

ARTICLE VII

RULES AND REGULATIONS OF THE THURSTON COUNTY BOARD OF HEALTH GOVERNING WATER RECREATION FACILITIES

| <u>Section:</u> | <u>Page Number:</u> |
|---|---------------------|
| 1 <u>Purpose and Authority</u> | 7-2 |
| 2 <u>Applicability</u> | 7-2 |
| 3 <u>Adoption and Administration</u> | 7-2 |
| 4 <u>Definitions</u> | 7-2 |
| 5 <u>Water Recreation Facility Operation Permits</u> | 7-3 |
| 6 <u>Inspections and Required Corrective Action</u> | 7-4 |
| 7 <u>Suspension or Revocation of Permit</u> | 7-5 |
| 8 <u>Water Recreation Facility Operator's Certification Program</u> | 7-5 |
| 9 <u>Appeals</u> | 7-8 |
| 10 <u>Fees</u> | 7-8 |
| 11 <u>Variance</u> | 7-8 |
| 12 <u>Severability</u> | 7-8 |

ARTICLE VII

RULES AND REGULATIONS OF THE THURSTON COUNTY BOARD OF HEALTH GOVERNING WATER RECREATION FACILITIES

Section 1. **PURPOSE AND AUTHORITY** The purpose of these rules and regulations is to protect the public health, safety and welfare and promote the safe operation of water recreation facilities in Thurston County. These rules and regulations are adopted by the Thurston County Board of Health in accordance with the authority granted in RCW 70.05.060, RCW 70.90.125, RCW 70.90.150 and Chapters 246-260 and 246-262 WAC.

Section 2. **APPLICABILITY** This Article applies to all water recreation facilities located within the boundaries of Thurston County, including all cities and towns therein, except, this Article does not apply to:

- (a) Any water recreation facility for the sole use of residents and invited guests at a single-family dwelling;
- (b) Any water recreation facility for the sole use of residents and invited guests of a duplex owned by the residents;
- (c) Therapeutic water facilities operated exclusively for physical therapy or rehabilitation under the supervision of a licensed medical practitioner; and
- (d) Steam baths and saunas.

Section 3. **ADOPTION AND ADMINISTRATION** The Rules and Regulations of the Washington State Board of Health for Water Recreation Facilities, as defined in Chapter 246-260 WAC and Recreational Water Contact Facilities, as defined in Chapter 246-262 WAC are adopted and incorporated herein by reference; except that sections 246-260-9901 and 246-262-990 relating to fees are not adopted.

Section 4. **DEFINITIONS** For purposes of Article VII, the following definitions shall apply:

4.1 **Critical Violation** - A violation of Ch. 246-260 or 246-262 WAC that relates directly to the protection of the public health and safety, including those indicated as red violation items on the most current Washington State Department of Health Water Recreation Facility inspection form that uses the red/black inspection format.

4.2 **Department** - Thurston County Public Health and Social Services Department.

4.3 **Health Officer** - The Thurston County health officer defined under RCW 70.05.010 (2), or his/her authorized representative.

4.4 Non-Critical Violation - Any violation of Ch. 246-260 or 246-262 WAC that is not a Critical Violation, including those indicated as black violation items on the most current Washington State Department of Health Water Recreation Facility inspection form that uses the red/black inspection format.

4.5 Participating Facility - A Water Recreation Facility operated by a Thurston County Certified Water Recreation Facility Operator and meeting all requirements of Section 8.2 of this Article.

4.6 Recreational Water Contact Facility - An artificial water associated facility with design and operations features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water and includes, but is not limited to, water slides, wave pools and water lagoons as defined by RCW 70.90.110 and regulated under Chapter 246-262 WAC.

4.7 Water Recreation Facility (WRF) – Any artificial basin or other structure containing water used or intended to be used for recreation, bathing, relaxation or swimming, where body contact with water occurs or is intended to occur and includes auxiliary buildings and appurtenances. The term includes but is not limited to:

- (a) Conventional swimming pools, wading pools and spray pools;
- (b) Recreational water contact facilities; including those using water, air induction, or hydrojets;
- (c) Spa pools and tubs using hot water, cold water, mineral water, air induction or hydrojets, including sensory deprivation and isolation tanks; and
- (d) Any area designated for swimming in natural waters with artificial boundaries within the waters.

