



NEWTOWN DISTRICT DEPARTMENT OF HEALTH PUBLIC POOL REGULATION

Authority

This Regulation is enacted pursuant to the powers and duties set forth in C.G.S. 7-148, 19a-206, and 19a-207, 19a-243, Section 19-13-B33b of the Public Health Code of the State of Connecticut and other applicable Connecticut General Statutes.

Section 1. Scope and Purpose

- a. The provisions of this Regulation shall be known as the "Public Pool Regulation", hereinafter referred to as "this Regulation".
- b. The purpose of this Regulation and its standards is to regulate sanitary conditions, protect the health and safety of patrons of public swimming pools within the Newtown Health District to prevent the spread of disease including, but not limited to, viral, bacterial, and fungal infections.
- c. This regulation is enacted pursuant to the powers and duties set forth in the Connecticut General Statutes (CGS) 7-148, 19a-92g, 19a-207 19a-231, 19a-232, 19a-243a and 20-266s. Clearly defining the requirements for the inspection, sanitary conditions, license fees and penalties for said public swimming pools will protect and promote public health and welfare.

Section 2. Definitions

For the purposes of these regulations:

Authorized Agent An employee of the Newtown Health District designated by the Director of Health to enforce the provisions of the Newtown Health District Public Pool Regulation.

Health District The Newtown District Department of Health or Newtown Health District.

Director of Health The Director of Health of the Newtown District Department of Health or their authorized agent.

Non-profit organization An organization holding tax exempt status as defined by the United States Internal Revenue Code 26 USC 501, which is operated by an entity which is not associated with a branch of Federal, State or local government.

Person Any individual, firm, partnership, association, corporation, company, municipality, political subdivision, community governmental agency, club, organization, or other entity owning or operating a public pool.

Person in charge The individual present at the public pool who is the apparent supervisor of the public pool at the time of the inspection. If no individual claims to be the supervisor, then any employee present is deemed to be the person in charge for the purposes of this Regulation.

Public Health Code The Public Health Code of the State of Connecticut, hereinafter the CT Public Health Code.

Public Pool Any artificial basin as defined in Section 19-13-B33b of the Public Health Code of the State of Connecticut.

Swimming Pool Operator A person at least eighteen (18) years of age who is responsible for the daily operation of the public pool and who shall be held responsible for compliance with all applicable provisions of the Newtown Health District Public Pool Regulation and the Public Health Code of the State of Connecticut.

Section 3. Licensing

- a. No person shall operate, maintain or permit the operation of any public pool in the Newtown Health District without having a permit from the Director of Health. Any person desiring to operate a public pool in the Newtown Health District shall, at least ten (10) days before the opening date, make application for such a permit on forms provided by the Director of Health. Such application shall include the name and address of the pool, the name and mailing address of the owner(s) of the pool including the names of the corporate officers if applicable. The applicant shall also provide the name of the swimming pool operator who shall be legally responsible for the daily operation of the pool and for compliance with all applicable codes and ordinances and such other information as shall be deemed necessary by the Director of Health. The application shall be accompanied by the permit fee, which shall be set by the Newtown Health District Board of Directors. Public pools operated by schools or government organizations must obtain a permit, but shall be exempt from the permit fee.
- b. Each public pool at a single location which has its own recirculation and water treatment system shall be deemed to be a separate pool and shall be required to have a separate license.
- c. Only those persons who comply with the requirements of the Regulation of the Newtown Health District, the Public Health Code of the State of Connecticut and the Occupational Safety and Health Administration (OSHA) shall be entitled to receive and retain such a license.
- d. Prior to the issuance of final approval for a license, the Director of Health, or an authorized agent, shall inspect the public pool to determine compliance with the provisions of this Regulation, the CT Public Health Code and any other applicable statutes, ordinances, or rules and regulations.
- e. The Director of Health shall issue a license to the applicant if the inspection reveals that the public pool meets the requirements of this Regulation and the CT Public Health Code.
- f. Licenses shall be renewed annually and shall be valid from the date they are issued until April 30th unless revoked by the Director of Health, or until such time as the pool changes ownership, closes or goes out of business, whichever date is earlier.
- g. Licenses shall not be transferable from person to person, nor from location to location. The valid license shall be posted in a location easily observed by patrons.

Section 4. Suspension of License

The Director of Health may suspend any license for the operation of a public pool in the event of an emergency endangering the public health or the failure of the license holder to comply with the requirements of this Regulation or the Public Health Code. The license holder or person in charge shall be notified in writing that the license is, upon service of the notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Director of Health by the license holder within forty-eight (48) hours.

Section 5. Revocation of License

- a. The Director of Health may revoke or refuse to renew the license for serious or repeated violations of the provisions of this Regulation or the Public Health Code, or for interference with the Director of Health, or an authorized agent, in the performance of their duties.
- b. Written notice of intent to revoke or refusal to renew the license, setting forth the violation(s) shall be delivered to the license holder or person in charge five (5) days prior to such revocation or non-renewal. The license holder may, file a written request for a hearing with the Director of Health within forty- eight (48) hours of receipt of the notice. If no request for a hearing is filed within forty-eight (48) hours, the revocation of the permit becomes final. A revoked license shall be removed from the premises by the Director of Health. A license may be suspended for cause pending its revocation or a hearing relative thereto.

