

Section 2

Regulation

Statement of purpose

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut
REGULATION
of

NAME OF AGENCY

Department of Public Health

Concerning

SUBJECT MATTER OF REGULATION

Public Swimming Area Regulations

Section 1. The Regulations of Connecticut State Agencies are amended by adding section 19a-36-B61 as follows:

(NEW) Section 19a-36-B61. 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 any natural or artificial pond, lake, stream, tidal water or other body of fresh or salt water that is advertised as a place for swimming and is accessible to the public. Public swimming area does not include: (A) swimming areas in connection with or appurtenant to single family dwellings and used solely by persons residing in such dwellings and such person's guests, including but not limited to those swimming areas accessible only as part of a lake association, beach association or condominium; (B) any state owned or operated swimming areas; and, (C) public swimming pools that are regulated under Section 19-13-B33b of the Regulations of Connecticut State Agencies.
- (2) "Department" means the Connecticut Department of Public Health.
- (3) "Director of Health" means the director of a local health department or district health department approved by the commissioner as specified in Connecticut General Statutes Sections 19a-200 and 19a-242.
- (4) "Notification system" means a public information system used to notify the public regarding lifeguard status and the opening or closing of a public swimming area, including but not limited to, signs or flags.

(b) **General requirements.** No city, town, borough, institution, person, firm, corporation or other entity shall designate or construct a public swimming area until the director of health for the municipality in which the public swimming area is located has approved the location of such public swimming area. A city, town, borough, institution, person, firm, corporation or other entity operating or maintaining a public swimming area shall comply 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 toilet facilities are already provided elsewhere. Separate toilets for men and women shall be provided, with at least one toilet for every two hundred women and at least one toilet for every three hundred men, and at least one handwashing sink or hand sanitation station shall be provided with each required toilet. All toilets and restroom accommodations shall be constructed and located so that no contamination of the waters used by the swimmers will occur. Toilets shall be installed with the approval of the director of health so as not to create any health or safety issues. Toilets shall be kept in good repair and maintained at all times in a sanitary condition. 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 patrons have access shall be kept clean, well ventilated, and in good repair. The floors shall also be treated daily with a 0.5% chlorine solution, or other equivalent disinfectant.
- (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) 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.
 - (A) For diving boards of a height of no greater than one meter above the water surface, the diving area shall meet the following requirements:
 - (i) Not have any submerged or overhead obstructions;
 - (ii) 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,
 - (iii) 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.
 - (B) For diving boards of a height greater than one meter above the water surface, the diving area shall meet the following requirements:
 - (i) Not have any submerged or overhead obstructions;
 - (ii) 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,
 - (iii) 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.
 - (C) When no diving board is present, a sign stating the following shall be conspicuously posted: "No diving is permitted".
- (6) Lifeguard services.
 - (A) When no lifeguard service is provided, one or more warning signs shall be posted in one or more visible locations. The warning sign shall state "Warning – No Lifeguard on Duty" with letters that are legible and at least four inches high.
 - (B) During the period when the swimming area is open for use, when lifeguard service is provided, the owner of the property shall provide the following:
 - (i) A notification system to alert patrons as to where and when lifeguard services are available;
 - (ii) Each lifeguard on duty shall be provided with appropriate lifesaving equipment that the lifeguard has been trained to use, including but not limited to, a rescue tube;
 - (iii) A telephone or equivalent emergency communication device for emergency use when the area is staffed by a lifeguard; and
 - (iv) A raised stand at least four feet in height for the lifeguard, placed such that all areas of the public swimming area are visible from the stand to the one or more lifeguard on duty. The director of health may approve an appropriate alternative to the four foot high raised stand if said director of health determines that all points of the public swimming area can still be visible to the lifeguard on duty.
- (7) All public swimming areas shall have a sign posted in at least one visible location, with signage not less than a half-inch type in size, containing the following information:
 - (A) Hours of lifeguard coverage if applicable;
 - (B) Emergency phone information indicating whether a phone is available; and
 - (C) Location of the nearest first aid unit if one is provided on the premises.
- (8) Whenever a public swimming area is closed or reopened pursuant to the provisions of this section, the director of health shall:

