

PUBLIC POOL ORDINANCE
ORDINANCE NO. 92-19-CM
OF TIPPECANOE COUNTY, INDIANA

An Ordinance pertaining to and regulating the use and maintenance of public pools located within Tippecanoe County, Indiana, providing for issuance of permits therefore and providing penalties for the violation thereof.

Be it ordained by the Board of Commissioners of Tippecanoe County, Indiana, as follows:

1. TITLE. This and all ordinances supplemental or amendatory hereto shall be known as the Public Pool Ordinance of Tippecanoe County and may be cited as such and will be referred to herein as "this Ordinance".

2. PURPOSE. The purpose of this Ordinance is to provide minimum standards for the prevention and suppression of disease and health risks associated with the use and maintenance of public pools and to otherwise promote public safety, welfare, and protection of the users of public pools and the environment.

3. AUTHORITY. The Health Officer of Tippecanoe County, as hereinafter defined, and the Health Officer's agents and representatives are hereby authorized to issue permits, collect permit and incidental fees, perform inspections, order or otherwise compel correction of violation of this Ordinance, and are otherwise authorized to perform all actions necessary for the administration and the enforcement of this ordinance.

4. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

A. BATHER shall mean any person using the facility and adjoining area for the purpose of therapy, relaxation, recreation, or related activities.

B. HEALTH OFFICER shall mean the duly appointed and acting Health Officer of Tippecanoe County, Indiana, or his authorized representative.

C. PERSON shall mean any individual, partnership, firm, company, corporation, association, municipality, other division of government, or his or its legal representative or agent.

D. PUBLIC SWIMMING POOL (hereafter frequently referred to as a swimming pool) shall mean any structure, basin, chamber, or tank containing a body of water for swimming, diving, therapeutic or recreational bathing including wading pools as hereafter defined. "Swimming pool" shall also include auxiliary structures including dressing and locker rooms, toilets, showers, and other areas and enclosures that are intended for the use of persons using the pool.

E. Particular types of public swimming pools are defined as follows:

1. CLASS A - Competition Pool: Any pool intended for use for competitive aquatic events sanctioned by nationally recognized athletic organizations such as:

- (a) FINA (Federation International De Natation Amateur);
- (b) AAU (Amateur Athlectic Union)
- (c) NCAA (National Collegiate Athletic Association);
- (d) USD (United States Diving, Inc.); or
- (e) NAIA (National Association of Intercollegiate Athletics).

Such pools may also be used for public recreation.

2. CLASS B - Public Pool: Any pool intended for public recreational use.

3. CLASS C - Semi Public Pool: Any pool operated solely for and in conjunction with lodgings such as hotels, motels, apartments, condominiums, and campgrounds.

F. PUBLIC WADING POOL (hereafter frequently referred to as a wading pool) shall mean any swimming pool as defined in "D" above and which pool has a portion of the shallow end with a maximum depth of twenty-four (24) inches and is designed and constructed for a turnover rate of at least one (1) turnover per hour.

G. OWNER shall include, but not be limited to, any person, individual, corporation, firm, partnership, association, business organization, or any other group acting as a unit, as well as a trust or estate or the agent or legal representative thereof who shall hold title to the real estate upon which the pool is placed or who shall be legally responsible for the operations of the swimming pool or who shall be so designated as the owner on the permit application.

H. TURNOVER RATE means the period of time in hours required to circulate a volume of water equal to the pool capacity.

I. DECKS means those areas surrounding a pool which are specifically constructed or installed for use by bathers.

J. FILTER means a device that separates solid particles from water by circulating the water through a porous substance (a filter medium element).

K. PERMIT means a certificate of a size and style previously approved and issued by the Health Officer.

L. BOARD shall mean the Tippecanoe County Board of Health of Tippecanoe County, Indiana.

M. IMMINENT HEALTH HAZARD shall mean any event, circumstance or situation, which in the sole discretion of the Health Officer, presents a serious and present health risk to a person or the public at large.

5. PERMIT REQUIREMENTS.

A. Nothing in this ordinance shall be construed as applying to any swimming or wading pool maintained by an individual for the sole use of his household and house guests or to a pool in a hospital or health facility approved by the Indiana State Department of Health, which pool is used for individual therapy only and is drained and filled prior to each individual use or to hot tubs or spas.

