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Prepared by Kimberly Grandinetti, Story County Environmental Health Director, 900 6th St., Nevada, Iowa 50201
Return to Story County Environmental Health Department

ORDINANCE NO. 301

AN ORDINANCE TO ADD CHAPTER 64 "AQUATIC FACILITIES" TO THE COUNTY CODE OF ORDINANCES, PERTAINING TO FACILITIES AS DEFINED IN 641 IAC CHAPTER 15,

WHEREAS, the Board of Supervisors approved the Code of Ordinances of Story County, Iowa, on May 29, 2018,

BE IT ENACTED by the Board of Supervisors of Story County, Iowa:

WHEREAS, the Story County Board of Health determined a need to safe guard public health by supplementing 641 IAC Chapter 15 within the geographical boundaries of Story County; and

AND WHEREAS, on December 21, 2021, the Story County Board of Health has recommended the Board of Supervisors consider adding Chapter 64 "Aquatic Facilities" to the Code of Ordinances.

WHEREAS: all other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict; and

WHEREAS: if any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional; and

WHEREAS: this ordinance shall be effective after its final passage, approval and publication of the ordinance or a summary thereof, as provided by law on February 11, 2022.

THEREFORE, HEREBY BE IT ORDAINED, that the Story County Board of Supervisors approves Ordinance No. 301.

Action upon FIRST Consideration: Approved
DATE: January 18, 2022

Moved by: Murken
Seconded by: Heddens
Voting Aye: Murken, Heddens, Faisal
Voting Nay: None
Not Voting: None
Absent: None

Action upon SECOND Consideration: Approved
DATE: January 25, 2022

Moved by: Heddens
Seconded by: Murken
Voting Aye: Heddens, Murken, Faisal
Voting Nay: None
Not Voting: None
Absent: None

Action upon THIRD Consideration: Waived
DATE: February 1, 2022

Moved by: _____
Seconded by: _____
Voting Aye: _____
Voting Nay: _____
Not Voting: _____
Absent: _____

ADOPTED THIS 25th day of January, 2022.



Story County Board of Supervisors



ATTEST: County Auditor

CHAPTER 64

AQUATIC FACILITY

64.01 Purpose	64.08 Aquatic Facility Personnel
64.02 Applicability	64.09 Daily Pre-Opening Inspection Checklist
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64.01 PURPOSE. The purpose of this chapter is to safeguard public health by supplementing *Iowa Administrative Code (IAC) 641-15(135I)*.

64.02 APPLICABILITY. The provisions contained herein apply to all Aquatic Facilities within the geographical boundaries of Story County, Iowa and applicable to *IAC 641-15.1(1)* and excluding those defined in *IAC 641-15.1(2)*. Rules in this chapter shall apply to new and existing Aquatic Facilities unless otherwise noted. Existing Aquatic Facilities shall comply on or before March 1, 2022.

64.03 ADOPTION OF STATE CODE. Pursuant to Chapter 137 of the *Code of Iowa*, the Story County Board of Health adopts in its entirety, by reference, the following Iowa Administrative Code Chapter: *641 IAC 15(135I) – SWIMMING POOLS AND SPAS*.

64.04 INSPECTION AGENCY. Inspection Agency is designated in accordance with agreements executed by Iowa Department of Public Health pursuant to the authority of Iowa Code Chapters 28E and 135I.

64.05 ADDITIONAL RULES. Pursuant to Section 137.104 of the *Code of Iowa*, the Board of Health adopts the additional rules contained in this chapter regulating aquatic facilities.

64.06 TERMS USED. Terms used with specific meanings in this chapter:

- 1. AQUATIC FACILITY** means a physical place that contains one or more aquatic venue and support infrastructure.
- 2. AQUATIC VENUE** means an artificially constructed structure or modified natural structure where the general public is exposed to water intended for recreational or therapeutic purpose and where the primary intended use is not watering livestock, irrigation, water storage, fishing, or habitat for aquatic life. Such structures do not necessarily contain standing water, so water exposure may occur via contact, ingestion, or aerosolization. Examples include, but are not limited to; swimming pools, wave pools, lazy rivers, surf pools, spas (including spa pools and hot tubs), therapy pools, waterslide landing pools, spray pads, and other interactive aquatic venues.

