

# Pool Spa Ordinance

## PUBLIC PUBLIC SWIMMING POOL/SPA POOLS/SPAS/INTERACTIVE WATER

### FEATURES

#### Sec. 92.40. DESIGNATION OF REGULATORY AUTHORITY.

##### § 92.40. DESIGNATION OF HEALTH AUTHORITY.

The city designates the Tarrant County Public Health Department as its health regulatory authority for the purpose of insuring minimum standards of environmental health and sanitation within the scope of that department's function.

#### Sec. 92.41. STATE REGULATIONS AND GUIDELINES.

##### § 92.41. STATE REGULATIONS AND GUIDELINES ADOPTED.

###### (A)

There is hereby adopted by reference the Texas Department of Health Minimum Standards of Sanitation and Health Protection Measures, Texas of the V.T.C.A., Health and Safety Code, Title 5, Chapter 341, Subchapter D, § 341.064; Design and the Tex. Admin. Code §§ 265.181—265.208, "Standards for Public Swimming Pool Construction, 25 TAC, Chapter 337, §§ 337.71 through 337.96 Pools and the Texas Department of Health publication "A Training Course in Swimming Pool Operation."

(B) Spas. and Tex. Admin. Code §§ 265.301—265.308 "Public Interactive Water Features and Fountains." Three certified copies of each shall be kept on file in the office of the City Secretary.

#### Sec. 92.42. DEFINITIONS.

##### § 92.42. DEFINITIONS.

All definitions in the V.T.C.A., Health and Safety Code Ch. 341 and Title 25, Chapter 265, Subchapter L of the Texas Department of State Department of Health Services regulations and guidelines on public swimming pools and spas, "Standards for Public Pools and Spas," are hereby adopted. In addition, for this subchapter, the following definitions shall apply unless the context clearly indicates or requires in this chapter:

Certified pool operator means a different meaning.

PUBLIC SWIMMING POOL. Any swimming pool, other than a private residential swimming pool, intended to be used collectively by numbers of persons for swimming or bathing operated by any person as defined herein, whether that person be who possesses a valid pool operator's certificate from a course approved by the regulatory authority.

City means authorized representatives of the City of Mansfield, which shall include the director and representatives of the Tarrant County Public Health Department.

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Director means the Director of the Tarrant County Public Health Department, who shall be an authorized representative of the city with respect to public pool and spa inspections and permitting.

Pool means any manmade permanently installed or non-portable structure, basin, chamber, or tank containing an artificial body of water that is used for swimming, diving, aquatic sports, or other aquatic activity other than a residential pool and that is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for the use. The pool may be either publicly or privately owned. The term does not include a spa or a decorative fountain that is not used as a pool.

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~~PRIVATE RESIDENTIAL SWIMMING POOL.~~ Any swimming

Private residential pool means a pool that is located on private property under the control of the home owner, the that is intended for use of which is limited to swimming or bathing by members of their one single-family and their invited guests. (The design, construction and operation of the pools are not subject to, located on property used for the placement of a single-family residence.

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Private residential spa means a spa that is located on private property that is intended for use by one single-family and their invited guests, located on property used for the placement of a single-family residence.

Public interactive water feature and fountain (PIWF) means any indoor or outdoor installation maintained for public recreation that includes water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannon in various arrays for the purpose of wetting the persons playing in the provisions of this section.) spray streams.

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~~REGULATORY OR HEALTH AUTHORITY.~~ Representatives

Regulatory authority means the director and representatives of the Tarrant County Public Health Department.

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~~HEALTH DEPARTMENT.~~ Representatives of the County Health Department.

Spa means a constructed permanent or portable structure that is two feet or more in depth and that has a surface area of 250 square feet or less or a volume of 3,250 gallons or less and that is intended to be used for bathing or other recreational uses and is not drained and refilled after each use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof. A spa does not refer to a business establishment, such as a day spa or a health spa. Industry terminology for a spa includes, but is not limited to, "hydrotherapy pool," "whirlpool," "hot spa," "hot tub," etc. A spa does not include a private residential spa.

## Sec. 92.43. PERMIT REQUIRED.

### § 92.43. PERMIT REQUIRED.

~~(A) Requirement.~~

(a) Required. It shall be unlawful for any person to operate a public swimming pool, spa, or spa interactive water feature in the city without a current and valid pool, spa or interactive water feature permit issued by the Health Department.

