

Chapter 6.10

REGULATION OF THE SAFETY, OPERATION AND STRUCTURE OF PUBLIC SWIMMING POOLS AND SPAS

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Section 6.10.010 Purpose.

The purpose of this Chapter is to establish a procedure for the enforcement of State statutes and regulations relating to all public swimming pools, spas and bath houses which are artificial in construction and their related lockers, showers and dressing rooms. Pool facilities regulated by this Chapter include, but are not limited to, commercial pools, real estate and community pools, pools in hotels, motels, resorts, duplexes, homeowner associations, mobile home parks, RV parks, campgrounds, apartments, clubs and in public or private schools and other institutions as defined in California Code of Regulations Title 22 whether or not an admission fee is charged. This Chapter does not apply to private pools maintained by an individual at a private, single-family residence for the use of family and friends. (Ord. 6429 § 4, 1998)

Section 6.10.020 Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter:

A. "Enforcement Officer" shall mean the Riverside County Director of the Department of Environmental Health and his or her duly authorized Environmental Health Specialists.

B. "Hearing Officer" shall mean the Riverside County Director of Environmental Health's designee authorized to conduct hearings for the suspension or revocation of a permit issued under this Chapter.

C. "Official Inspection Form" shall mean the form provided by the Riverside County Department of Environmental Health.

D. "Pool" or "Pool Facility", as used in this Chapter, shall mean swimming pool, pool, wading pool, special use pool, temporary training pool or spa pool, as defined in Section 2 of this ordinance.

E. "Public pool" applies to all those pool or pool facilities listed in Section 65503 of the California Code of Regulations Title 22. Only private pools maintained by an individual for the use of family and friends are exempt from provisions of this Chapter.

F. "Spa Pool" or "Spa" shall mean a pool as defined by Section 65501(f) of the California Code of Regulations Title 22, and means a pool, not used under medical supervision, that contains water of elevated temperature, and incorporates a water jet system, an aeration

system or a combination of the two systems.

G. "Special Use Pools" shall mean a pool as defined by Section 65501(c) of the California Code of Regulations, Title 22, and means pools designed and used exclusively for a single purpose such as wading, instruction, diving, competition or medical treatment where a licensed professional in the healing arts is in attendance.

H. "Swimming Pool" or "Pool" shall mean a pool as defined in Section 65501(a) of the California Code of Regulations Title 22, and means an artificial basin, chamber or tank used, or intended to be used, for public swimming, wading, diving, or recreative bathing, but does not include baths where the main purpose is the cleaning of the body, nor individual therapeutic tubs which are drained and sanitized between each use.

I. "Wading Pool" shall mean a pool as defined by Section 65501(b) of the California Code of Regulations Title 22, and means an artificial basin, chamber or tank used, or intended to be used, for wading by small children and having a maximum depth of not to exceed forty-six centimeters (eighteen inches) at the deepest point and no more than thirty centimeters (twelve inches) at the side walls. (Ord. 7341 § 5, 2016; Ord. 6429 § 4, 1998)

Section 6.10.030 Permits.

No person shall operate a public pool without obtaining and having in their possession a valid Environmental Health Permit issued by the Riverside County Department of Environmental Health. Application for a permit shall be made to the Riverside County Department of Environmental Health upon a form provided by the department shall be accompanied by a fee as established by Riverside County Ordinance 640. A permit shall be valid for not more than one year, and once issued is non-transferrable. (Ord. 6429 § 4, 1998)

Section 6.10.040 Right of inspections.

A. Pursuant to California Health and Safety Code Section 24104, the enforcement officer shall have the right to inspect any pool facility, or any facility suspected of being a pool facility, at any reasonable time. If inspection is refused, the permit may be suspended or revoked, and/or the owner or operator shall be guilty of an infraction.

B. Each pool and pump room/pool filter equipment room, if locked shall have keys made available to the enforcement officer by the pool facility's owner/operator. (Ord. 6429 § 4, 1998)

Section 6.10.050 Inspections.

A. The enforcement officer shall inspect each pool facility and appurtenances at regular intervals. All pool facilities shall comply with those requirements set forth in the California and Safety Code Section 116025 et seq., California Code of Regulations Titles 22 and 24 and the Uniform Building Code.

