

A Galveston County United Board of Health Policy
AN ORDER ESTABLISHING PERMITTING AND ENFORCEMENT OF STATE LAW
AND RULES FOR PUBLIC AND SEMI-PUBLIC SWIMMING POOLS, SPAS AND
INTERACTIVE WATER FEATURES

WHEREAS, the Galveston County United Board of Health is a policy-making board of public health district, established under Chapter 121. §121.002 of the Texas Health and Safety Codes encompassing fourteen (14) local governments: Galveston County, Bayou Vista, Clear Lake Shores, Dickinson, Friendswood, Galveston (city), Hitchcock, Jamaica Beach, Kemah, La Marque, League City, Santa Fe, Texas City and Tiki Island; and

WHEREAS, the Galveston County United Board of Health has established this order to permit and enforce state law and rules for public and semi-public swimming pools, spas and interactive water features by authorizing the Galveston County Health District to permit, inspect, investigate citizen complaints and train and certify pool operators; and

WHEREAS, the Texas Department of State Health Services (DSHS) has established Standards for Public Swimming Pools and Spas to provide the citizens of this State with adequate public health and safety protection; and

WHEREAS, Chapter 341.064(g) of the Texas Health and Safety Code provides for the elimination and prevention of health hazards by regulating the planning and operation of public swimming pools and spas under good public health engineering and safety practices;

NOW THEREFORE, BE IT ORDERED by the Galveston County United Board of Health of the Galveston County Health District as follows:

SECTION 1. THAT the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct;

SECTION 2. THAT the mission of the public swimming pool and spa program is to assure public health and safety of the public at swimming pools and spas by inspecting, permitting and providing for citizen complaint investigations.

SECTION 3. THAT an Order for the Galveston County Health District be adopted entitled “Rules on Swimming Pool Sanitation,” which shall read as follows: “AN ORDER ESTABLISHING PERMITTING AND ENFORCEMENT OF STATE LAW AND RULES FOR PUBLIC AND SEMI-PUBLIC SWIMMING POOLS, SPAS AND INTERACTIVE WATER FEATURES

SECTION 4. CONFLICTS.

All prior policies/orders of the Galveston County United Board of Health not consistent with or in conflict with the provisions of this Policy/Order are hereby repealed.

SECTION 5. AREA OF JURISDICTION.

This order establishing permitting, inspection and enforcement shall apply to all areas lying within the jurisdiction of the public health district.

SECTION 6. AUTHORIZATION

This Policy/Order established by the Galveston County United Board of Health for public and semi-public pools, spas and interactive water features are hereby adopted, and all officials and employees of the Galveston County Health District having duties under said Policy/Order are authorized to perform such duties as are required of them under said Policy/Order

SECTION 7. POOL AND SEMI-PUBLIC POOL, SPA AND INTERACTIVE WATER FEATURES ORDER ESTABLISHING RULES FOR PERMITTING AND ENFORCEMENT

Galveston County Health District understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating public and semi-public pools, spas and interactive water features, and will fully enforce Chapter 341.064(g) of the Texas Health and Safety Code and associated rules referenced in Section 8 of this Policy/Order.

Any permit issued for public and semi-public pools, spas and interactive water features within the jurisdictional area of the Galveston County Health District must comply with the provisions found in this Policy/Order and Rules adopted in Section 8 of this Policy/Order.

Any person owning or operating a public or semi-public swimming pool, spa or interactive water feature shall comply with this policy/order. Single family residential pools are exempted from these rules except as required in SECTION 10 – AMENDMENT FOR MORE STRINGENT RULE.

SECTION 8. INCORPORATION BY REFERENCE

It is the intent that this Board Policy is written in accordance with and pursuant to Texas Administrative Code, Title 25 Chapter 265 Subchapter L, Standards for Swimming Pools and Spas and all future amendments and revisions thereto are incorporated by reference and are thus made a part of this Policy/Order.

SECTION 9. DEFINITIONS

The words "**Authorized Agent or employee**" mean the employees of the Health District.

The word "**Board**" means the Galveston County United Board of Health.

The words "**Health District**" mean the Galveston County Health District.

The words "**Health Authority**" mean the Chief Executive Officer of the Galveston County Health District or designee.

The words "**Interactive Water Features**" mean water play areas, may also be called an interactive fountain, wet deck, splash pad, spray pad, or spray park.

The words "**Manager of Operations**" means the person primarily responsible for the safe, sanitary maintenance of a public or semi-public pool, spa or interactive water feature.

The words "**Permit Holder**" mean a local person who has the ultimate responsibility for the

operation of the pool, spa or interactive water feature regulated herein, and who shall, in all respects, act as the representative for any entity having an ownership interest in the same.

The words “**Semi-Public Swimming Pool**” mean a pool associated with hotels, motels, country clubs, health clubs, pools in neighborhoods operated by homeowner’s associations, mobile home parks, etc.

SECTION 10. AMENDMENTS FOR MORE STRINGENT RULE

The Galveston County Health District wishing to adopt more stringent Rules for its Swimming Pool Sanitation Order understands that the more stringent local Rule shall take precedence over the corresponding DSHS requirement. Listed below are the more stringent Rule(s) adopted by the Galveston County United Board of Health:

Private residential pools must at a minimum provide adequate fencing no less than 48 inches in height and be provided with lockable self-closing and self-latching gates maintained and operated in a fashion that will prevent the entrance of unauthorized persons into the pool enclosure area.

SECTION 11. COLLECTION OF FEES

Fees shall be set by the Galveston County United Board of Health. All fees collected under this order shall be made payable to the Galveston County Health District.

