

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 AND SPAS

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 Texas Department of State Health Services 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. Mission and Purpose

The Galveston County Health District's (Health District) public and semi-public swimming pool and spa program will operate in the jurisdiction of the public health district to eliminate and prevent public health hazards associated with the operation of a public pool and/or spa. 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 2. Authority to Enforce State Law and Rules and Definitions

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, as amended, entitled Standards for Public Pools and Spas. The Standards for Public Pools and Spas, 25 TAC Chapter 265, Subchapter L and all future amendments and revisions thereto are incorporated by reference and are thus made a part of this Policy/Order.

The Board has the authority to adopt policies/orders for the public health district. In accordance with board bylaws, the Chief Executive Officer has the delegated authority to implant the policy/order within the public health district. The Chief Executive Officer may delegate public health functions to Galveston County Health District staff to carry out the responsibilities outlined in this policy/order.

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 word "**Owner**" means any individual, partnership, firm, public or private corporation, association, trust, estate, or any other person who owns, has interest in or control of a swimming pool or the property thereon.

Section 3. Applicability

Any person owning or operating a public or semi-public swimming pool or spa shall comply with this policy/order. Single family residential pools are exempted from these rules except as required in Section 7.

Section 4. Issuance of Permits

Before any public or semi-public swimming pool or spa is open for use, the owner shall obtain a permit to operate each swimming pool or spa. 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 required fee or fees.

Permits are valid from the calendar month of the year issued to the same calendar month of the following year. Permit fees are not prorated in any way.

Section 5. Inspections

Any authorized agent shall have the right to enter any premises within the Health District within reasonable hours for the purpose of inspecting the public or semi-public swimming pool or spa after displaying proper identification

Section 6. Swimming Pool Operator Required

The owner of every property on which a permitted public or semi-public swimming pool or spa is located must have the facility under the oversight of a person 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 swimming pool operator course provided by the Health District is considered to be equivalent to the requirements found in Chapter 265.

Section 7. Private Residential Pools

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 8. Fees

Fees shall be set by the Galveston County United Board of Health

Section 9. Suspension of Permit

If a determination is made that the public or semi-public swimming pool does not comply with these standards, the Health District shall notify the permit holder or designee of the violation(s).

The Health Authority 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 owner 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 owner fails to maintain pH or disinfection levels within the required range;

The owner fails to correct minor violations by the next routine inspection or as described in an inspection or written notice issued under this policy.

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

Section 10. Appeals

Persons aggrieved by an action or decision of the Health District may appeal such action to the Health Authority. The decision of the Health Authority is final. The Health Authority's final decision shall sustain, modify or rescind any notice or order considered. A written report of the decision shall be furnished to the aggrieved party

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 11. 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 12. Public Information

All records subject to the Government Code, Chapter 552, Public Information (Texas Public Information Act) will be made available to the public in accordance with this code. In addition, the public health district reports inspection scores to a newspaper of general circulation within Galveston County.

Section 13. Stakeholder Feedback

The public health district participates in an annual environmental summit process in which the district invites members of the environmental community including pool operators to provide feedback and to discuss current environmental issues. The general public may also attend any meeting of the Galveston County United Board of Health and provide comment. These meetings comply with Government Code, Chapter 551, Open Meetings (Texas Open Meetings Act) and are held in accordance with this code.

Section 14. 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 15. Injunctive Relief

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

Section 16. 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 17. Effective Date

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

Approved on 12/14/09