B. Following an inspection the enforcement officer shall deliver a signed copy of the Official Inspection Form to the owner, operator, or person in charge of the pool facility who shall sign in receipt thereof. In cases where no on-site owner, operator or person in charge is present, the enforcement officer shall mail a copy of the inspection report to the owner/operator's office.

C. Duties of the enforcement officer:

1. The enforcement officer may close the pool/spa if any of the following condition(s) exist:

- a. main drain cannot be seen due to poor water clarity.
- b. heavy algae growth.
- c. main drain(s) cover(s) missing or loose.
- d. no chlorine residual.
- e. excessive chlorine residual (as determined by the enforcement officer).
- f. loose or missing underwater light.

g. any condition which may be found to exist (and cannot be immediately corrected) which could actually or potentially threaten the public health, welfare, and safety (i.e.: fecal material in the water, gates locked in open position, foreign items in the pool or spa, etc.)

h. no current Environmental Health Permit.

i. inadequate pool or spa fencing (i.e., broken or missing fencing or gate(s); not meeting State code, missing or broken self-closing device on gate(s) or door(s) etc.)

2. The Enforcement Officer shall post a "Pool Closed" sign on the gate(s) leading into the pool area, or on the handrails at the shallow and deep ends of the pool. These signs shall only be removed by the Enforcement Officer. The signs shall be a minimum 11" x 8 1/2", printed on white paper or plastic, with bold red lettering.

3. Once the Department has been notified by the owner/operator that the condition(s) for which the pool/spa has been closed have been corrected, a reinspection date will be arranged by the enforcement officer. The pool/spa shall be reopened only after the enforcement officer has verified the violation(s) for which the pool/spa had been closed have been corrected. Authorization to reopen shall be issued by the Enforcement Officer in writing.

D. Any pool facility that has been closed by the Enforcement Officer shall receive a reinspection within seven calendar days of the initial inspection, or as otherwise designated by the Enforcement Officer to ensure that the violations have been corrected. When a "Pool Closed" sign has been posted by the enforcement officer, it shall remain posted at the pool facility indicating to the public that the pool facility failed to maintain the minimum Health and Safety standard during the most recent routine inspection performed by the Department of Environmental Health. It shall be the responsibility of the owner/operator to ensure that the closed sign remains posted and clearly visible to potential pool patrons.

E. After a reinspection of the pool facility, should a serious violation or numerous violations continue to exist and/or condition(s) exist which threaten or potentially threaten the public health and safety, any or all of the following legal actions may be taken by the Enforcement Officer:

1. Continued closure of the pool facility.

2. Issuance of a citation.

3. Initiation of civil, criminal or other legal proceedings.

4. Administrative hearing for the suspension or revocation of the Environmental Health Permit.

5. Assessment of a per-hour reinspection fee as established in Riverside County Ordinance 640, for any inspections or reinspections exceeding the two inspections/reinspections as provided for as part of the general operating permit;

F. Any permit may be suspended or revoked by the Enforcement Officer for a violation of this Chapter, including by reference California Health and Safety Code, California Code of Regulations Title 22 and 24, and the California Building Code. Any pool facility for which the permit has been revoked shall close and remain closed until a new permit has been issued. Whenever a local enforcement officer finds that a pool facility is not in compliance with the requirements as set forth in California Health and Safety Code California Code of Regulations Title 22 and 24, and Uniform Building Code, a written notice to comply shall be issued to the permittee. If the permittee fails to comply, the local enforcement officer shall issue to the permittee a notice setting forth the acts or omissions with which the permittee is charged, and informing him or her of a right to a hearing, if requested, to show cause why the permit should not be suspended or revoked. A written request for a hearing shall be made by the permittee within fifteen calendar days after receipt of the notice. A failure to request a hearing within fifteen calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing. When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this fifteen-day period to expedite the permit suspension or revocation process. The hearing shall be held within fifteen calendar days of the receipt of a request for a

hearing. Upon written request of the permittee, the hearing officer may postpone any hearing date, if circumstances warrant such action. The hearing officer shall issue a written notice of decision to the permittee within five working days following the hearing. In the event of a suspension or revocation, the notice shall specify the acts or omissions with which the permittee may request in writing a hearing before a hearing officer to show cause why the permit suspension is not warranted. The hearing shall be held within fifteen calendar days of the receipt of a request for a hearing. A failure to request a hearing within fifteen calendar days shall be deemed a waiver of the right to such hearing. The enforcement agency may, after providing opportunity for a hearing, modify, suspend, or revoke a permit for serious or repeated violations of any of the requirements of this Chapter or for interference in the performance of the duty of the enforcement officer. A permit may be reinstated or a new permit issued if the enforcing officer determines that conditions which prompted the suspension or revocation no longer exists.

