

Legislative Regulation Review Committee

2010-021

Department of Public Health

PUBLIC SWIMMING AREAS

IMPORTANT: Read instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

**STATE OF CONNECTICUT
REGULATION
OF**

Department of Public Health
Name of Agency

**Concerning
Public Swimming Areas**

SUBJECT MATTER OF REGULATION

The Regulations of Connecticut State Agencies are amended by repealing sections 19-13-B34 and 19-13-B36, and adding 19a-13-B36 as follows:

Sec. 19a-13-B36. Public Swimming Areas.

- (a) Definitions, as used in this section:
- (1) "Public swimming area" means a designated location, together with any buildings, toilet facilities, the water and the land area used in connection therewith, at a pond (natural or artificial), lake, stream, tidal water or other body of fresh or salt water which is used for swimming with the express or implied permission or consent of the owner or lessee of the premises or which is operated for a fee or any other consideration or which is openly advertised as a place for swimming. State owned or operated swimming areas are excluded from this Section.
 - (2) "Department" means the Connecticut Department of Public Health;
 - (3) "Notification System" means a public information system used to notify the public with regards to lifeguard status and the opening or closing of swimming area.
- (b) General requirements. No new public swimming area shall be constructed until the local director of health, in which the public swimming area is to be located, approves the location of the public swimming area to ensure that the location shall satisfy the requirements of these regulations. No city, town, borough, institution, person, firm, corporation or other entity shall operate or maintain any public swimming area except after compliance with the following requirements:
- (1) Every public swimming area shall be provided with on-site toilet facilities unless the Director of Health determines that adequate facilities are already provided elsewhere. Separate toilets for men and women shall be provided, with at least one toilet seat for every two hundred women and at least one toilet seat for every three hundred men, and at least one hand washing sink or hand sanitation station shall be provided with each toilet. The number of toilet facilities shall be calculated based on the average seasonal daily bather load. All toilets and restroom accommodations shall be constructed and located so that no contamination of the waters used by the bathers will occur. Toilets shall be installed with the approval of the local director of health so as not to create any health or safety issues. They shall be kept in good repair and maintained at all times in a sanitary conditions. The location of all toilets shall be plainly indicated by signs.
 - (2) The dressing rooms, hallways, toilet rooms, shower rooms or other rooms to which bathers have access shall be kept clean, well ventilated, and in good repair. The floors shall also be treated with a 0.5% chlorine solution, or other equivalent disinfectant, daily.
 - (3) The area open for authorized swimming shall be clearly designated.
 - (4) Swimming in public swimming areas shall be restricted to designated areas and during assigned hours of operation.
 - (5) If diving is permitted, diving shall be permitted only off a diving board. No diving boards greater than sixteen feet in length shall be permitted. The owner of the property shall ensure that the diving area is in compliance with the required water depths at all times. For diving boards of a height of no greater than one-meter above the water surface, the diving area must meet the following requirements:
 - (A) not have any submerged or overhead obstructions;
 - (B) have a minimum water depth at all times of eleven feet for at least sixteen feet linear beyond the plummet of the diving board; and
 - (C) have a minimum water depth at all times of eleven feet for at least eight feet horizontal on each side of the plummet of the diving board.
 For diving board of a height greater than one-meter above the water surface, the diving area must meet the following requirements:
 - (D) not have any submerged or overhead obstructions;
 - (E) have a minimum water depth at all times of twelve feet for at least sixteen feet linear beyond the plummet of the diving board; and
 - (F) have a minimum water depth at all times of twelve feet for at least eight feet horizontal on each side of the plummet of the diving board.
 - (6) Lifeguard services.
 - (A) When no lifeguard service is provided, a notification system and a warning sign(s) shall be posted in a visible location(s). The warning sign shall state "Warning – No Lifeguard on Duty" with letters that are legible and at least four inches high.
 - (B) During the season, when lifeguard service is provided, a notification system shall be provided to alert bathers as to where and when lifeguard services are available.
 - (C) When there is a lifeguard on duty: (1) the appropriate lifesaving equipment, included but not limited to a rescue tube, in which the lifeguard has been trained to use, shall be provided to each lifeguard on duty; and, (2) there shall be a raised stand for the lifeguard, so placed that all areas of the bathing area are visible to the lifeguard on duty.

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- (D) A telephone or equivalent emergency communication device shall be provided for emergency use when the area is staffed by a lifeguard.
- (7) All public swimming areas shall have posted in a visible location(s):
- (A) hours of lifeguard coverage if applicable;
 - (B) emergency phone information; indicating whether a phone is available or not;
 - (C) if an emergency phone is not available then directions to the nearest telephone and emergency contact phone number shall be posted; and
 - (D) location of nearest first aid unit.
- The signage print shall be not less than a half-inch type in size.
- (8) Whenever a public swimming area is closed or reopened per the requirements of Section 19a-13-B36, the local director of health shall follow the following notification system:
- (A) Closures: (1) immediately post a sign(s) in a conspicuous location(s), including the immediate swimming area, to notify bathers of the closure; and, (2) notify the Department of Public Health, Recreation Program, of such closure within one business day. The following information concerning the closure shall be reported: reason for closure and affected swimming area.
 - (B) Reopenings: (1) remove all posted closure signs; and, (2) notify the Department of Public Health, Recreation Program, within one business day of the reopening along with the rationale for reopening the swimming area.
- (9) The following shall be prohibited in all designated public swimming areas: (A) domestic animals; (B) boats, unless used for rescue purposes; (C) washing of persons and articles; (D) littering; and (E) glass containers.
- (10) The Director of Health may:
- (A) Inspect all swimming areas to determine compliance with these regulations.
 - (B) Issue written warning(s), directed to the owner of the public swimming area, when:
 - (i) there is a violation of these regulations, or;
 - (ii) a condition is found that constitutes a public health or safety hazard or a health nuisance to bathers.

Such written warnings shall contain measures, along with a time frame for compliance, that shall be followed to correct any condition(s) cited.
 - (C) Issue an order, directed to the owner of the public swimming area, closing the public swimming area when the director determines:
 - (i) that the owner of the public swimming area has failed to comply with the written warnings previously issued under Section 19a-13-B36(b)(10)(B), or;
 - (ii) there is a significant health nuisance or when an imminent safety hazard exists, or;
 - (iii) when there is evidence of communicable disease being transmitted to end the transmission of the disease.

The public swimming area shall remain closed until such time as the determined cause for closure has been corrected.

Statement of Purpose:

The purpose of the regulation is (A) to make consistent with current practice and standards; (B) to protect public health and safety for persons using public swimming areas; and (C) to repeal the obsolete sections 19-13-B34 and 19-13-B36 and replace them with the new 19a-13-B36.

Be it known that the foregoing:

Regulations Emergency Regulations

are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Sections 19a-36 of the General Statutes.

Section of the General Statutes, as amended by Public Act. No. of the Public Acts.

Public Act. No of the Public Acts.

After publication in the Connecticut Law Journal on July 7, 2009 the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The ____ day of ____ 20__.

Witness whereof:	Date	SIGNED (Head of Board, Agency or Commission) <i>Robert Salant</i>	OFFICIAL TITLE, DULY AUTHORIZED Commissioner
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Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	SIGNED <i>W B A/C</i>	DATE 4/8/10	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL
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Approved

Disapproved

Disapproved in part, (Indicate Section Numbers disapproved only)

Rejected without prejudice.

The Legislative Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State)	BY
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INSTRUCTIONS

Copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

Eighteen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.