Section 5. **WATER RECREATION FACILITY OPERATION PERMITS**

5.1 No person shall operate a water recreation facility without a valid water recreation facility permit issued by the health officer. Only a person who complies with the requirements of this Article shall be entitled to receive or retain such a permit. Permits may be transferable from one owner of the establishment to another of the establishment by obtaining a permit transfer. For purposes of this section, a change in management of a corporation, partnership, association or other non-individual business entity shall create a new person requiring either consent to a permit transfer or issuance of a new permit upon proper application. A valid permit shall be available for inspection upon request at every water recreation facility.

5.2 Issuance of Permit

- (a) Any person wanting to operate a water recreation facility shall submit a written application for a permit on forms provided by the health officer. Prior to approval of an application for a permit, the health officer shall inspect the proposed water recreation facility to determine compliance with the requirements of this Article.
- (b) A permit shall be issued by the health officer when, upon receipt of such an application, an inspection of the water recreation facility reveals compliance with the provisions of this Article. A permit shall be issued for a yearly period starting on April 1st or part thereafter, and shall terminate on the 31st day of March the following year. Those permits obtained during the year will be prorated on a monthly basis.

5.3 Operating Permit Renewal Operating permits shall be renewed on an annual basis. If an annual permit is not renewed prior to April 1st, a late fee will be charged as specified in Appendix A of Article I of this Code. Water recreation facilities which continue to operate past April 15th without a valid permit shall be ordered CLOSED by the health officer until such time as a permit is applied for and obtained.

Section 6. INSPECTIONS AND REQUIRED CORRECTIVE ACTION

6.1 Water Recreation Facilities shall be subject to inspections or other surveillance activity as necessary to ensure compliance with this Article. Owners shall permit the health officer to perform on-site inspections as necessary in the discretion of the health officer to ensure compliance with this article and applicable regulations.

6.2 Whenever the health officer inspects a water recreation facility and finds a violation of the requirements of this Article, the health officer shall notify the owner of such violation by means of an inspection report form or other written notice which shall:

- (a) Set forth the specific violations found and specify the required corrective action.
- (b) Establish a specific reasonable period of time for the correction of the violation found, in accordance with the following provisions:
 - 1. All critical violations must be corrected immediately or within a compliance deadline established by the health officer.
 - 2. All non-critical violations shall be corrected by the next inspection or other compliance deadline established by the health officer.

6.3 Failure to correct any violation within the time period established by the health officer as set forth in Section 6.2 may result in an administrative hearing in accordance with Article I, or enforcement action pursuant to Article I, section 12.

Section 7. **SUSPENSION OR REVOCATION OF PERMIT**

7.1 **Suspension of Permit**

- (a) The health officer may, upon issuance of a Notice of Violation or emergency order, immediately suspend any permit to operate a water recreation facility if the holder of the permit does not comply with the requirements of this Article, or if the operation of the water recreation facility presents an unhealthful, unsafe or unsanitary condition.
- (b) Whenever a permit is suspended, the owner or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided in accordance with Article I. The specific reasons for the permit suspension shall also be given in writing.

7.2 **Causes for Permit Suspension or Revocation.**

- (a) The health officer may suspend or revoke a water recreation facility operating permit and order the facility closed if any critical violations are not corrected within a compliance deadline established by the health officer.
- (b) Failure to comply with the time limits set for the correction of violations as specified in Section 6.2 may result in permit suspension. Failure to meet the established time limits for correction may also result in an administrative hearing in accordance with Article I.
- (c) Any violation of this Article which, in the opinion of the health officer, constitutes an emergency as described in Article I may result in an immediate permit suspension.

Section 8. **WATER RECREATION FACILITY OPERATOR'S CERTIFICATION PROGRAM**

8.1 Water recreation facility operators may participate in a voluntary Thurston County Water Recreation Facility Operator's Certification Program if they meet the requirements of Section 8.2 and 8.5. The benefit of participation in the Thurston County Water Recreation Facility Operator's Certification Program is that the Water Recreation Facility permit fee shall be reduced as set forth in the fee schedule in Article I, Appendix A of this Code.