- (A) Closure: immediately have put in place a notification system, in one or more conspicuous location, including the immediate swimming area, notifying patrons of the sections of the public swimming area that are closed.
- (B) Reopening: have removed all closure postings.
- (9) The following shall be prohibited in all public swimming areas: (A) boats, unless used for rescue purposes; (B) washing of persons and articles; (C) littering; and (D) glass containers.
- (10) Domestic animals shall be prohibited in the water and on the immediate shoreline associated with the water of a public swimming area when the public swimming area is open for use.
- (11) The director of health may:
 - (A) Inspect all public swimming areas to determine compliance with the provision of this section.
 - (B) Issue an order which may result in a closure of the public swimming area, in part or in whole, to the owner of the public swimming area, when the director of health determines:
 - (i) There is a violation of the provisions of this section; or
 - (ii) The public swimming area is not being maintained in acceptable sanitary conditions; or
 - (iii) A condition is found that constitutes a public health hazard, safety hazard or a health nuisance to the patrons; or
 - (iv) There is evidence of communicable disease being transmitted in order to end the transmission of the disease.

The public swimming area shall remain closed until such time as the director of health determines that the cause for closure has been corrected.

Sec. 2. Section 19-13-B27a(i) of the Regulations of Connecticut State Agencies is amended to read as follows:

(i) [Swimming and bathing facilities.] Public swimming pool and public swimming areas. [Swimming and bathing facilities] Public swimming pool and public swimming areas when provided shall comply with the provisions of sections 19-13-B33b [19-13-B33a, 19-13-B34] and [19-13-B36] 19a-36-B61 of the Regulations of Connecticut State Agencies.

Sec. 3. Section 19-13-B29(g) of the Regulations of Connecticut State Agencies is amended to read as follows:

(g) [Swimming and bathing facilities.] Public swimming pool and public swimming areas. [Swimming and bathing facilities] Public swimming pool and public swimming areas, if provided, shall comply with the provisions of sections 19-13-B33b [19-13-B33a, 19-13-B34] and [19-13-B36] 19a-36-B61 of the Regulations of Connecticut State Agencies.

Sec. 4. Section 19a-2a-29(c)(8) of the Regulations of Connecticut State Agencies is amended to read as follows:

(8) [Swimming and Bathing Facilities.] Public swimming pool and public swimming areas. [Swimming and bathing facilities] Public swimming pool and public swimming areas, if provided within a family campground shall comply with sections 19-13-B33b [and/or section 19-13-B34] and [section 19-13-B36] 19a-36-B61 of the Regulations of Connecticut State Agencies for all public swimming pools and public bathing areas.

Sec. 5. Section 19a-79-7a(i) of the Regulations of Connecticut State Agencies is amended to read as follows:

(i) [Swimming, wading and bathing facilities.] Public swimming pool, wading and public swimming areas. [Swimming, wading and bathing facilities], Public swimming pool, wading and public

swimming areas if provided, shall comply with the provisions of sections 19-13-B33b, [19-13-B34] and [19-13-B36] 19a-36-B61 of the Regulations of Connecticut State Agencies. No wading pools shall be used. No day care child shall be permitted in a hot tub, spa or sauna. Hot tubs, spas and saunas shall be locked and inaccessible to children.

Sec 6. Section 17a-145-86 of the Regulations of Connecticut State Agencies is amended to read as follows:

Each child shall be instructed, as appropriate to his own age level, in safety procedures, including fire drills, civil defense and safe use of electrical or power equipment. All use of such equipment shall be under the supervision of a competent adult. Safety procedures for [waterfront and swimming pools] public swimming pools and public swimming areas shall be maintained. All on-grounds pools shall be enclosed with safety fences and shall be regularly tested to ensure that the pools are free of contamination. A certified individual shall be on duty when the children in care are swimming. A certified individual is one who has a current water safety instructor's certificate or senior lifesaving certificate from the Red Cross or its equivalent. The [waterfront] public swimming pool or public swimming area shall be properly maintained and have proper safety equipment available. The public swimming pool shall be inspected under section [19-13-B33a] 19-13-B33b, and the [waterfront] public swimming area under [sections 19-13- B34 or 19-13-B36, respectively, of the Connecticut General Statutes] section 19a-36-B61 of the Regulations of Connecticut State Agencies.

Sec. 7. Sections 19-13-B34 and 19-13-B36 of the Regulations of Connecticut State Agencies are repealed.

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 combine two obsolete sections of the Regulations of Connecticut State Agencies by repealing Sections 19-13-B34 and 19-13-B36.

**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.

**STATE OF CONNECTICUT
REGULATION
OF**

Department of Public Health

Name of Agency

- (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.