B. It shall be unlawful for any person to operate a swimming pool in Tippecanoe County, Indiana, who does not possess a valid permit from the Health Officer. Such permit shall be posted in a conspicuous place on the premises of such swimming pool or wading pool. Only persons who comply with the applicable provisions of this Ordinance shall be entitled to receive and retain such a permit. Such a permit shall be for a term of one (1) year and shall be renewed annually on or before the anniversary date established by the Health Officer. Any permit issued by the Health Officer shall contain the name and address of the Owner and such other data as the Health Officer may deem necessary.

C. Swimming Pools or wading pools operated only during the summer months (those months including May, June, July, August, and September) shall pay to the office of the Health Officer of Tippecanoe County a fee of \$50.00 each year. Swimming pools operating year round, or for periods longer than the summer months as stated above, shall pay to the office of the Health Officer of Tippecanoe County a license fee of \$75.00 each year. All license fees shall be submitted along with the initial or the annual license renewal application and shall be submitted within 60 days of the enactment of this Ordinance for those pools operating year round or for periods longer than the summer months. For swimming pools or wading pools operating only during the summer months, all license applications and license fees shall be payable on or before May 1st of the year intended for licensure. A late penalty charge of 25% of the license fee shall be assessed if the license application or fee is submitted subsequent to the dates required hereunder. The late penalty charge will not apply to pool facilities which were not in operation the previous year. Tax supported units of government shall be exempt from the payment of the above prescribed fees and shall not be required to pay any license processing fee but shall be required to obtain a license.

6. CONSTRUCTION, SANITATION, AND OPERATION REQUIREMENTS.

A. The requirements of Rule 410 I.A.C. 6-2, as amended, supplemented or otherwise rewritten and generally entitled "Swimming and Wading Pool Operation" of the Indiana State Department of Health are hereby incorporated by reference as part of this Ordinance, and all swimming pools or wading pools shall be operated and maintained in accordance with the terms and provisions of such Rule.

B. The requirements of Rule 675 I.A.C. 20-1.1 and 20-2, as amended, are hereby incorporated by reference as part of this Ordinance, and all swimming pools shall be operated and maintained in accordance with the terms and provisions of such Rule.

C. The requirements of the Indiana Swimming Pool Code of the Department of Fire and Building Services are hereby incorporated by reference as part of this Ordinance and all public swimming pools or public wading pools shall be designed, constructed, and maintained in accordance with the terms and provisions of such code. No swimming pool or wading pool, as defined in this Ordinance, shall be constructed, installed or maintained in Tippecanoe County unless the owner thereof shall first have obtained a permit from the Tippecanoe County Building Commissioner for the construction or installation thereof and from the Tippecanoe County Health Officer for the operation thereof.

D. The swimming pool shall be fenced or walled by a six (6) foot wire mesh fence, or a similar effective enclosure. Each pool shall have a deck which shall surround the entire pool area and which shall be of a concrete mix design which is slip resistant (sic) pursuant to the American Concrete Institute (ACI Standard 302.1-R-80) and which deck for Class B pools shall contain a minimum unobstructed width of not less than six (6) feet and which deck for Class C pools shall contain a minimum unobstructed width of not less than four (4) feet.

E. The wading pool shall be fenced with six (6) foot wire mesh fence, or a similar effective enclosure. Each wading pool shall have a deck which shall surround the entire pool area and which shall be of a concrete mix design which is slip resistant pursuant to the American Concrete Institute (ACI Standard 302.1-R-80) and which deck for Class B pools shall contain a minimum unobstructed width of not less than six (6) feet and which deck for Class C pools shall contain a minimum unobstructed width of not less than four (4) feet. Where a wading pool is adjacent to any deep water area, a four (4) foot wire mesh fence, or similar effective enclosure, shall separate the two (2) pools or pool areas.

F. Those swimming pools and wading pools which were constructed and in operation prior to adoption of this Ordinance which have existing decks which do not conform to the requirements of ACI Standard 302.1-R-80 or are constructed of materials other than concrete may be issued a permit as required by this Ordinance if the Health Officer determines use of the existing deck does not violate the stated purpose of this Ordinance.

G. All swimming pools and wading pools shall conform to 675 I.A.C. 17 of the Indiana Electrical Code. Enough artificial lighting shall be provided for indoor or outdoor pools where swimming is allowed after sunset. Such lighting shall be sufficient to make a black disc, six inches in diameter, readily visible when placed on a white background clearly visible from the side of the pool when the disc is placed on the floor of the pool, whether it be in the deepest end or shallow end of the pool.

