

SWIMMING POOLS (PUBLIC)

REQUIREMENT

Construction of public and commercial swimming pools requires a building permit issued by the Permits and Inspection Division and an operating permit issued by the Health Department.

INTENT

Swimming pools within a development served by a municipal water source shall use that source. However, this requirement shall not preclude the use of a stormwater collection system as a source of swimming pool water.

DEFINITIONS (specific to this regulation) Please refer to Zoning Regulations Article 2 for general definitions.

For the purposes of this regulation, the following terms, phrases, words and their definitions shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word “shall” as used herein is mandatory and not merely directory.

DHHS shall mean the State of NE Department of Health and Human Services

Swimming Pool shall mean a body of water in an artificial or semi-artificial receptacle or other container whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon such adults or children, operated and maintained by any person as herein defined, whether he be an owner, lessee, operator, licensee or concessionaire, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool and all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels and community associations.

Public and Commercial Pool shall mean any constructed pool over 12 inches deep used for swimming or recreation. For the purpose of this regulation, public and commercial pools are classified as follows:

Class “A” Pool shall mean pools operated by municipalities, other political subdivisions, schools, or any other governmental agency, and also pools operated for the purpose of public swimming, subject or intending to be in almost regular or continuous use by a substantial number of people at regular intervals. Any swimming pools with any or all of the above characteristics shall be classified as a Class A swimming pool.

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Class “B” Pool shall mean pools operated by entities such as hotels, motels, and apartment houses which tend toward casual use or which serve merely as adjuncts or additional services to the other main facilities made available to a patron or resident by the management of such establishment, and which are not otherwise classified as Class A.

Class “C” Pool shall mean special use pools; any pool operated for medical treatment, water therapy or similar functions, including but not limited to whirlpool baths or cold plunges.

Wading Pool shall mean any constructed pool used for swimming or wading which is less than 24 inches deep.

APPLICATION

Building Permit: An application for a building permit accompanied by two sets of construction drawings, two site plans and two surveyor’s certificates shall be submitted to the Permits and Inspection Division for examination and approval. The application shall be approved by the Health Department and the DHHS. (Please refer to Article 13.06, C (application for Building Permits) of the Zoning Regulations.)

Construction Drawings Requirements. Plans, specifications and pertinent explanatory data required to be submitted in connection with an application for a permit to construct a public and commercial swimming pool or any alteration, addition, remodeling or other improvement to such swimming pool shall comply with the criteria for swimming pool design of the DHHS, and the following requirements. They shall include the following plans and information as well as such other data as may be reasonably required:

- (a) Plans shall be drawn to scale indicating all dimensions including the length, width, depth and width of the pool deck;
- (b) A profile plan showing the same information shall also be required;
- (c) A cross section of overflow gutters and/or skimmers;
- (d) Pipe diagrams showing size of all pipes, valves, inlets, outlets, make-up water lines, vacuum lines, waste and discharge lines, circulation and other piping, together with interlock between pump and all chemical feeders;
- (e) The pool equipment room layout showing filters, their location, pumps, chlorinators, chlorinator compartment ventilation, chemical feeders, flow meter gauges, sight glass, strainers, hair and lint interceptors, dimensions of filter room, its location, floor drains, sumps, pool heating equipment, if used, water temperature controls, and other pertinent information;
- (f) The liquid capacity of pool in gallons;
- (g) The liquid capacity of any wading pool in gallons;
- (h) The kind, number, and size of filters including the square footage of the filter area in each unit;
- (i)

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- (j) Capacity of pump in gallons per minute while filtering, while backwashing filters;
- (j) A description of chemical feeders for alkali and for coagulant or filter aid;
- (k) A description of the gauges and water flow meter;
- (l) The type, kind and description of the chlorinator or disinfection equipment, together with platform scales;
- (m) The type and range of testing equipment for chlorine, and hydrogen ion concentration (Ph).
- (n) Plan for disposal of treated pool water. Reuse of pool water should be considered and is encouraged. Said pool water disposal plan shall not be in conflict with the provisions of the Stormwater Management Regulation.

