

CHAPTER 16  
PUBLIC POOLS, SPAS AND BEACHES

Article 1. Definitions.

Sec. 16-101. "Beach" means any natural or artificial waterway or impoundment or any portion thereof, which is used for swimming or wading purposes and is made available to persons other than an individual for the sole use of a household and house guests.

Sec. 16-102. "Public Bathing Facility" includes public pools, spas, and beaches as those terms are defined in this Chapter.

Sec. 16-103. "Public Spa" shall have the meaning contained in 675 IAC 20-1.1-18(i) and 410 IAC 6-2.1-18. Notwithstanding the exclusion contained in 675 IAC 20-1.1-18(i), the term "public spa" includes spas operated for medical treatment or physical therapy under medical supervision.

Sec. 16-104. "Public Pool" shall have the meaning contained in 410 IAC 6-2.1-13, 17, and 18.

16-105. "Summer-only" bathing facility means a public pool or spa operating only in any of the months of May through September and includes a beach.

Sec. 16-106. "Year-round" bathing facility means a public pool or spa operating beyond May through September.

*[Gen.Ord. 4-2007 Passed 8/21/07 Effective Date 9/1/07]*

Article 2. Construction Permits For Public Bathing Facilities.

Sec. 16-201. A person may not construct or renovate a public bathing facility without a construction permit issued by the Corporation.

Sec. 16-202. Prior to beginning construction or renovation of a public bathing facility, a person shall submit the following to the Corporation with the construction permit application:

- (a) a permit fee of one hundred dollars (\$100),
- (b) a Swimming Pool Application approved by the Division of Fire and Building Safety, Plan Review Branch,
- (c) information required by 675 IAC 20-2-1,
- (d) plans and specifications certified and sealed by a professional engineer or architect registered in the State of Indiana. Plans shall include dual main drains to prevent entrapment, and
- (e) fines and fees owed the Corporation.

Sec. 16-203. The Corporation imposes a fee of two hundred dollars (\$200) in addition to the construction permit fee of one hundred dollars (\$100), when a person starts or completes construction or renovation of a public bathing facility without obtaining a construction permit from the Corporation.

*[Gen.Ord. 4-2007 Passed 8/21/07 Effective Date 9/1/07]*

### Article 3. Operating Licenses and Fees for Public Bathing Facilities.

#### Sec. 16-301. Operating Licenses.

(a) A person may not operate a public bathing facility without a license from the Corporation.

(b) To obtain a public bathing facility license, a person shall:

- (1) submit an Application For License to the Corporation,
- (2) pay fines and fees owed the Corporation, and
- (3) comply with this Chapter, 410 IAC 6, and 675 IAC 20.

(c) An operator shall post the license in a conspicuous place at the public bathing facility.

(d) An operator shall post on the equipment room door the name and contact information of the entity responsible for maintaining the public bathing facility.

(e) An operator may not transfer a license to another person or another location.

(f) The Corporation will not refund a person for any unexpired period of the license.

#### Sec. 16-302. Fees.

(a) The Corporation requires payment of the following annual operating license fees for public bathing facilities each year on or before March 1:

\$600 for the first year-round bathing facility located at a site, plus;

\$310 for the first summer-only bathing facility located at a site, plus;

\$305 for each additional year-round bathing facility located at a site, plus;

\$165 for each additional summer-only bathing facility located at a site.

(b) If an operator fails to submit a renewal Application For License and pay fines and fees owed to the Corporation by March 1:

- (1) the public bathing facility operating license is void and the public bathing facility shall discontinue operation immediately;
- (2) the Corporation requires a delinquent payment fee of twenty-five percent (25%) of the annual license fee in addition to the annual public bathing facility operating license fee.

(c) The Corporation reduces the annual operating license fee to fifteen dollars (\$15) for public bathing facilities which:

- (1) only serve indigent recipients at no charge or fee to the recipient; and
- (2) are operated by an organization, corporation, or association exempt from federal taxation under 26 U.S.C. 501(c).

The reduced fee does not apply to educational institutions.

(d) The Corporation reduces by one-half (1/2) the annual operating license fee for a year round bathing facility not open in the previous licensing year submitting an operating license application after July 1.

(e) The Corporation requires an additional fee of one hundred dollars (\$100) for each reinspection.

*[Gen.Ord. 4-2007 Passed 8/21/07 Effective Date 9/1/07]*

Article 4. General Requirements For Public Swimming Pools.