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(b) Posting. A valid permit issued to a public swimming pool, spa or interactive water feature shall be posted in public view in a conspicuous place at the pool/spa for which it is issued permitted facility.

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~~-(C) Nontransference~~

(c) Nontransferable (change of ownership). Permits issued under the provisions of this ~~subchapter~~ chapter are not transferable. Upon change of ownership of a business, the new business owner will be required to meet current standards as defined in city ordinances and state law before a permit will be issued. The new owner shall notify the regulatory authority within ten days after assuming ownership of the pool, spa, or interactive water feature.

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(d) Multiple permits. A separate permit shall be required for every public swimming pool, spa, or spa interactive water feature, except that public swimming pools on the same or spas or interactive water features on a single water filtration system will require just one permit.

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(e) Denial of permit. A permit may be denied if the Health Department regulatory authority, upon inspection, determines that the requestor applicant has failed to comply with approved plans and specifications and adopted in accordance with these rules.

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~~-(F) Health Department permit fees—public swimming pools/spas. A fee of \$100 per pool and \$100 per spa is required annually. Fees are due and payable on or before the first of May and are paid to County Health Department at 1800 University Drive, Fort Worth, Texas 76107.~~

(f) Inspections for permits. An inspection shall be required annually to qualify for a permit. A permit is valid for one year from the date of issuance.

#### Sec. 92.44. REVIEW OF PLANS.

##### § 92.44 REVIEW OF PLANS.

~~-(A)~~

(a) Submission of plans. Before a ~~pool~~ public pool's and/or spa is constructed ~~spa's and/or extensively remodeled, properly prepared plans and specifications for the interactive water feature's construction or extensive remodeling shall be submitted~~ begins, the person proposing to the Health Department construct or remodel shall submit an application to the regulatory authority for review and approval. The plans and specifications shall indicate application shall include:

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(1) The construction or remodeling plans, under an engineer's seal, and specifications stating that the proposed construction or remodeling complies with these rules and indicating that the proposed layout, arrangement, mechanical plans and proposed layout, construction materials of work areas, and the type and model of proposed fixed equipment and facilities;

(2) The Health Department date on or after which proposed construction is to begin;

(3) The phone number and address of the entity primarily responsible for constructing the pool, spa, or interactive water feature and the phone number and address of the entity primarily responsible for operating the pool, spa, or interactive water feature;

(4) A check or money order in the amount of \$150.00 payable to Tarrant County, Texas; and

(5) And any necessary additional information necessary to verify compliance.

(b) Approval. The regulatory authority shall approve plans and specifications that meet the requirements of these rules. No public pool ~~or~~ spa, or interactive water feature shall be constructed or extensively remodeled except in accordance with plans and specifications approved by the Health Department. ~~All installations shall utilize anti-vortex drain covers after the effective date of this chapter.~~ regulatory authority.

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#### Sec. 92.45. INSPECTIONS.

(a) Preoperational inspection-inspections. The ~~Health Department~~ regulatory authority shall inspect a newly constructed or remodeled public ~~pools or spas~~ pool, spa, or interactive water feature prior to operation ~~in order~~ to determine compliance with approved plans and specifications and with the requirements of these ~~rules.~~ Inspection requests. Requested inspections must be made a minimum of three working days prior to the desired opening date.

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#### § 92.45 POOL/SPA RECORDS.

~~Daily records for each permitted pool or spa shall be kept on premises and provide the following information:~~

~~-(A) Disinfectant 3x/day~~

~~-(B) pH 3x/day~~

~~-(C) Alkalinity once/week~~

~~-(D) Chemicals added as noted by name, amount and date.~~

#### § 92.46 POOL/SPA CLOSURE.

~~-(A) A pool or spa~~

(b) Inspections. The regulatory authority shall inspect all public pools, spas, or interactive water features at least once per year. The owner or operator shall request an inspection by permit application providing the pool, spa, or interactive water feature owner's name and address and, if different, the pool or spa operator's name and address.

(c) Inspection fees. A fee, as set out, adopted, and defined in the annual budget for the city, shall be required to be paid for preoperational inspections and, thereafter, on an annual basis. Fees shall be paid to Tarrant County Public Health Department at 1101 South Main, Fort Worth, Texas 76104. Inspection fees shall be based on the number of filtration systems located at a single address.