DESIGN AND CONSTRUCTION REQUIREMENTS

In addition to such other requirements as may be reasonably imposed under this code, and by the Health Department and the DHHS, the Permits and Inspection Division shall not issue a permit to construct or approve the construction of any public and commercial swimming pool or any alteration, addition, remodeling or other improvement to such swimming pool hereunder unless the following design and construction requirements are observed in such construction and such swimming pools shall be constructed and maintained in conformity with the following requirements:

- (a) **MATERIAL.** The material used for lining artificial swimming pools shall be one which is light in color, is impervious, and will provide a tight tank with smooth and easily cleaned surfaces.
- (b) **WALLS, MARKINGS, SLOPE, LIFELINE.** Conspicuous markings shall be provided showing the location and depth of the shallow and deep portions, and the location and depth of the points where the slope of the bottom of the pool changes. A life line shall be provided at or near the break in grade between the shallow and deep portions. Additional markings for large and odd shaped pools shall be provided as necessary.
- (b) **OVERFLOW GUTTERS.** If overflow gutters are provided, they should have adequate drainage of overflow water away from the pool.
- (c) **INLETS AND OUTLETS.** All pools shall be provided with outlets of sufficient size to permit the pool to be completely drained or emptied, as prescribed by the Health Department and DHHS regulations. Inlets for purified water shall be submerged and located so as to produce as nearly as possible a uniform circulation of water through the entire pool.
- (d) **SEPARATE SPACE FOR BATHERS AND SPECTATORS.** The design of the locker room, shower rooms, and pool shall be such as to provide routing of bathers and complete separation of bathers and spectators. Enclosures sufficiently high and strong to keep spectators outside the runways of the pool shall be provided.

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- (e) **HEATING.** All indoor pools which are to be used when the outside temperature is below 60° F. shall be provided with facilities for uniform and adequate heating of the pool room, dressing rooms, and water in the pool.
- (f) **WATER IN THE POOL.** The water in swimming pools shall meet the requirements of the DHHS as prescribed for swimming pools.
- (g) **RECIRCULATION.** Provision shall be made for complete circulation of water through all parts of the pools, in accordance with the following schedule:
 - (1) **WATER PURIFICATION TURNOVER CYCLE:** The pump, filters, chemical feeders together with all piping and valves shall be designed to completely treat the entire volume of water in the pool within 6 hours or less for Class “A” pools and Class “B” pools. The turnover for wading pools shall be 4 hours or less.
- (h) **Capacity.** For the purposes of computing patron load within the pool enclosure, those portions of the swimming pool five (5) feet or less in depth shall be designated the “shallow area”. Those portions of the swimming pool over five (5) feet in depth shall be designated the “deep area”.
 - (1) **Shallow Area –** Ten (10) square feet of pool water surface area shall be provided for each patron. Fifteen (15) square feet of pool water surface area shall be provided for each patron in pools which are all shallow area.
 - (2) **Deep Area –** Twenty-five (25) square feet of pool water area shall be provided for each patron.
 - (3) **Diving Area –** Three hundred (300) square feet of pool water surface area shall be reserved around each diving board or diving platform and this area shall not be included in computing the permissible patron loading.
- (i) **RATE OF FILTRATION** Any filters used shall comply with DHHS standard for swimming pool design.
- (j) **SHOWER BATHS.** Adequate shower facilities with hot and cold water and adequate in number for both males and females shall be provided. All persons entering the pool shall be required to take a cleansing shower bath and soap shall be provided. Adequate shower facilities are based on 20 square feet of pool and deck area per person. The proportion of one shower for each 50 bathers expected at the time of maximum load, in the case of continuous bathing. For bathing by classes, as at schools, the number of showers may be taken as one third the number of pupils in the maximum class.
- (k) **LAVATORIES.** Lavatories located adjacent to toilets should be provided at all swimming pools in the proportion of one bowl to each 60 persons using the pool at time of maximum class.
- (l) **INDICATION INSTRUMENTS.** When necessary, in the opinion of the Plumbing Inspector and/or Health Department, indicating and pressure gauges shall be installed at such points as may be designated.