H. Each swimming pool or wading pool shall have an additional hair and lint basket in good condition, on site for replacement purposes for the pumping equipment.

7. WATER SUPPLY.

A. The water supply serving the swimming pool and all plumbing fixtures including drinking fountains, lavatories, and showers shall be obtained from a municipal water supply system if at all possible; otherwise the water supply shall come from a source which meets the standards of 327 I.A.C. 8-2 of the Indiana Department of Environmental Management.

B. All portions of the water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow and back-siphonage. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap or by other methods acceptable to the State Building Commissioner in accordance with 675 I.A.C. 16, the Indiana Plumbing Codes.

8. SEWER SYSTEMS; DRAINS.

A. The sewer system shall be adequate to serve the facility, including bathhouse, locker room, and related accommodations. The building drains and sewers shall have capacity to carry filter backwash flows without surcharging or flooding onto the equipment room floor. No public pool shall be operated or maintained without a drain or other main outlet. Pool water, including filter wash water, may not be discharged directly to a drain, ditch, stream, or lake if it is in violation of 327 I.A.C. 2-1 of the Indiana Department of Environmental Management.

B. There shall be no direct physical connection between the sewer system and any drain from the swimming pool or wading pool or recirculation system. Any swimming pool or wading pool or gutter drain or overflow from the recirculation system when discharged to the sewer system, storm drain, or approved natural drainage course shall connect through a suitable air gap so as to preclude possibility of backup of sewage or waste into the swimming pool or wading pool piping system. All sumps, deck drainage systems, and other drainage fixtures or systems connected with the pool facility which discharge to a sewer or storm drain shall be properly trapped and vented to prevent sewer gasses and odors from reaching the pool area.

C. The sanitary sewer serving the swimming pool or wading pool and auxiliary facilities shall discharge to the public sewer system wherever possible. Where no such sewer is available, the connection shall be made to a suitable disposal plant designed, constructed, and operated in compliance with the applicable rules of the Indiana Department of Environmental Management. Treated swimming pool water or filter backwash water shall not be discharged to residential or small commercial building type sewage treatment systems.

9. DEPTH MARKINGS.

A. Depth of water shall be plainly marked at or above the water surface on the vertical wall of the swimming pool, and on the edge of the deck or walk next to the swimming pool or wading pool, at maximum and minimum depths, at the points or slope change or break between the deep and shallow portions, and at intermediate two (2) foot increments of water depth. The depth in diving areas shall be appropriately marked.

B. Depth numbers shall not be less than four (4) inches minimum in height and shall be a color contrasting with the background on which they are applied. Where depth markers cannot be placed on the vertical walls above the water level, other means shall be used. Said marking shall be plainly visible to persons in the swimming pool or wading pool.

C. Swimming pools having a diving board shall conform to the minimum dimensions as set forth in figure 2-1 of 675 I.A.C. 20-2-15.

11. VISITOR AND SPECTATOR AREA; FOOD AND DRINK AREAS.

A. There shall be separation between the spaces used by visitors and spectators and those spaces used by bathers at swimming pools and wading pools. Visitors and spectators in street clothes may be allowed within the perimeter enclosure if in a separate area segregated from the space used by the bathers by a fence at least 29 inches high.

B. No food, drink, or smoking shall be permitted in the immediate area of the swimming pool or wading pool or on the decks surrounding the pool except that food, beverage, and tobacco will be allowed in the visitor and spectator area, or in a similarly separated snack area for bathers, if beverages are served in nonbreakable containers and nonbreakable ash trays and trash containers are provided to keep litter off the pool decks.

C. Any food service establishment that operates in conjunction with a swimming pool or wading pool shall obtain a food permit from the Tippecanoe County Health Department.

12. SAFETY REQUIREMENTS; SUPERVISION; LIFE SAVING EQUIPMENT.

A. The swimming pool shall be under the supervision of a capable individual who shall assume the responsibility for compliance with all parts of 410 I.A.C. 6-2 of the Indiana State Department of Health and any local ordinance relating to safety of bathers.

B. Enough acoustical treatment, including materials and ceiling design, shall be given to enclosed pool rooms to control noise levels. It is essential for safety that swimmers be able to hear signals and directions of routine supervision as well as emergency control.