Sec. 16-401. Public pools constructed and/or operated in Marion County shall comply with the requirements of 410 IAC 6-2.1, 675 IAC 20-1.1 and 675 IAC 20-2. *[Gen.Ord. 8-2003 Passed 1/12/04 Effective Date 1/1/04]*

Sec. 16-402. Gates in fence enclosures required by 675 IAC 20-2-26(f) shall be equipped with self-closing latches. *[Gen.Ord. 8-1996(A) Passed 6/19/96 Effective Date 6/19/96]*

Article 5. General Requirements For Public Spas.

Sec. 16-501. Public spas shall comply with the bacteriological standards and sampling protocol contained in 410 IAC 6-2.1-31. *[Gen.Ord. 8-2003 Passed 1/12/04 Effective Date 1/1/04]*

Sec. 16-502. The free residual chlorine level in a public spa shall be at least 3.0 mg/l. If other halogens are used, residuals of equivalent disinfecting strength shall be maintained. *[Gen.Ord. 8-2003 Passed 1/12/04 Effective Date 1/1/04]*

Sec. 16-503. Public spas of less than 1000 gallons that do not comply with this Chapter and maintained in an unsanitary manner will be required to close or upgrade to comply with this Chapter. *[Gen.Ord. 8-2003 Passed 1/12/04 Effective Date 1/1/04]*

Article 6. Standards For Public Beaches.

Sec. 16-601.

- (a) The sanitation, operation and safety requirements of 410 IAC 6-2-6, 8, 10 and 11 and 675 IAC 20-2-26(f), incorporated herein, shall be applicable to beaches.
- (b) Gates in fence enclosures required by 675 IAC 20-2-26(f) shall be equipped with self-closing latches.
- (c) The bathhouse construction standards contained in 675 IAC 20-2-27 are incorporated herein and shall be applicable to beaches.

*[Gen.Ord. 8-1996(A) Passed 6/19/96 Effective Date 6/19/96]*

Sec. 16-602.

- (a) Beaches shall not be located in areas subject to pollution by sewage.
- (b) The water of a beach shall conform to the bacteriological water quality standards of 327 IAC 2-1-6(d).

*[Gen.Ord. 8-1996(A) Passed 6/19/96 Effective Date 6/19/96]*

Sec. 16-603. Whenever the beach consists of an area less than the total area of the body of water utilized, the area used for swimming or bathing shall be partitioned with floating lifelines.

*[Gen.Ord. 8-1996(A) Passed 6/19/96 Effective Date 6/19/96]*

## Article 7. Closure Of Public Bathing Facilities.

### Sec. 16-701.

- (a) A pool operator must close any public bathing facility whenever any of the hazardous conditions listed in Sec. 16-702 occur. Such public bathing facility shall not be reopened for use until the hazardous condition has been corrected.
- (b) If a pool operator fails to close a public bathing facility as required in Sec. 16-701(a), the Health Officer may take appropriate action to ensure that the public bathing facility is closed until the hazardous condition has been corrected.
- (c) The Health Officer may post a sign notifying the public that the public bathing facility has been closed. It is a violation of this Chapter for any person other than the Health Officer to remove this sign.
- (d) A license of a public bathing facility may be suspended when the facility has three (3) or more occurrences of hazardous conditions for pool closure within a 12-month period.

*[Gen.Ord. 8-2003 Passed 1/12/04 Effective Date 1/1/04]*

Sec. 16-702. Public bathing facilities shall be closed when any of the following hazardous conditions occur:

- (a) The amount of residual disinfectant is less than the minimum amounts specified in Sec.16-502 (public spas).
- (b) The microbiological quality of the public bathing facility water is below that specified in Sec.16-602 (beaches).
- (c) The potential for transmission of communicable disease or an imminent threat to the public health and safety is present.
- (d) Any of the reasons for closure in 410 IAC 6-2.1-43.

*[Gen.Ord. 8-2003 Passed 1/12/04 Effective Date 1/1/04]*

## Article 8. Fecal Accidents

Section 16-801. In addition to complying with 410 IAC 6-2.1-44 and this Chapter, public pool operators must immediately contact the Health Officer to report any solid or nonsolid fecal accident. Public pool operators shall report the following information the name and address of the public pool facility, date and time of the fecal accident and the age and sex of the person having the fecal accident.

*[Gen.Ord. 8-2003 Passed 1/12/04 Effective Date 1/1/04]*