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- (m) **HAIR AND LINT INTERCEPTORS.** Hair and lint interceptors shall be installed so that all water drawn from the pool for recirculation shall pass through the hair and lint interceptors before reaching the filter.
- (o) **DRINKING WATER.** There shall one drinking fountain readily accessible to the bathers. All potable water supply shall be protected by an approved backflow preventer or air gap.
- (p) **WALKS.** Walks providing ingress and egress to the swimming pool must be of ample size and satisfactorily drained.
- (q) **LIGHTING.** Satisfactory lighting must be provided for all accessory and appurtenant facilities. No electrical wiring for light or power shall be permitted to pass overhead within 20 feet of the pool enclosure.
- (r) **HOSE.** Hose connections and hose must be of ample size and pressure to clean all of the pool area.
- (s) **STEPS.** Steps and ladders must be made of an impervious material, easily cleaned and must be so designed as not to collect water when the water is lowered in the swimming pool.
- (t) **POLLUTION.** Swimming pools must not be exposed to excessive pollution by dust, smoke, soot or other undesirable substances.
- (u) **DISINFECTING EQUIPMENT.** Disinfection equipment adequate for the purpose must be provided as an integral part of the swimming pool as per DHHS standards for swimming pool design.
- (v) **ACCESSIBILITY OF EQUIPMENT.** All equipment must be readily accessible and every pool shall be provided with necessary equipment for the measurement of acidity, alkalinity and for disinfectant residual determinations. The equipment room shall be satisfactorily located and adequately drained.
- (w) **DRESSING ROOMS.** Dressing rooms shall be adequately designed, located, drained, equipped, lighted and ventilated.
- (x) **TOILETS.** Toilet facilities shall be provided and shall be adequately designed and located with separate facilities for men and women. The minimum number shall be one toilet for each 40 women and one toilet and one urinal for each 60 men.
- (y) **WATER DISPOSAL.** Pool design and construction shall take into consideration the need to dispose of previously treated pool water in an appropriate manner, consistent with the provisions of the Stormwater Management Regulation.

FEES

Fees as determined by the Board are payable to the Permits and Inspection Division for the building permit fee and to the Health Department annually for the permit to operate a public and/or commercial swimming pool.

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ENCLOSURE OF SWIMMING POOL

Every outdoor public and commercial swimming pool shall be completely surrounded by a fence or wall not less than 6 feet in height, which shall be so constructed as not to have openings, holes or gaps larger than 3 inches in any dimension. A dwelling or accessory building may be used as part of such enclosure. This requirement shall be applicable to all new public and commercial swimming pools hereinafter constructed, other than indoor pools and shall apply to all existing pools which have a minimum depth of 12 inches of water. No person in possession of land within the limits of the County, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a public and commercial swimming pool having a minimum depth of 12 inches shall fail to provide and maintain such fence or wall as herein provided.

All fences enclosing outdoor public and commercial swimming pools shall be constructed to conform substantially to the requirements of the County Regulations and adopted Building Code.

SAFETY OF BATHERS

All reasonable precautions shall be taken to protect the users and bathers in public and commercial swimming pools from injury or accident. Convenient means of ingress and egress shall be provided and the depth of water and any irregularities of the bottom shall be clearly indicated. Safety appliances such as but not limited to life buoys, life hooks, or ropes and equipment including first-aid kits shall be provided and be readily accessible.

LIFEGUARD REQUIREMENTS - Class A

(a) Class A swimming pools, when open to the public for swimming, must have a lifeguard on duty. Swimming pools having 2,000 or more square feet of water surface area shall have a minimum of two lifeguards on duty. If the pool area is between 6,000 and 15,000 square feet of water surface area, a minimum of three lifeguards shall be on duty. If the pool area exceeds 15,000 square feet, a minimum of four lifeguards shall be on duty.

(b) The minimum qualifications for a lifeguard shall be satisfactory completion of a current life guarding course in life-saving sponsored either by a nationally recognized organization, to include but not be limited to the Red Cross, Boy Scouts, or YMCA, and current certification in infant, child, and adult cardiopulmonary resuscitation (CPR) training issued by a nationally recognized organization, to include but not be limited to the National Safety Council, American Heart Association, or the American Red Cross.