#### Sec. 92.46. POOL/SPA/INTERACTIVE WATER FEATURE CLOSURES.

(a) A public pool, spa, or interactive water feature shall be closed when any of the following conditions exist to occur:

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(1) Disinfectant level below State Department of Health specified the minimums set by the Texas Department of State Health Services;

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(2) pH below 7.0;

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(3) Inability to see bottom drain (poor visibility);

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(4) Chlorine levels above 40eight ppm; or

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~~(B) A closed sign is to be~~

(5) Any other imminent health hazards.

(b) The regulatory authority will immediately post a closed sign and the pool or spa access gate shall be locked until the conditions in division (A) are all violations have been corrected.

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#### Sec. 92.47. POOL/SPA/INTERACTIVE WATER FEATURE RECORDS.

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Daily records for each permitted public pool, spa, or interactive water feature shall be kept on premises and shall include information pertaining to:

(1) Disinfectant—Three times per day;

(2) pH—Three times per day;

(3) Alkalinity—One time per week;

(4) Chemicals added—As noted by name, amount and date; and

(5) Other information needed to ensure the facility's proper operation.

#### Sec. 92.48. SUSPENSION AND REVOCATION OF PERMIT.

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##### § 92.47. SUSPENSION AND REVOCATION OF PERMIT.

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~~(A)~~

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(a) Notice of suspension. After repeated violations or repeated. The regulatory authority may temporarily suspend the permit of a public pool, spa, or interactive water feature for noncompliance with state pool, spa, or interactive water feature standards, by issuing a written notice for suspension of the pool/spa permit may be issued by the Health Department. Before a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing. Suspension is effective after a ten day notice period is given by the Health Department and a public hearing is not requested by the permit holder. When a permit is suspended, pool/spa, spa, or interactive water feature operations shall immediately cease. The regulatory authority will immediately post a closed sign and the pool, spa, or interactive water feature access gate shall be locked until any and all violations have been corrected.

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~~(B) Notification of right to hearing.~~



~~(b) *Reinstatement of permit after suspension.* Whenever a notice of suspension is issued by the Health Department regulatory authority, the holder of the permit or the person in charge shall be notified in writing that an opportunity for a hearing will be provided. Unless a written request for a hearing is filed with the Health Department by the holder, the holder will be given an opportunity to correct the violation(s) prior to final revocation of the permit within ten days of receipt of a suspension notice. The permit is suspended. The Health Department. The regulatory authority may end the suspension any time if the reasons for suspension no longer exist.~~

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~~(c) *Revocation of permit.* The Health Department regulatory authority may, after providing notice of pending revocation and an opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the Health Department by the holder of the permit within the ten-day period. The regulatory authority in the performance of its duties. Prior to revocation, the regulatory authority shall notify the holder of the permit or the person in charge, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of the ten days following service of such notice. Unless a written request for a hearing is filed with the regulatory authority by the holder of the permit within such ten-day period, the revocation of the permit becomes final.~~

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~~(d) *Service of notices.* A notice provided for in these rules is properly served when it is delivered to the holder of the permit or the person in charge of pool and/or spa and/or interactive water feature operations, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit application. A copy of the notice shall be filed in the records of the regulatory authority.~~

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~~(e) *Hearings.* The hearings provided for in these rules shall be conducted by the regulatory authority at a time and place designated by it. Based upon the recorded evidence of the such hearings, the regulatory authority shall make a final finding, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.~~

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~~(f) *Right of appeal.* Any permit holder who wishes to dispute the decision of a hearing may appeal the decision to the Director/director of the County Health Department/regulatory authority.~~

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~~(g) *Application after revocation.* Whenever a Final revocation of a pool and/or spa and/or interactive water feature permit has become final, shall not prevent the holder of the revoked permit may make from making written application for a new permit to the Health Department/regulatory authority.~~

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~~(h) *Closed pool, spa, or interactive water feature.* Prior to reopening, the owner or operator shall provide the application and fee required by subsection Sec. 10-157 (a) if a pool or spa:~~

~~(1) closes voluntarily at the request of the regulatory authority on more than two occasions in one calendar year; or~~

~~(2) closes on court order on more than two occasions in one calendar year.~~



**Sec. 92.49. PUBLIC POOL/SPA MANAGER CERTIFICATION.**

**§ 92.48. PUBLIC POOL/SPA MANAGER CERTIFICATION.**

~~—(A) Public pool and/or spa managers~~

~~(a) Requirement. All facilities permitted under this chapter shall have at least one certified pool manager or spa operator employed to maintain the pools/spas per apartment complex or municipal location. This person shall possess a pool manager's certificate from pool, spa, or interactive water feature.~~