G. Notwithstanding the foregoing, if any immediate danger to the public health or safety is found, the enforcement officer may temporarily suspend the permit and order the pool facility immediately closed. Immediate danger to the public health and safety means any condition, based upon inspection findings or other evidence, that can cause drowning, disease or other hazardous condition including but not limited to those listed in Section 6.10.050(c)(1) of this Chapter.

H. Failure by the owner/operator to abate within twenty-four hours an immediate and severe danger to public health may result in an order to drain the pool and/or secure the area as to prevent access by children or adults. This includes, but is not limited to the erection of a fence (if one does not already exist) around the pool in question.

I. Any reinspection following legal actions, other than one reinspection after an initial administrative hearing, will result in the owner/operator being charged an hourly on-site fee. (Ord. 6429 § 4, 1998)

Section 6.10.060 Records.

A daily record of the operation of the pool shall be kept by the owner or operator. These records shall be available at the pool facility for review by the enforcement officer upon request. (Ord. 7341 § 5, 2016; Ord. 6429 § 4, 1998)

Section 6.10.070 New construction and/or modification(s) of existing pool facilities.

Every person proposing to construct or remodel a public swimming pool or bathhouse, or related locker, shower or dressing room, pool and/or spa fencing shall submit the plans and specifications to the enforcement officer for approval prior to construction. The enforcement officer shall check the plans for compliance with the provisions of the California Code of Regulations. This plan check is in addition to plan check and inspection by City's building official. (Ord. 6429 § 4, 1998)

Section 6.10.080 Criminal penalties.

A. Any person violating any provision of this Chapter is guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each day during which any violation of this Chapter is committed or allowed to exist.

B. Any individual convicted of a violation of this Chapter shall be:

1. Guilty of an infraction and punished by a fine of not less than fifty dollars, but not to exceed one hundred dollars for the first offense.

2. Guilty of an infraction and punished by a fine of not less than one hundred dollars, but not to exceed two hundred dollars for the second offense.

3. The third and any subsequent offense shall constitute a misdemeanor, and shall be punishable by a fine of not less than five hundred dollars, but not to exceed one thousand

dollars and/or six months in County jail, or both.

C. Notwithstanding the foregoing, a first or second offense may be charged and prosecuted as a misdemeanor.

D. Payment of any penalty herein shall not relieve an individual from the responsibility of correcting the violations as noted on the Official Inspection Form.

E. The Riverside County Department of Environmental Health shall collect all infractions and penalties arising under this section. The court shall receive the court administrative fees. (Ord. 6429 § 4, 1998)

Section 6.10.090 Public nuisance declaration.

Any violation of this Chapter is hereby deemed to be a public health nuisance dangerous to health and may be abated by the enforcement officer, irrespective of any other remedy herein above provided. As an alternative measure the enforcement officer may file an action with the court to abate the public nuisance. (Ord. 6429 § 4, 1998)

Section 6.10.100 Civil penalties.

Any person who willfully violates any provision of this Chapter, in addition to any criminal penalties, shall be liable for a civil penalty of between fifty dollars and two hundred fifty dollars for each day of violation. The enforcement agency shall be authorized to file and maintain an action in a court of appropriate jurisdiction to collect any such civil penalty arising under this section. (Ord. 6429 § 4, 1998)

Section 6.10.110 Penalties and cost recovery.

The procedures, remedies and penalties for violation of this Chapter and for recovery of costs related to enforcement are provided for in County of Riverside Ordinance Number 725, which is incorporated herein by this reference. (Ord. 6429 § 4, 1998)

Section 6.10.120 Severability.

If any provision, clause, sentence or paragraph of this Chapter, or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of applications of the provisions of this Chapter which can be given effect with the invalid provision or application and, to this end, the provisions of this Chapter are hereby declared to be severable. (Ord. 6429 § 4, 1998)