(c) All guards shall wear distinctive swim suits or emblems while on duty.

(d) Swimming pools having 2,000 or more square feet of water surface area shall have at least one elevated lifeguard platform or chair. The platform or chair shall be located so as to maintain surveillance of all pool floor area having a depth of

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five feet or greater, and in all cases located so that the lifeguard is not required to protect a segment greater than 180 degrees.

(c) Class A pools rented or leased to private groups for swimming shall provide lifeguards in accordance with this regulation.

(f) Schools or institutions which conduct swimming classes or swimming meets may be exempted from lifeguard requirements.

LIFEGUARD REQUIREMENTS - Class B

Class B pools shall post a warning sign within the immediate pool area in plain view of the user which reads as follows:

WARNING - NO LIFEGUARD ON DUTY

No person shall swim alone.

Children shall not use pool without an adult in attendance.

The letters on the portion of the sign stating "WARNING - NO LIFEGUARD ON DUTY" shall be at least four inches high. The remainder of the wording shall be clearly legible, with letters at least two inches high. All lettering shall be of a color contrasting to the background on which it is applied.

SAFETY EQUIPMENT

The following safety equipment shall be provided at all pools except as indicated hereinbelow:

(1) a. Class A pool: Each lifeguard shall have within arms reach a rescue tube equipped with a six-foot long strap or tow rope.

b. Class B pool: Shall provide either a rescue tube or a ring buoy, United State Coast Guard approved, or its equivalent, to which shall be attached a rope at least as long as the width of the pool.

(2) A life pole or shepherd's crook type of pole having blunted ends with a minimum length of 12 feet.

(3) A backboard having the dimensions of 18 by 72 inches equipped with at least three straps, and at pools where lifeguard services are provided such backboard shall be equipped to immobilize the head.

(4) A blanket.

(5) A first aid kit filled and ready for use. The first aid kit shall include the following:

Three units - Triangular bandage.

Two units - One-inch tape.

Four units - Four-inch by four-inch plain gauze pads.

Two units - Two-inch by six-yards gauze roller bandage.

One unit - Tweezers, bandage scissors.

One unit - Red Cross First Aid Book or an equivalent substitute.

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One unit - Assorted Band-Aids.

One unit - Latex gloves.

One unit - Rescue breathing face shield or mask.

One unit - Emergency response pack for cleaning up blood.

Lifesaving equipment shall be mounted in conspicuous places, readily accessible and kept in good repair and ready condition. Bathers or others shall not be permitted to tamper with, use for any purpose other than its intended use, or remove such equipment from its established location.

Telephone. All pools must have a readily accessible telephone as required by the Douglas County Health Department with emergency telephone numbers prominently posted. Drills in handling emergencies should be conducted at appropriate intervals.

CERTIFIED OPERATOR

Every Class A and B swimming pool shall be under the immediate supervision of a certified operator, who shall be held responsible for compliance with all provisions of these regulations relating to equipment, pool operation and maintenance, and safety of bathers. A certificate of competency obtained through a training clinic sponsored by the Health Department shall be presented by each operator of a swimming pool as evidence of satisfactory completion of at least one such clinic during every four year period.

ENFORCEMENT

Enforcement of rules governing operation of swimming pools shall be by the Health Department.

REVOCATION OF PERMIT

Any permit granted by the Health Department hereunder may be revoked by it for failure to comply with rules and regulations promulgated hereunder or with this regulation, or whenever, in the determination of the Health Department, further operation under such permit creates a menace to the health, of the users of the swimming pool; provided, that the holder of any permit which has been revoked may appeal to the Board. In the case of installations prior to the adoption of this regulation dealing with design and construction requirements not creating a menace to the health or safety of the users, these items would not be required to be brought into compliance with the regulation until such time as replacing or remodeling occurred. No appeal under this regulation however, shall entitle the permit holder to continue operation of a public and commercial swimming pool pending action by the Board.

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BATHERS WITH COMMUNICABLE DISEASES.

No person having any skin eruptions or abrasions, sore or infected eyes, a cold, nasal or ear discharges shall be permitted to use a public and commercial swimming pool. Spitting, spouting water or blowing the nose in a public and commercial swimming pool shall be strictly prohibited. The operators of a public and commercial swimming pools shall post suitable placards embodying such personal regulations and instructions.