3. **CERTIFIED, LISTED, AND LABELED** means equipment, materials, products, or services included in a list published by an ANSI accredited certification organization where said equipment, material, product, or service is evaluated against specific criteria and whose listing either states that it meets identified standards or has been tested and found suitable for a specified purpose. In sections of this code where equipment, materials, products, or services are referred to with terms such as "approved", "verified" or similar terms to a referenced standard, these terms also mean "certified, listed, and labeled."
4. **CERTIFIED OPERATOR IN CHARGE** means a person that meets the requirements pursuant to *IAC 641-15.11* and is responsible for the operations and maintenance of the water quality systems and associated infrastructure of the aquatic facility.
5. **CORRECTIVE ACTION PLAN** means a written response to violations noted during an inspection that shall include actions taken to remediate each violation including the date completed or date remediation will be completed by.
6. **IDPH** means the Iowa Department of Public Health.
7. **IMMINENT HEALTH HAZARD** means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury or illness.
8. **OWNER** means the contact person the facility provides to the IDPH during annual registration. This contact information is then forwarded on to the Inspection Agency by IDPH.
9. **RESPONSIBLE PERSON** means an individual on-site, other than the Certified Operator in Charge, that is responsible for aquatic facility operations and is trained in accordance with Chapter 64, Section 08(2), of the Story County Code of Ordinances as described herein.
10. **SERIOUS DEFICIENCY** means an imminent health hazard that was cited, unavailability of the Certified Operator in Charge, failure to comply with the Corrective Action Plan, and repetitive violations of this Chapter.
11. **VGB** refers to the Virginia Graeme Baker Pool and Spa Safety Act.

64.07 FACILITY REQUIREMENTS

1. **CARBON MONOXIDE DETECTORS.** An aquatic facility utilizing fuel burning appliances shall have carbon monoxide detectors with local alarming, certified, listed, and labeled in accordance with UL 2075, in the room with the appliance and all rooms that are immediately adjacent to the space containing fuel burning appliances or vents carrying the products of combustion. Date of installation shall be labeled and visible without removal of detector. Carbon monoxide detector shall be replaced every 2 years or before if required by manufacturer's recommendations.

2. **NOTIFICATION OF DESIGNATED SIGNEE.** Aquatic facilities shall designate a person or persons the Inspection Agency is authorized to send official correspondence to on behalf of the facility owner. Form 69-19-001 shall be completed and submitted to the Inspection Agency on an annual basis. For Year-round operating facilities between January 1st and January 15th of each year; for seasonal operating facilities between May 1st and no later than 7 days prior to opening for the season of each year. Any change to the submitted information shall be submitted to the Inspection Agency within 10 days of the change.

3. **SIGNAGE.**
 - a. **INSPECTION AGENCY PLACARD.** Placard(s) shall be conspicuously posted on a permanent, water proof, and durable placard in a location where it is readily observable by the patrons in the aquatic facility or venue. The placard shall include the name and contact information of the Inspection Agency.

 - b. **POSTING OF WATER TEST RESULTS.** The Inspection Agency may require an aquatic facility to post the previous and most recent water test results. The Inspection Agency shall notify the designated signee of this requirement in writing at least 10 days before the posting is to be displayed for the first time.

Posting shall including the date and time of day tested, for each aquatic venue as specified in *IAC 641-15.4(2)e 1-2* for pools and *IAC 641-15.51(2)e 1-2* for spas; shall be legibly and conspicuously posted on a permanent, water proof, and durable placard in a location where it is readily observable by the patrons. The minimum and maximum standards for these parameters, as specified in Table A for pools and Table B for spas shall be included on the placard.

Table A (Pools)			
	Free Chlorine (ppm)	Total Bromine (ppm)	pH
Preferred range	1.0-8.0	2.0-18.0	7.2-7.8
Closure required if below:	0.6	1.0	6.9
Closure required if above:	8.0	18.0	8.2

Table B (Spas)			
	Free Chlorine (ppm)	Total Bromine (ppm)	pH
Preferred range	2.0-8.0	4.0-18.0	7.2-7.8
Closure required if below:	1.0	2.0	6.9
Closure required if above:	8.0	18.0	8.2