8.2 Requirements for participation in the Thurston County Water Recreation Facility Operator's Certification Program are as follows:

- (a) Each participating facility shall employ a Certified Water Recreation Facility Operator (as defined in paragraph 8.5 of this section).
- (b) A water recreation facility self-inspection form, furnished by the health officer shall be completed monthly by a certified water recreation facility operator, and submitted to the health officer by the 10th day of the next month.

8.3 Removal from the Thurston County Water Recreation Facility Operator's Certification Program shall be determined as follows:

- (a) If an inspection by the health officer indicates that there are four or more critical violations the facility shall be removed from the program immediately. Water recreation facilities that have multiple pools or spas shall not exceed three critical violations at any one pool or spa, or exceed a total of fifteen critical violations for all pools and spas at the facility.
- (b) If the health officer determines the operator has failed to comply with the requirements of this Article, the water recreation facility may be removed from the Water Recreation Facility Operator's Certification Program.
- (c) A water recreation facility removed from the operator's certification program shall be subject to the inspection frequency for non-participating facilities and shall pay the balance of the permit fee established for non-participating facilities.

8.4 Reinstatement of a water recreation facility to the Thurston County Water Recreation Facility Operator's Certification Program shall be determined as follows:

- (a) A facility shall not be readmitted into the Thurston County Water Recreation Facility Operator's Certification Program for at least six months from the date of removal.
- (b) To be considered for reinstatement to the Thurston County Water Recreation Facility Operator's Certification Program, the operator shall continue to submit monthly reports as specified in 8.2 (b).
- (c) If the health officer receives a written request for readmittance, the health officer may reinstate the facility if a minimum of 2 inspections of the facility made by the health officer in a given operating season indicate no critical violations and the monthly self-inspections of the water recreation facility are submitted on schedule.

- (d) The health officer may present the inspection or operating record of the water recreation facility to the Administrative Hearing Officer for a determination of reinstatement if the health officer feels such a review is necessary.

8.5 Requirements and provisions for Thurston County certified water recreation facility operators are as follows:

- (a) Any person may become a Thurston County Certified Water Recreation Facility Operator by completing all the following requirements:
 - 1. Attend and successfully complete (i) The National Swimming Pool Foundation Certified Pool-Spa Operator Course, or (ii) an equivalent course approved by the health officer and pass the examination.
 - 2. Complete a 3-month probation period at each facility during which inspections conducted by the health officer do not exceed two critical violations at any one pool or spa, or exceed a total of 14 critical violations for all pools and spas at the facility, self-inspections are completed monthly, and are submitted to the health officer by the 10th day of the next month.
- (b) Upon satisfying the requirements of section 8.5 (a), the operator will be certified as a Thurston County Water Recreation Facility Certified Operator for the participating facility.
- (c) The Thurston County Certified Water Recreation Facility Operator's certificate must be renewed upon expiration. To renew the certification, the operator shall attend and successfully complete a water recreation facility operation course approved by the health officer. A renewal fee shall be charged in accordance with Article I, Appendix A of this Code.
- (d) A Thurston County Certified Water Recreation Facility Operator shall be responsible for maintaining a water recreation facility at a single location. If two facilities are under the same ownership and the Thurston County Certified Water Recreation Facility Operator can demonstrate during a probationary period that both facilities are being maintained in accordance with this Article, the health officer may allow one Thurston County Certified Water Recreation Facility Operator for the two facilities under a single ownership.

Section 9. **APPEALS** Any person aggrieved by a decision, an inspection or notice made by the health officer shall have the right to appeal the matter as specified in Article I of this Code.

Section 10. **FEES** Fees shall be charged as set forth in Appendix A of Article I this Code.

Section 11. **VARIANCE**

11.1 An owner may apply to the Department for a variance to the requirements of this Article or the requirements for an operation permit. If the application relates to issuance of an operation permit, the application shall be submitted at least thirty days before any consideration of implementing an operational change. The application shall be considered by the Hearing Officer in accordance with the provisions of this section and following the waiver provisions of Article I.

11.2 An application for a variance from any provision of Ch. 246-260 WAC shall include the documentation required by WAC 246-260-201. The variance may only be approved if it satisfies the requirements of WAC 246-260-201.

Section 12. **SEVERABILITY** If any provision of this article or its application to any person or circumstances is held invalid, the remainder of this article or the application of the provision to other persons or circumstances shall not be affected.