Section 6. Hearings & Service of Notices

- a. Hearings provided for by this Regulation shall be conducted by the Director of Health at a time and place designated by the Director of Health. Hearings will be conducted within five (5) days of receipt of a request for same. The Director of Health shall thereupon immediately examine into the merits of the case and may sustain, modify or rescind such suspension or revocation. A written report of the hearing decision shall be furnished to the license holder by the Director of Health. The license holder or person in charge who is aggrieved by such action of the Director of Health may, within forty-eight (48) hours after the making of such decision, appeal to the Commissioner of Health who shall thereupon immediately notify the authority from whose decision the appeal was taken and examine into the merits of such case and may sustain, modify or rescind such action.
- b. A notice provided for in this Regulation is deemed to have been properly served when a copy of the inspection report form or other notice has been delivered to the license holder or person in charge or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder as reported on the permit application. A copy of the notice shall be filed in the records of the Director of Health.

Section 7. Reinstatement of License

- a. A suspended license will be reinstated in writing when an inspection made by the Director of Health or their authorized agent reveals that the conditions causing suspension of the license have been corrected. The inspection will be conducted within forty-eight (48) hours of a request for such inspection from the license holder.
- b. After a period of sixty (60) days from the date of revocation or non-renewal, a written application may be made for the issuance of a new license, as provided in Section 3 of this Regulation and the payment of the annual fee.

Section 8. Penalties Other Than Revocation

Any person who shall violate any provisions of this Regulation and/or the CT Public Health Code shall be subject to a fine of not more that one hundred dollars (\$100) for each day that an offense continues between the date of notice of violation and the date of correction as known by reinspection, or the date of disposition by a court of competent jurisdiction. Absent proof of a claim that said violation(s) has

(have) been corrected as herein provided for, said violation(s) shall be deemed to have continued consecutively each day during the period of time prior to said disposition. In addition thereto, such persons may be enjoined from continuing such violation(s).

Section 9. Supervision of Public Pools

Every pool shall be under the immediate supervision of a swimming pool operator at least eighteen (18) years of age who shall be held responsible for compliance with all provisions and regulations relating to equipment, pool operation, maintenance, testing and safety of bathers. The operator shall be knowledgeable in the operation of the pool and in pool water chemistry and testing. A certificate of competency obtained by having attended and successfully completed a swimming pool operator's training course acceptable to the Director of Health shall be presented by each operator as evidence of compliance with this section commencing April 30, 2000. The Director of Health may require that the pool operator obtain additional training if inspection(s) of the pool demonstrates that the pool operator lacks the knowledge required to properly and safely operate the pool. Information on how to contact the swimming pool operator shall be posted at the swimming pool whenever the operator is not on the premises where the public pool is located. The name(s) of the swimming pool operator(s) shall be submitted to the Director of Health at the time of application for a permit and shall be kept updated whenever there is a change in personnel.

Section 10. Inspections

The Director of Health or their authorized agent shall conduct inspections as necessary to ensure compliance with all provisions of this Regulation and the Public Health Code and shall have the right of entry at any reasonable hour to inspect the pool and appurtenant facilities. A reinspection fee as listed in the fee schedule may be assessed for each reinspection, in excess of one (1), required to verify the correction of a cited violation of one or more items listed in Sections 12 or 13 of this Regulation.

Section 11. Closure of Public Pools

- a. The Director of Health or their authorized agent may order a pool to cease operation when it is found that any one or several of the following conditions exist:
 1. The amount of residual disinfectant is less than the minimum amount specified in Section 19-13- B33b (b)(5) of the CT Public Health Code or Section 12 of this Regulation.
 2. The pH of the water does not comply with the provisions of Section 19-13-B33b (b)(6) of the CT Public Health Code.
 3. The clarity of the water does not comply with the provisions of Section 19-13-B33b (b)(4) of the CT Public Health Code.
 4. The temperature of the pool water exceeds 104 degrees Fahrenheit.
 5. There is a malfunction or non-function of the pool recirculating system.
 6. The safety equipment required by Section 19-13-B33b (b) (10)(14)(16)(18)(c)(1)(3)(4) of the CT Public Health Code or Section 13 of this Regulation is not provided.
 7. The public pool does not have a valid license issued by the Director of Health.
 8. The Director of Health or an authorized agent finds any other condition, which constitutes a public health or safety hazard or a health nuisance to bathers or pool patrons.

b. Procedure for Closure:

1. Closure under this Regulation shall be effective immediately upon the delivery of written notice to the person in charge at the public pool by the Director of Health or their authorized agent.
2. Public pools closed shall remain closed until written approval to reopen has been issued by the Director of Health or their authorized agent.
3. Any person who is aggrieved by an order to close a public pool may, within 48 hours of the receipt of such order, file a written request for a hearing with the Director of Health. If a written request for a hearing is filed with the Director of Health by the permit holder or person in charge within forty-eight (48) hours following the service of such notice, the Director of Health shall thereupon immediately examine into the merits of such closure and may sustain, modify or rescind such closure. The license holder or person in charge who is aggrieved by such action of the Director of Health may, within forty-eight (48) hours after the making of such decision, appeal to the Commissioner of Health who shall thereupon immediately notify the authority from whose decision the appeal was taken and examine into the merits of such case and may sustain, modify or rescind such action.
4. An appeal of an order of the Director of Health to close a public pool issued pursuant to this Regulation shall not stay enforcement of the closure order unless granted in writing by the Director of Health.