C. Any swimming pool operated primarily for unorganized use and having an area of more than 2,000 square feet of water surface area shall be provided with an elevated lifeguard platform or chair. Chairs shall be placed in locations which eliminate sun glare on the water, and in positions which will give complete coverage of the pool within a field of view limited to 45 degrees on either side of a line of sight extending straight out from the chair. In pools with 4,000 square feet or more of water surface area, additional elevated chairs shall be provided, located to provide a clear unobstructed view of the pool bottom in the area under surveillance.

D. Whenever the pool area is opened for use and no life-guard service is provided, warning signs shall be placed in plain view at the entrances and inside the pool area which state "Warning - No Lifeguard on Duty" with clearly legible letters, at least 4 inches high. In addition, the signs shall also state in clearly legible letters at least 2 inches high, "No Swimming Alone. Children Under 14 Years of Age and Non-Swimmers Shall Not Use the Pool Unless Accompanied by a Responsible Adult".

E. Lifeguards assigned to the supervision of the swimming pool shall not be subject to duties that would distract their attention from proper observation of any persons in the swimming pool area or that would prevent immediate assistance to any person that is in distress in the water.

F. Lifesaving equipment shall be mounted in conspicuous places distributed around the swimming pool or wading pool deck, and at lifeguard chairs. It shall be readily accessible, within twenty (20) feet of the pool, its function plainly marked, and kept in repair and ready condition. Bathers or others shall not be permitted to tamper with or remove such equipment from its established location for any purpose other than the intended emergency use.

G. One unit of lifesaving equipment shall consist of all of the following:

1. a ring or throwing buoy not more than 20 inches in diameter with enough weight for accurate throwing fitted with a 45 foot length of at least a 1/4 inch diameter line;
2. a life pole, or shepherd's crook type of pole, having blunted ends with minimum length of 12 feet;
3. a spine board with ties and rigid cervical collars.

Not less than one unit of equipment as listed above shall be provided at every public swimming pool. One unit shall be adequate for 2,000 square feet of water surface area, and one additional unit shall be provided for each additional 2,000 square feet, or major fraction thereof, of water surface area. Any defective equipment listed in this section shall be discarded and replaced.

H. Every swimming pool or wading pool shall be equipped with a standard First Aid Kit, recommended or approved for swimming pools or wading pools by the American Red Cross kept filled and ready for use. Availability of a kit in the office of the resident manager for a motel, apartment complex, hotel, or campground shall satisfy this requirement for such pools.

I. Every swimming pool or wading pool shall have a readily accessible room or area designated and equipped for emergency care.

J. Every swimming pool and/or wading pool shall have a properly connected telephone which is accessible at or within two hundred (200) feet of the swimming or wading pool, and remain available for emergency use while the swimming pool or wading pool is open. The Tippecanoe County Emergency phone number (E-911) shall be posted within view of the telephone. A sign in clearly legible letters shall be posted in the immediate vicinity of the swimming pool or wading pool stating the location of the telephone.

K. Swimming pools having portions with water depths of more than five (5) feet shall have a removable buoyed transition line anchored at each end and extending across the width of the pool at a point one (1) foot upslope from the breakpoint between shallow (five [5] feet or less) and deep (over five [5] feet) areas whenever the swimming pool is open for use except when the swimming pool is being used for organized competitive activities.

L. When the swimming pool or wading pool is not open for use, access to the pool shall be prevented by locking the entrance to said swimming pool or wading pool and posting a sign stating "Pool Closed" in clearly legible letters at least four (4) inches high affixed to the entrance closure.

M. Signs stating "No Diving" in clearly legible letters at least four (4) inches high, shall be displayed at non-diving areas which are five (5) feet deep or less. These signs must be clearly visible to bathers entering the pool and in non-diving areas. Diving shall not be allowed in pools or areas of pools which are not designed and constructed for that purpose.

N. All swimming pools and wading pools shall post in a conspicuous place a bather load capacity sign. The sign shall be at least 4 inches high with clearly legible letters. The Tippecanoe County Health Department will calculate the bather load capacity for each swimming pool and wading pool.

13. DISINFECTION; WATER QUALITY.

A. All swimming pools or wading pools when in use shall be continuously and automatically disinfected by a chemical equipment feeder. The chemical shall be easily measured for free available residual and total residual. When chlorine is used, a free chlorine residual of at least 1.0 mg/l shall be maintained throughout the pool whenever it is open or in use. If other halogens are used, residuals of equivalent disinfecting strength shall be maintained. Any time the residual disinfectant level is below the minimum required concentration, this will constitute grounds for immediate closure of the pool. The swimming pool or wading pool shall remain closed until the minimum residual disinfectant level is obtained.