SECTION 12. ISSUANCE OF PERMITS

Before any public or semi-public swimming pool, spa or interactive water feature is open for use, the permit holder shall obtain a permit to operate each swimming pool, spa or interactive water feature.

To make application for this permit, the applicant shall submit to the Health District the following:

1. A completed application form provided by the Health District.
2. The Board approved fee or fees.

Upon receipt of an application for a permit to operate a swimming pool, spa or interactive water feature and the applicable Board approved fee, the authorized agent shall cause an inspection of the pool, spa or interactive water feature to be made ascertain that all of the particulars found in Texas Administrative Code, Title 25 Chapter 265 Subchapter L have been complied with.

If the pool, spa or interactive water feature fails to pass inspection, the application for a permit to operate shall be denied. The authorized agent shall provide in writing to the applicant a notice stating the particulars of why the pool failed inspection. The applicant following corrective actions may reapply for a permit to operate causing a re-inspection.

No pool, spa or interactive water feature shall be permitted or operated if the permit holder’s current permit to operate has been suspended.

Permits are valid for one year from the date of issuance or upon transfer of the ownership of the pool, whichever occurs first.

SECTION 13. NOTICE OF VIOLATION; SUSPENSION OF PERMIT TO OPERATE

When the Health Authority or designee determines that a pool for which a permit to operate is in effect is in violation of any provisions of this policy/order or is a hazard to the public health, then the Health Authority or designee shall deliver to the permit holder, by hand delivery or certified mail, return receipt requested, or by posting in a conspicuous places near the pool, a notice set forth:

The specific conditions of the pool, spa or interactive water feature which are in violation of this policy/order or are a hazard to public health.

The specific conditions under which the pool, spa or interactive water feature may be put into compliance with the provisions of this policy/order or no longer be a hazard to the public health.

If a determination is made that the public or semi-public swimming pool, spa or interactive water feature does not comply with the specific conditions outlined in a Notice of Violation or the pool, spa or interactive water feature constitutes an immediate hazard to public health, the Health Authority or designee shall notify the permit holder of the suspension of the permit to operate.

The Health Authority or designee may suspend a permit to operate a swimming pool or spa if any of the following exist:

The annual permit fee and any other permit fees are not paid;

The permit holder fails to keep all of the pool or spa equipment and devices working properly;

The condition of the pool or spa is hazardous to the health or safety of the general public;

The permit holder fails to maintain pH or disinfection levels within the required range;

The permit holder fails to correct violations as outlined in a Notice of Violation.

The suspension shall continue until the cause of the suspension is corrected and verified by re-inspection in writing.

SECTION 14. APPEALS

Persons aggrieved by an action or decision of the Health District may appeal such action or decision to the Director of Environmental Health Programs of the Galveston County Health District. Any such appeal shall be submitted in writing within ten (10) days of the action or decision being appealed. The Director of Environmental Health Programs will hear the appeal.

The appeal provided for in this Order at the request of an aggrieved party shall be conducted by the Director of Environmental Health Programs. The appeal shall be conducted within ten (10) business days. Based on the evidence presented at such appeal, the Director of Environmental Health Programs shall make a finding, and shall sustain, modify or rescind any notice or order considered in the appeal. The person may appeal the decision of the Director of Environmental Health Programs to the Chief Executive Officer of Galveston County Health District who will defer policy matters to the United Board of Health.

Any such appeal shall be submitted in writing within ten (10) days of the action or decision being appealed to the Director of Environmental Health Programs, Galveston County Health District, PO Box 939, La Marque, Texas 77568.

SECTION 15. INSPECTIONS

Authorized Agents of the Galveston County Health District may enter the premises of a public or semi-public swimming pool, spa or interactive water feature under the district's jurisdiction during normal operating hours to conduct inspections to determine compliance with state law, rules adopted under state law, and orders adopted by the district.

All inspections, including both compliance and complaint-driven, are conducted and completed by an authorized agent and in accordance with the Texas Administrative Code, Title 25 Chapter 265 Subchapter L,

All inspections are documented on forms supplied by the Health Authority or designee. The Health Authority or designee will review inspections for completeness, accuracy, consistency in enforcement, etc. The data collected from these forms are captured in an environmental data management system approved by the Health Authority.

All authorized agents conducting inspections are employed and trained by the District.

SECTION 16. MANAGER OF OPERATIONS REQUIRED

The permit holder of every property on which a permitted public or semi-public swimming pool, spa or interactive water feature is located must have the facility under the oversight of a Manager of Operations trained in the proper operation of swimming pools and spas. Training shall be equivalent to the requirements found in TAC. Title 25, Chapter 265, Subchapter L. The Manger of Operations course provided by the Health District is considered to be equivalent to the requirements found in Chapter 265.

SECTION 17. PENALTIES

This Policy/Order adopts and incorporates all applicable penalty provisions related to public swimming pools and spas, which include but are not limited to those found in the Texas Health and Safety Code Chapter 341 Subchapter F.

A person commits an offense whenever an act is prohibited or is made or declared to be unlawful, or whenever in this Policy/Order the doing of an act is required or the failure to do an act is declared to be unlawful. Each day of a continuing violation is a separate offense.

Any offense under this Policy/Order or of a regulation adopted by this Policy/Order is a Class C Misdemeanor unless otherwise noted or enhanced.

SECTION 18. INJUNCTIVE RELIEF

The Health Authority may ask the Galveston County Legal Department to sue in district court to enjoin a permit holder of a public swimming pool or spa from operating without a permit if a permit

is required.

SECTION 19. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this order is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this order.

SECTION 20. EFFECTIVE DATE

The provisions of this policy/order shall take effect thirty (30) days from adoption by the Galveston County United Board of Health.