Section 12. Operation of Public Pools

- a. Public pools shall comply with the requirements of Section 19-13-B33b of the CT Public Health Code, except as otherwise provided in this Regulation.
- b. If bromine is used as a disinfectant in the public pool, the bromine residual shall be maintained at a level of not less than 2.0 ppm in a swimming pool, and at a level of 0.3- 5.0 ppm in a whirlpool or spa.
- c. The total alkalinity of the pool water shall be maintained at a level of 80-150 ppm. Equipment for measuring the total alkalinity of the pool water shall be available at each pool.
- d. Every public pool shall have available the use of a D.P.D. (diethyl-p-phenylene-diamine) type test kit or other testing method acceptable to the Director of Health for measuring disinfectant residuals in the pool. The use of O.T.O.(orthotolidine) type test kits is prohibited.
- e. Chemical tests for disinfectant residual and pH shall be performed at least three (3) times per day during the operating season. Testing for total alkalinity and cyanuric acid level, if applicable, shall be performed weekly and within three (3) hours of the addition of make-up water to the pool.
- f. Records of chemical tests shall be kept on forms acceptable to the Director of Health and shall be maintained at the pool site.
- g. Person(s) suffering from diarrhea or vomiting or having skin lesions, inflamed eyes, ear discharges, throat infection, or any other condition which has the appearance of being infectious shall be prohibited from using the pool.
- h. Infants and children who are not fully toilet trained shall wear tight fitting rubber or plastic pants or other leak proof clothing when using the pool.

Section 13. Safety

- a. Lifeguards, when provided, shall possess a current lifesaving certificate from the American Red Cross or other certifying agency acceptable to the Director of Health. Lifeguards shall also have certification in cardiopulmonary resuscitation as specified in Section 19a-113a-1 of the CT Public Health Code. When lifeguards are provided, there shall be at least one lifeguard for each 50 bathers or major fraction thereof and shall be on duty whenever the pool is open for use.
- b. Where there is a change in the slope of the pool bottom, a safety line shall be provided across the pool at the point of the change in slope to delineate the non-swimmers area from the swimmers area. This line shall be equipped with floats not more than five (5) feet apart, and shall be kept in place at all times, except during competitive swimming events and in areas designated for lap swimming where lane float lines are used.
- c. No glass containers or glass objects other than pool testing equipment and eyeglasses shall be permitted in the pool or on the decks surrounding the pool.
- d. All indoor pools shall be equipped with auxiliary lights which shall function when the main light fixtures fail due to a power failure of any type.
- e. When gaseous chlorine is used as a disinfectant source, chlorine cylinders and proportioning equipment shall be housed in a separate, locked, well-ventilated enclosure. This enclosure shall be provided with a window and a vent fan located at floor level which terminates out-of-doors and shall contain:
 1. An approved floor-level scale for weighing the chlorine cylinders to determine the amount of chlorine fed over any period of time and to permit the operator to know when the supply of chlorine in the cylinder is nearing exhaustion.
 2. An ammonia fume dispenser bottle to be used to check for chlorine leaks.
 3. Provisions to secure all full and empty chlorine cylinders to the scale or to the walls to prevent accidental tipping of the cylinders.
 4. An approved chlorine cylinder valve stem wrench. This wrench shall be kept on the valve stem of the cylinder(s) in use so the chlorine supply can be shut off quickly in case of an emergency.
 5. Valve protection hoods kept in place on all cylinders except those attached to the chlorinator.

Section 14. Food Service

Where provision is made for serving food and/or beverages at the pool, no containers of glass or other material, which might cause a hazard to bathers, shall be used. The pool facility shall be so arranged and posted to permit the consumption of food and beverages only in a specified area. Any food service area shall comply with the CT Public Health Code and the Regulation of the Newtown Health District.

Section 16. Conflict of Regulations

In any case where a provision of this Regulation is found to be in conflict with a regulation of the CT Department of Public Health or any other state law or regulation, on the effective date of this Regulation, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

Section 17. Terms defined in other codes

Where terms are not defined in this Regulation and are defined in either the Connecticut General Statutes, or the building, fire safety or Public Health Code they shall have the same meanings ascribed to them as in the general statutes or as in these other referenced codes.

Section 18. Unconstitutionality Clause

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

Section 19. Date of Effect

This regulation shall be in full force and effect as of the _____ day of _____, 2023 after due enactment by the Board of Directors of the Newtown Heath District, in the Town of Newtown, State of Connecticut.