B. Use of gaseous chlorine for disinfection is not recommended but if used the following minimum standards apply:

1. A self-contained breathing apparatus (SCBA) designed for use in a chlorine atmosphere, shall be provided when using gaseous chlorine. The self-containing breathing apparatus shall be kept in a closed cabinet, clearly labeled and accessible without a key, located outside of the room in which the chlorinator is maintained.

2. When using gaseous chlorine, the chlorine supply and gas feeding equipment shall be housed and stored in a separate relatively gas-tight noncombustible and corrosion-resistant room. The room shall be provided with a motor driven exhaust system which takes its suction not more than eight (8) inches from the floor and discharges out-of-doors in a direction to minimize exposure to toxic fumes and which exhaust system is capable of producing at least one (1) air change per minute. The room shall also have a window at least eighteen (18) inches square and artificial lighting with one electrical switch to control both the artificial lighting and ventilation equipment and which switch shall be located outside the room and adjacent to the door.

Access to the room shall be from the outside ONLY, and the room shall be locked to prevent any unauthorized entry. The key shall be readily available so that in case of an emergency the key will be easily located. The room shall be located away from the swimming pool or wading pool entrance.

3. Scales shall be suitable for weighing chlorine cylinders and shall have the capacity of weighing at least Three Hundred (300) pounds (135 kg).

4. Cylinders of gas chlorine either full or empty shall be securely chained, strapped, or clamped in the upright position. The valve protection hood shall ONLY be removed when the cylinders are connected.

5. The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas chlorine feed is automatically terminated when the water recirculating pump is shut off. Where other than facility recirculated water is used, the supply line shall be equipped with an electric shut off valve wired to the recirculation pump and shall be equipped with an approved backflow preventer. Where two (2) or more cylinders are in use, an automatic change over valve shall be used.

6. Chlorinator vent lines shall be conducted to the out-of-doors similar to the chlorinator room exhaust system. The gas chlorinator shall be the solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere. A chlorine valve shut off wrench shall be kept on the cylinder valve stem when in use.

7. The water supply for the gas feeding equipment shall produce the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment.

8. To detect a chlorine leak there shall be a plastic squeeze bottle containing commercial 26° Baume aqua ammonia available. If a leak occurs in the equipment or piping, the chlorine equipment shall be shut off.

9. In the event of a chlorine leak, the fire department serving the area in which the swimming pool or wading pool is located must be immediately contacted. The phone numbers of the fire department must be posted on the outside of the chlorine room door.

10. A sign stating "Danger - Hazardous Chemicals" in clearly legible letters at least four (4) inches high shall be posted on or adjacent to the entrance to the pool chemical feed or storage room.

11. All gas and chlorine equipment shall be operated and maintained in accordance with the standards and recommendations of the Chlorine Institute Incorporated. Pool equipment operating staff shall be trained in use of all such equipment including the self-contained breathing apparatus and be prepared to show evidence of that training. A plan of action for an emergency arising from the use of gas chlorine shall be written, made known, posted and practiced.

C. The Health Officer may accept other disinfecting materials or methods when such materials or methods have been adequately demonstrated to provide a satisfactory residual effect which is easily measured and to be otherwise equally as effective under conditions of use as the chlorine concentration required herein. Such materials and methods shall not be dangerous to public health, create objectionable physiological effects, or impart toxic properties to the water.

D. A DPD (Diethyl-P-Phenylene) colorimetric test shall be used to determine the free disinfectant residual, total disinfectant residual, total alkalinity, and pH in swimming pools and wading pools. The test kit for measuring the concentration of the disinfectant, accurate within five-tenths (0.5) mg/l, shall be used at each public swimming pool or wading pool.

For each pool which uses chlorine as a disinfectant, the test kit shall cover a minimum range of five-tenths (0.5) mg/l to five (5.0) mg/l measured as free active chlorine and be capable of measuring total chlorine.

For each pool which uses an alternate disinfectant the test kit shall have the range and accuracy proportionate to the range covered and shall be adequate to measure the disinfectant levels needed to be comparative to the chlorine levels measure in section A above.