64.08 AQUATIC FACILITY PERSONNEL

1. **CERTIFIED OPERATOR IN CHARGE.** Must be reasonably available whenever the pool is in use at the aquatic facility. An aquatic facility is not limited to a single Certified Operator in Charge.
 - a. **TRAINING OF PERSONNEL.** The Certified Operator in Charge of the aquatic facility shall train any staff member that will be responsible for the operation and maintenance of the aquatic facility in the absence of the Certified Operator in Charge, or whenever any portion of the operations and maintenance of the aquatic facility are performed as part of their duties in lieu of the Certified Person in Charge.
 - b. **NOTIFICATION OF CHANGE.** Aquatic Facilities shall provide the Inspection Agency with information on the Certified Operator in Charge. This information must include the name of the Certified Operator in Charge, current contact information, and a copy of their Certified Pool/Spa Operator Certificate. Notification of change shall be submitted within 10 days.
2. **RESPONSIBLE PERSON.** Only a Responsible Person shall be allowed to perform operational tasks for the aquatic facility after receiving training from the Certified Operator in Charge.
 - a. **TRAINING FOR RESPONSIBLE PERSONS.** Each Responsible Person must be trained in accordance with this section. A review of training shall be conducted annually by the Certified Operator in Charge for each Responsible Person. Training shall ensure that the Responsible Person:
 - Be capable of testing and recording the required water quality parameters;

- Knows how to make adjustments, as needed, to maintain required water quality parameters;
- Knows general maintenance procedures as required by daily operational verifications or adjustments;
- Knows emergency procedures;
- Be capable of conducting the pre-opening checklist form;
- Be familiar with pump, filter and chemical feed equipment;
- Be capable of draining / cleaning spa;
- Knows the contamination response;
- Knows when an aquatic facility or individual aquatic venue should be closed; and
- Knows how and when to contact the Certified Operator in Charge.

b. **TRAINING RECORDS.** Training records shall be maintained and available for inspection by Inspection Agency upon request. The Certified Operator in Charge shall record the name for each Responsible Person and date training occurred.

64.09 DAILY PRE-OPENING INSPECTION CHECKLIST. The Certified Operator in Charge or Responsible Person shall ensure the daily pre-opening inspection checklist is completed and signed before opening for the day. Aquatic facility shall use Form 64-19-002 developed by Story County Environmental Health. Forms shall be kept for one year and available for inspection by the Inspection Agency.

64.10 INSPECTIONS. In accordance with the 28E agreement inspections of all aquatic facilities shall be conducted by the Inspection Agency to determine compliance with *IAC 641-15*.

1. FREQUENCY OF INSPECTION IS DETERMINED AS FOLLOWS:

- a. **PERIODIC / ROUTINE INSPECTION.** All operating facilities shall be inspected at minimum one time per year. Seasonal pools should be inspected within the first month of operation. The Inspection Agency may increase the periodic inspection if serious deficiencies were identified during previous inspections. The periodic inspection frequency may be increased to a maximum of four times per year. The inspection frequency shall return to an annual basis after three successive inspections with no serious deficiencies.
- b. **SPECIAL INSPECTION.** When the Inspection Agency determines an inspection is required in addition to a periodic (routine) inspection. Examples of where a special inspection will be necessary include, but are not limited to:
- Follow up / Re-inspection to a previous inspection to assure that the appropriate corrective action has been completed as indicated;
 - In response to a complaint regarding the facility or venue;
 - In response to a report of a recreational water illness (RWI);

- In response to a report of a chemical injury / exposure;
- In response to a reportable incident;
- In response to a request from a federal, state, or local agency;
- Other immediate public health concerns;
- To verify that construction or reconstruction is complete and that the property is ready for a pre-open inspection upon request from IDPH based on unique circumstances.

c. **INITIAL ROUTINE INSPECTION.** Once IDPH has officially approved and opened a new facility or venue and notified the Inspection Agency the first routine inspection will be conducted within 30 days.

2. INSPECTION FEES.

- a. **PERIODIC / ROUTINE INSPECTION FEES.** Inspection fees are as prescribed in *IAC 641-15.12(3)*.
- b. **SPECIAL INSPECTION FEES.** Special inspection fees will be billed pursuant to *IAC 641-15.12(3)c* and as set forth annually by the Story County Board of Health.