~~(b) Termination of certified pool, spa, or interactive water feature operator. In the event that a course approved by the Health Department. The certificate is valid for three years from issuance date and must be on premises to facilitate checking by inspectors.~~

~~—(B) Whenever the public pool/spa manager holding the certificate terminates employment or certified pool or spa operator is terminated or transferred, the business shall be allowed a certified pool or spa operator must be designated within 60 days from this the operator's termination or transfer date to provide a new certificate holder.~~

~~—(C) This requirement is applicable even if pool, spa, or interactive water feature maintenance operations are contracted to an outside company.~~

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**Secs. 92.50—92.98. - RESERVED.**

**Sec. 92.99. PENALTY.**

**§ 92.99. PENALTY.**

~~—(A) Upon conviction for violation of any provisions of §§ 92.01 through 92.09, relating to the maintaining of a public nuisance as described herein, or in permitting or allowing the public nuisance to exist, the violators shall be punished by a fine not to exceed \$200, or the maximum permitted by state law, whichever is greater, and each day that the nuisance shall continue shall constitute a separate offense.~~

~~—(B) Any person, firm, corporation, agent, or employee thereof who violates any of the provisions of §§ 92.20 through 92.27 shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not less than \$25 nor more than \$200; provided, however, in the event the actor has previously been convicted under this section, the actor shall be fined an amount not less than \$50 nor more than \$500 for a second conviction hereunder, and shall be fined an amount not less than \$100 nor more than \$1,000 for a third conviction hereunder and for each conviction thereafter. Each day that a violation is permitted to exist shall constitute a separate offense.~~

~~—(C) (1) A person who violates a provision of §§ 92.40 through 92.48 is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted, and each offense is punishable by a fine of not more than \$2,000.~~

~~—(2) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of §§ 92.40 et seq. to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership or other association and within the scope of his or her employment.~~

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~~(D) Any person, firm or corporation violating any of the provisions of §§ 92.28 through 92.32 shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be punished by a fine not to exceed the sum of \$2,000 for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.~~

(a) It is an offense for a person, firm, company, or corporation to violate, disobey, omit, neglect or refuse to comply with or resist the enforcement of any of the provisions of this chapter. Each day that a violation is permitted to exist shall constitute a separate offense.

(b) An offense under subsection (a) is a Class C Misdemeanor punishable by a fine of not more than \$2,000 for each offense.



(b) Expiration.

(1) ~~Food manager certificates are valid for a period of three up to five years from the date issued unless revoked as determined by the Health Department regulatory authority, unless revoked by the regulatory authority prior to the expiration date.~~

(2) ~~Food handler certificates are certification shall be valid for one year unless revoked a period of up to three years, as determined by the Health Department regulatory authority.~~

(3) ~~Exemptions from food manager certification requirement are granted for the following:~~

- ~~(a) Temporary food establishments.~~
- ~~(b) Establishments with uncut produce or prepackaged food only.~~
- ~~(c) Establishments serving only fountain drinks, coffee and/or popcorn.~~
- ~~(d) Day care centers that do not prepare food other than heating/cooling of prepackaged items.~~
- ~~(e) Establishments with fewer than seven employees.~~
- ~~(f) Farmer's markets.~~

Secs. 94.08—94.98. RESERVED.

Sec. 94.99. PENALTIES.

§ 94.99 PENALTY.

(A) (1) ~~A person who violates a provision of §§ 94.30 et seq. is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted, and each offense is punishable by a fine of not more than \$2,000.~~

(2) ~~In addition to prohibiting or requiring certain conduct of individuals, it is the intent of §§ 94.30 et seq. to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership or other association and within the scope of his/her employment.~~

(B) ~~Any person who violates a provision of §§ 94.50 et seq. and any person who is the permit holder of or otherwise operates a food service establishment that does not comply with the requirements of §§ 94.50 et seq. and any responsible officer of a permit holder or those persons shall be fined not more than \$2,000. A person who violates a provision of §§ 94.50 et seq. is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted. In addition to prohibiting or requiring certain conduct of the individual, it is the intent to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership or other association and within the scope of his/her employment.~~

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(a) It is an offense for a person, firm, company, or corporation to violate any provision of this chapter.

(b) It is an offense for the holder of a permit issued under this chapter to allow a food establishment to be operated in violation of any provision of this chapter.

(c) Each day that a violation is committed, continued, or permitted shall constitute a separate offense.

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