E. If chlorinated isocyanurate or cyanuric acid stabilization is used for swimming pools or wading pools there shall be a test kit to measure the cyanuric acid concentration. It is recommended that the cyanuric-acid (sic) level (sic) be 30 to 50 ppm, but shall not exceed 100 ppm. The pool water shall be tested weekly for the concentration of such stabilizers and the results recorded.

The swimming pool or wading pool water shall be maintained in an alkaline condition as indicated by a pH of not less than 7.2 and not over 7.8. A pH testing kit accurate to the nearest 0.2 pH unit shall be used at each swimming pool. The alkalinity of the water shall be at least 80 milligrams per liter as titrated using the endpoint visual color change.

F. A flow meter shall be located so that the recirculation system rate and the filtration system rate can easily be read. The flow meter shall be maintained in an accurate operating condition and shall be easily accessible. It shall have a durable scale which is graduated in gallons per minute, and the range for reading is appropriate for the flow. The glass and the connecting tube shall be kept clean.

G. The recirculation system shall be maintained in a condition to recirculate the entire contents of the swimming pool or wading pool within the time listed in the subsection for turnover rate. A suitable means shall be provided to measure the flow of the water through the recirculation system. The recirculation system shall provide the following turnover rate:

1. In all public swimming pools built before September 13, 1989, the turnover rate shall be the lesser of eight (8) hours, or based on the maximum bather load one and eight-tenths (1.8) gallons per bather.

2. In the public swimming pools built after September 13, 1989:

<u>Pool Types</u>	<u>Turnover Rates</u>
Wading Pools	1 Hour
Wave Pools	2 Hours
Zero Depth Pools	2 Hours
Pools with Wading Areas	2 Hours
Competition Pools	6 Hours
Diving Pools	12 Hours
All Other Public Pools	6 Hours

H. The water shall have insufficient clarity at all times so that a black disc, six inches in diameter, is readily visible when placed on a white field at the deepest point of the swimming pool or wading pool. Failure to meet this requirement shall constitute grounds for immediate closing of the pool.

I. The owner of each swimming pool or wading pool shall arrange for the collection and examination of at least one bacteriological sample per week whenever the swimming pool or wading pool is open for use. Failure to meet this requirement shall constitute grounds for closure.

Not more than 15 percent of the samples covering any considerable period of time shall either:

1. contain more than 200 bacteria colonies per milliliter, as determined by the Heterotropic 35° Centigrade, agar plate count, or

2. show positive test (confirmed test) for coliform organisms in any of the five (5) ten (100 milliliter portions of a sample, or more than 1.0 coliform organism per 50 milliliters when the membrane filter test is used, or any presence of coliform when the 100 milliliter presence/absence test is used.

All swimming pool and wading pool water samples shall be collected, dechlorinated, and examined for total bacteria using the heterotropic thirty-five degree centigrade (35° C) plate count method and for total coliform using the multiple tube fermentation test, the membrane filter test, or the one hundred (100) milliliter presence/absence test. Such test shall be performed by a State approved bacteriological laboratory in accordance with the procedures outlines in the seventeenth edition of Standard Methods for the Examination of Water and Wastewater (APHA), published in 1989. Where samples are examined in laboratories other than those of the Indiana State Department of Health, copies of the report of the weekly water examination shall be sent by the laboratory, or by the swimming pool and wading pool operator, to the Indiana State Department of Health Division of Sanitary Engineering, and the Tippecanoe County Health Department using forms provided by that laboratory.

J. The right is reserved to close any pool in the event of any epidemic or threatened epidemic of disease which the Health Officer or the Indiana State Department of Health may have reason to believe may be transmitted through the use of swimming pools or wading pools because of continued failure to meet the standards for bacterial quality established herein, or until recommended improvements are made.

K. Chemicals used in controlling the quality of water shall be demonstrated as imparting no toxic properties to the water. The addition of chemicals for algae control, and for chemicals which are classified as pesticides shall be approved by the Indiana State Chemist.

14. SUITS AND TOWELS; CLEANING.

A. All multi-use suits and towels furnished to bathers by the pool management shall be washed thoroughly with detergent and hot water, rinsed, and thoroughly dried after each use. If water or less than 175° Fahrenheit is used for washing, the suits shall be rinsed in a disinfectant.

B. Clean suits and towels must be kept strictly separated from those which have been used and are unlaundered.

15. CLEANING POOLS.

A. Visible dirt on the bottom of the swimming pool or wading pool shall be removed every 24 hours or more frequently as required.