3. **PUBLICATION OF INSPECTION REPORTS.** Inspection Agency may publish or post on the web or other source the reports of aquatic facility inspections.

64.11 VIOLATIONS AND CORRECTIVE MEASURES

- 1. **CORRECTIVE ACTION PLAN.** In accordance with *IAC 641-15.6(2)a(4)*, a Corrective Action Plan is required for all violations noted during inspections.
 - a. **SUBMISSION DATE.** The corrective action plan shall be submitted to the Inspection Agency on or before the due date listed on the Inspection Report.
 - b. **CORRECTIVE ACTIONS.** Corrective actions shall be completed by the dates prescribed in the approved Corrective Action Plan.
 - c. **FAILURE TO SUBMIT OR COMPLY.** The Inspection Agency may require the closure of an Aquatic Facility for failure to submit a Corrective Action Plan within the timeframe set forth in the inspection report or failure to comply with appropriate corrective action measures identified in the submitted Corrective Action Plan.

- 2. **VIOLATIONS REQUIRING IMMEDIATE CORRECTION OR CLOSURE.** The Board of Health authorizes the Inspection Agency to immediately close the aquatic facility or individual aquatic venue whenever serious deficiencies or imminent health hazard violations are found and cannot be corrected at the time of inspection until the violations are corrected and the Inspection Agency has given authority to reopen. Immediate correction or closure is required, but not limited to, the following violations:

- Failure to provide supervision and staffing of the aquatic facility or aquatic venue including, but not limited to; Certified Operator in Charge, Responsible Person, or required lifeguard staffing;
- Noncompliance with VGB requirements;
- Aquatic venue bottom not visible;
- Absence of all required lifesaving equipment;
- Total absence of or improper depth markings at an aquatic venue;
- Failure to provide and maintain an enclosure or barrier to inhibit unauthorized access to the aquatic facility or aquatic venue when required;
- Failure to maintain an emergency lighting source;
- Broken, unsecured, or missing main drain grate or any submerged suction outlet grate in the aquatic venue;
- Unprotected overhead electrical wires within 20 feet horizontally of the aquatic venue;
- Non GFCI protected electrical receptacles within 20 feet of the inside wall of the aquatic venue;
- Use of an unapproved or contaminated water supply source for potable water use;
- Plumbing cross-connections between the drinking water supply and aquatic venue water or between sewage system and the aquatic venue including filter backwash facilities;
- A positive check sample (bacteria);
- Disinfection levels above or below that required for operation as prescribed in *IAC 641-15.4(2)a* and *IAC 642-15.51(2)a*;
- pH level below 6.9 OR above 8.2;
- Failure to continuously operate the aquatic venue filtration and disinfection equipment;
- Use of unapproved chemicals or the application of chemicals by unapproved methods to the aquatic venue water;
- Water temperature exceeding 104°F;
- Failing to submit the Corrective Action Plan within the timeframe set forth in the inspection report; or
- At the discretion of the Inspection Agency, for failure of the facility to comply with appropriate corrective action measures identified in the submitted Corrective Action Plan.

3. CLOSURE SIGN REQUIREMENTS. Whenever an aquatic facility or individual aquatic venue is closed due to an imminent health hazard violation, closure signage shall be posted. The signage shall include the following information: facility or venue closed, date of closure, reason for closure, and signatures of both the Inspector and Operator in Charge or Responsible Person. The following text shall also be included, *“Concealment, mutilation, alteration, or removal of this placard by any person without permission of [INSPECTION AGENCY] shall constitute a violation of Story County Code of Ordinances.”* This sign shall

not be removed until the Inspection Agency removes the sign or provides documentation to the facility that it can be removed.

64.12 ENFORCEMENT.

CIVIL CITATIONS. Violations of this chapter resulting in a county infraction shall be issued as provided herein and Chapter 3, Section 02, of the Story County Code of Ordinances.

- a. Any employee of the Inspection Agency shall be authorized to issue a citation.
- b. Citation shall contain all information as required by State law, including:
 - Name and address of owner;
 - Description of the infraction attested to by the authorized employee issuing the citation;
 - Amount of civil penalty to be assessed or alternate relief sought, or both;
 - Time and place of court appearance; and
 - The penalty for failure to appear in court.

64.13 SEVERABILITY CLAUSE. If any provision of this chapter or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this are severable.