SANITATION OF PREMISES

The buildings, grounds, dressing rooms, and all other public and commercial swimming pool facilities shall be kept clean and in a sanitary condition and maintained free from garbage, trash and other refuse.

INSPECTIONS

The Health Department shall inspect or cause to be inspected all public and commercial swimming pools within the County at such times as it may deem necessary to carry out the intent of this regulation. All inspections conducted pursuant to this regulation shall be performed by persons who are registered environmental health specialists or trainees as defined in Nebraska Revised Statutes 71.3702. The Health Department is authorized to enter upon any premises, private or public, to take such samples of water from such pools at such times as it may deem necessary and to require the owner, proprietor or operator to comply with rules and regulations pertaining to public and commercial swimming pools. In the event of the failure of compliance after due notice with the rules and regulations and requirements of the Health Department, the Health Department shall have the power to abate or cause a suspension of the use of such swimming pool until such time as the same is, in the opinion of the Health Department, no longer a menace or a hazard to health, safety or morals.

RECORDS

Keeping accurate records is a necessary part of the operation of any swimming pool. Records should include results of tests made daily for disinfectant residuals, clearness, acidity/alkalinity (pH), total amount of water added, amounts of chemicals used, date pool is vacuumed, date filters are backwashed, and maintenance and malfunctioning of equipment should be recorded.

Operating Records

Must be made daily and shall show:

- Disinfectant residuals determined by morning, midafternoon, and evening tests
- pH Readings determined by morning, midafternoon, and evening tests
- Bather loads total

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- Amount of chemicals used
- Maintenance (and malfunctions) of equipment

Tests and Operating records must be made weekly to show:

- Total alkalinity
- Cyanuric acid level (where applicable)

Records should be kept for three years on Log Sheets. The Health Department or the DHHS, Department of Regulation and Licensure, has copies of the forms available.

Complete records are valuable as:

- a guide to the pool operator in present and future operations
- an aid to the Health Department and pool operator in interpreting the results of chemical tests
- an aid to new operators in familiarizing them with pool operation, bathing loads, problems and their solutions
- a great aid in planning and improvement to the pool and water conditioning equipment
- an invaluable aid in resolving complaints concerning operation of the pool

SHIELDED LIGHTS

Lights used to illuminate any public and commercial swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises.

COMMERCIAL ACTIVITIES

The carrying on of any commercial undertakings at a public and commercial swimming pool entailing sales of foods, drinks, novelties or other merchandise in a manner unreasonably disturbing neighboring property owners and inhabitants in their enjoyment shall not be permitted within the swimming pool area or enclosure. These facilities may be permitted provided they are separated from the pool enclosure area. No refreshments shall be served in glass containers. Swimming pool signs and placards shall be of such type and so affixed as not to prejudice or unreasonably disturb the enjoyment of neighboring property owners of their property.

COMPLIANCE WITH REQUIREMENTS OF STATE OF NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES

In the construction, operation and maintenance of any public and commercial swimming pool state laws and rules, regulations and requirements of the DHHS shall be observed. In the event of any conflict between the provisions of this regulation and any provisions of the state law or requirement, rule or regulation of the DHHS, the provision imposing the higher standard or the most stringent requirement shall be controlling.

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INDECENT EXPOSURE

Every person using an outdoor swimming pool, or an indoor swimming pool where the sexes are mixed, must wear a bathing suit or other suitable garment to protect his or her person from indecent exposure.

POLLUTED WATER

No body of water in the County which contains sewage, waste or other contaminating or polluting ingredients rendering the water hazardous to health shall be used for swimming or bathing purposes by any person or persons.

SEVERABILITY

If any section, clause, provision, or part or portion of any section, clause or provision of this regulation, or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or application of any other section, clause, provision or part or portion of this chapter.

PENALTY FOR VIOLATIONS

Any person who violates any of the provisions of this Regulation shall be guilty of a Class III misdemeanor according to Nebraska Revised Statutes Sec. 23-174. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.