B. Visible scum or floating matter on the swimming pool or wading pool surface shall be removed continuously by skimming, flushing, or other effective means when the swimming pool or wading pool is open for use.

C. All auxiliary structures serving the swimming pool or wading pool shall be maintained in a safe and sanitary condition.

16. RECORDS OF OPERATION; SUPERVISION.

A. The facilities and mechanical equipment of every swimming pool or wading pool shall be operated under the close supervision of a trained operator.

B. Proper operating records, which may include the following as required by the Tippecanoe County Health Department, shall be kept daily showing:

1. bather loads - total;
2. peak bather load;
3. volume of fresh water added;
4. operating periods of recirculation pumps and filters and corresponding rate-of-flow meter readings;
5. amounts of chemicals used;
6. disinfectant residuals;
7. pH readings;
8. maintenance (and malfunctioning) of equipment;

Such records shall be open in inspection by health authorities at all times and weekly summaries of these reports shall be submitted to the appropriate health authority on request, using forms furnished by that authority. All records shall be kept for a minimum of two (2) years.

C. Serious injuries and drownings which occur within the pool enclosure shall be reported within ten (10) days to the Tippecanoe County Health Department and the Indiana State Department of Health Division of Sanitary Engineering using forms provided by the local health department.

17. SUPERVISION; PERSONAL CONDUCT REGULATIONS.

A. One (1) or more qualified lifeguards, trained by the American Red Cross, YMCA, and possessing as minimum qualifications current basic lifeguarding, lifeguard training, adult cardiopulmonary resuscitation and standard first aid course certificates, shall be on duty at pool side at all times when the swimming pool is open to use by bathers, except at pools with less than two thousand (2,000) square feet of water surface used exclusively by a motel, apartment complex, condominium, hotel, campgrounds, or similar occupancy in compliance with Sec. 12 (H) hereof. Such lifeguard shall be in full charge of bathing and have authority to enforce all rules of safety and sanitation. Additional lifeguards sufficient to maintain a bather load of not more than seventy-five (75) persons per lifeguard shall be on duty when the pool is open for use. Lifeguards qualified as a lifesaver under the requirements of this Ordinance shall be allowed one (1) year from the effective date of this Ordinance or until the expiration of their current certification, whichever is less, to meet the lifeguard requirements as defined in this subsection. At least one (1) individual trained in first aid and cardiopulmonary resuscitation shall be available at the swimming pool or wading pool whenever the facility is open for use by bathers. The American Red Cross standard first aid course may be considered as a minimum.

B. The following personal conduct regulations shall be enforced:

1. All bathers shall be instructed to use the toilet, and particularly to urinate, before taking cleansing bath and entering the pool.

2. All persons using the swimming pool or wading pool shall take a cleansing shower bath in the nude, using warm water and soap, and thoroughly rinsing off all soap suds, before entering the swimming pool rooms or enclosure. A bather leaving the pool to use the toilet shall take another cleansing bath before returning to the swimming pool room or enclosure.

3. Spitting, spouting of water, blowing the nose, etc., in the swimming pool shall be strictly prohibited.

4. No running, boisterous or rough play, except supervised water sports, shall be permitted in the pool, on the runways, diving boards, floats, platforms, or in dressing room, shower rooms, etc.

5. Suitable placards embodying the above personal conduct regulations and instructions, and those relating to suits and towels, shall be conspicuously posted in the swimming pool room or enclosure and in the dressing rooms and offices at all swimming pools or wading pools which are subject to this Ordinance.

6. Any person having an infectious or communicable disease shall be excluded from a public swimming pool or wading pool. Persons having any considerable area of exposed subepidermal tissue, open blisters, cuts, etc., shall be warned that these are likely to become infected and advised not to use the pool.

7. All bathers must use appropriate swim wear. Street clothes shall not be allowed in the pool.

8. A pet or other animal except a trained guide dog leading a blind person, is not permitted in a swimming or wading pool enclosure or room.

18. POWERS FOR INSPECTION; ENFORCEMENT; SERVICE OF NOTICES AND ORDER HEARINGS.

A. The Health Officer or his duly authorized agent, bearing proper credentials and identification, shall be permitted to enter upon all properties at proper times for the purpose of inspection, and/or monitoring necessary to carry out the provisions of this Ordinance.

B. Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, he shall give notice to such alleged violation to the person or persons responsible therefore, and to any known agent of such person, as hereinafter provided. Such notice shall:

1. be in written form;
2. include a statement of reasons why it is being issued;
3. allow a reasonable time for the performance of any act it requires;
4. be served upon the owner or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon him personally, or if a copy thereof is sent by certified mail to his last known address or if a copy thereof is posted in a conspicuous place in or about the facility affected by notice, or if he is served with such notice by any other method authorized or required under the laws of this state;
5. such notice must contain an outline of remedial action, which, if taken, will effect compliance with the provisions of the Ordinance.

C. Any person affected by any such notice issued by the Health Officer may request and shall be granted a hearing on the matter before said officer provided that such person shall file in the office of the latter within ten (10) days after service of the notice, a written petition requesting such hearing and setting forth a brief statement of the grounds therefore. Upon receipt of such petition, the Health Officer shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be heard as soon as practical after the receipt of request therefore. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why compliance with this Ordinance should not be met.

D. After such hearing, the Health Officer shall sustain, modify, or withdraw the notice, depending upon his findings as to whether compliance with the provisions of this Ordinance have been met. If the Health Officer shall sustain or modify such notice, it shall be deemed to be an order. Any notice served pursuant to the provisions of this Ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer within ten (10) days after such notice is served.

E. Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health he may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately, but upon petition to the Health Officer a petitioner shall be afforded a hearing as soon as possible, in the manner provided above. After such hearing, depending upon the finding as to whether the provisions of this Ordinance have been complied with, the Health Officer shall continue such order in effect, or modify it, or revoke it.

19. PENALTIES.

A. Any person, firm, or corporation who shall violate any provision of this Ordinance shall be served by the Health Officer with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.

B. Any person, firm, or corporation who shall violate any provision of this Ordinance shall be subject to penalty as hereinafter prescribed in this Section. On being found to have violated the provisions of this Ordinance, the violator shall be punished for the first offense by a fine of One Hundred Dollars (\$100.00); for the second offense by a fine of not more than Three Hundred Dollars (\$300.00); and for the third and each subsequent offense by a fine of not more than Five Hundred Dollars (\$500.00). Each day after the expiration of the time limit for abating and completing improvements as ordered by the Tippecanoe County Health Department, or by the duly appointed Health Officer of the County, shall constitute a distinct and separate offense.

C. Any person violating any of the provisions of this Ordinance shall become liable to said County for any expense, loss, or damage occasioned by reason of such violation, including, but not limited to, reasonable attorney fees.

20. ENFORCEMENT.

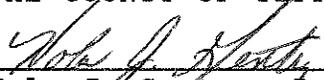
The Health Office may initiate any procedures as he deems necessary for proper enforcement and to carry out the purpose and intent of this Ordinance.

21. SEVERABILITY. 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 and shall remain in full force and effect.

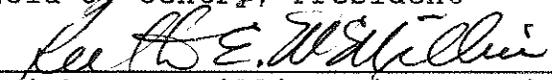
22. EFFECTIVE DATE. This Ordinance shall apply to all of Tippecanoe County, Indiana, except within the corporate limits of those cities and towns within Tippecanoe County as of the date from and after its adoption and approval by the Commissioners as stated herein and any publication as required by law.

23. EFFECTIVE DATE. Passed on First reading by the Board of Commissioners of the County of Tippecanoe on the 19th day of October, 1992.

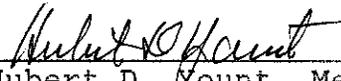
THE BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE



Nola J. Gentry, President

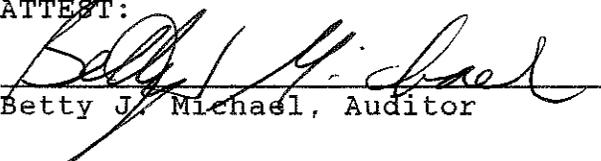


Keith E. McMillin, Vice President



Hubert D. Yount, Member

ATTEST:



Betty J. Michael, Auditor

Passed on Second reading by the Board of Commissioners of the County of Tippecanoe on the 2nd day of November, 1992 with an effective date of November 2, 1992.

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

Nola J. Gentry
Nola J. Gentry, President

Keith E. McMillin
Keith E. McMillin, Vice President

Hubert D. Yount
Hubert D. Yount, Member

ATTEST:

Betty J. Michael
Betty J. Michael, Auditor