

ORDINANCE NO. ~~2003-27~~

WHEREAS, the Hendricks County Commissioners find it necessary to regulate the public and semi-public swimming pool and spas for the health and welfare of citizens in Hendricks County, Indiana and

Whereas, the Indiana State Department of Health has developed state wide rules regarding public and semi-public pools and spas and

Whereas the Hendricks County Board of Health is empowered to protect the health and safety of the citizens of Hendricks County

Whereas, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioner's Meeting Room on the ## day of *Month*, *Year* at approximately 9:00 a.m. and;

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana, that the Hendricks County Board of Health Public Pool and Spa Ordinance No. 201#-#, enacted by the Board of Commissioners of Hendricks County, Indiana be amended to read as follows:

SECTION I DEFINITIONS

Full Time Pool – means any public or semi-public pool that operates for more than six (6) months per calendar year.

Habitual Non-compliance - means any repeat violation shown on three (3) consecutive Hendricks County inspection report forms.

Health Officer - means the Executive Officer of the Hendricks County Health Department in Danville, Indiana or the Health Officer's Authorized Representative.

Not-for-Profit Organization - means an organization recognized by the U.S. Internal Revenue Service as a nonprofit and it files a Nonprofit Application for Sales Tax Exemption and timely files a Nonprofit Organization's Annual Report with the Indiana Department of Revenue. exempt from the Indiana Gross Income Tax under IC 6-2.1-3-20 through IC 6-2.1-3-22.

Public Pool –means “any pool, other than those pools defined as semi-public pool which is intended to be used for swimming or bathing and is operated by a concessionaire, owner, lessee, operator, or licensee, regardless ow whether a fee is charged for use. Nothing in this article shall be construed as applying to any pool, constructed at a on (1) or two (2) family dwelling and maintained by an individual for the sole use of the household and house guests.

Seasonal Pool – means any public or semi-public pool that is operated outdoors for less than six (6) months each year.

Semi-public pool - means any pool that is intended to be used for swimming or bathing and is operated solely for and in conjunction with:

- (1) schools, universities, and colleges;
- (2) hotels, motels, apartments, condominiums, bed and breakfasts, or similar lodgings;

- (3) camps or mobile home parks; or
- (4) membership clubs or associations.

Nothing in this article shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling and maintained by an individual for the sole use of the household and house guests.

Spa – “Spa” means a pool designed for recreational and/ or therapeutic use, which is not drained, cleaned, and refilled after each use. The term may include, but is not limited to:

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

Swimming Pool – means any structure, basin, chamber or tank containing water for swimming, diving or recreational bathing. This term includes diving pools, therapeutic pools and wave pools.

Wading Pool – “Wading pool” means a pool used for bathing that has a maximum depth of (2) feet.

However, nothing in these rules shall be construed as applying to any swimming pool, wading pool or spa constructed at and maintained by an individual for the sole use of the household and house guests.

SECTION II PERMITS

It shall be unlawful for any person to operate a public or semi-public swimming pool, public or semi-public wading pool or public or semi-public spa in Hendricks County, who does not possess a valid permit from the Health Officer; except when the entire operation is receiving inspections by an appropriate State or Federal governmental agency. Valid Hendricks County Pool/Spa permits shall be posted in a conspicuous place at all times.

- A. Only persons who comply with the applicable requirements of this ordinance will be entitled to receive and retain such a permit.
- B. A permit for a swimming pool, wading pool or spa shall be for a term of one year and shall be renewed annually.
- C. Any permit issued by the Health Officer shall contain the name of the facility, the address of the facility and other pertinent information required by the Health Officer.
- D. Required permits shall be provided by the Hendricks County Health Officer if a completed application and appropriate fee are presented and the swimming pool, wading pool or spa complies with all applicable requirements.
- E. A separate permit shall be required for each swimming pool, wading pool or spa operated or to be operated by any person. Any permit issued under this ordinance is not transferable from one person to another person, from one facility to another, or from one type of operation to another.

SECTION III PERMIT FEES

A. Permit Fees

All permitted swimming pool, wading pool or spa operators must pay permit fees as specified in the Hendricks County Board of Health Ordinance for Collection of Fees.

B. Permit Fee Exception

No permit fee shall be required for swimming pools, wading pools or spas operated by not-for-profit organizations. Such establishments shall comply with all other provisions of this ordinance.

SECTION IV MINIMUM REQUIREMENTS FOR SWIMMING POOLS, WADING POOLS AND SPAS

A. General Requirements

Each public swimming pool, public wading pool or public spa shall comply with the minimum requirements specified in Indiana Administrative Code, 410 IAC 6-2.1. Two copies of which are kept on file in the Hendricks County Clerk's Office Danville, Indiana, for public inspection.

B. Facilities to be kept clean; summary closure

- (a) All shower rooms, dressing rooms, equipment rooms, and appurtenant facilities shall be kept clean at all times. Daily disinfection of the areas may be required.
- (b) When a bathing area is in such condition as to pose an imminent threat to the health of the public, the department may order the bathing area to be closed temporarily until such time as conditions are brought into compliance with minimum requirements. This action may be taken by issuing an order in writing.

SECTION V COMPLIANCE AND INSPECTIONS

A. Schedule of Inspection

The Health Officer shall establish an inspection schedule to ensure that all permitted swimming pools, wading pools and spas are inspected at least one time per month. More frequent inspection may be assigned at the discretion of the Health Officer.

B. Procedure When Violations Are Noted

If during the inspection of any swimming pool, wading pool or spa, the Health Officer or the Health Officer's representative discovers a violation of any of the requirements in Section IV of this ordinance, he shall issue a written order listing such violation to the proprietor or, in the proprietor's absence, to the person in charge, and setting a date by which the violation shall be abated. A copy of the written order shall be filed with the records of the health department.

C. Follow-up Inspection - Prosecution or Hearing for Violators

If upon a follow-up inspection, the Health Officer finds that a swimming pool, wading pool, spa, person, or employee is violating any provisions of this ordinance which were in violation on the previous inspection, and concerning which a written order was issued, the Health Officer may do either or both of the following:

1. Promptly issue a written order to the permittee of the swimming pool, wading pool or spa; to appear at a certain time and place in the County, in order to show cause why the permit issued under the provisions of Section II should not be revoked.

2. Furnish evidence of the violation to Hendricks County legal representatives for enforcement.

D. Revocation of Permit

The Health Officer upon a hearing with the permittee, if the permittee should fail to show cause why their permit should not be revoked, may revoke the permit and promptly give written notice of the action to the permittee. The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

E. Suspension of Permit

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

1. Unsanitary or other conditions which the Health Officer determines may endanger the public health.
2. Interference with the Health Officer in the performance of their duties.
3. Habitual non-compliance with the requirements set forth by the Indiana State Department of Health or by this Ordinance.

F. Permit Reinstatement

Any person whose permit has been suspended may, at any time, make application to the Health Officer for reinstatement of his/her permit.

SECTION VI AUTHORITY TO INSPECT AND TO COPY RECORDS

All swimming pool, wading pool or spa operators shall, upon the request of the Health Officer, permit the Health Officer access to all parts of the establishment, and shall permit the Health Officer to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

SECTION VII PENALTIES

In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any person who violates any provision of this Ordinance.

SECTION VIII UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared

unconstitutional, or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION IX REPEAL AND DATE OF EFFECT

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this XX day of Month X, 2018.

BOARD OF COMMISSIONERS

Matthew D Whetstone, President

Phyllis A. Palmer, Vice President

Bob Gentry, Member

ATTEST: _____

Nancy Marsh
Hendricks County Auditor
