

Clayton County Environmental Health Public Swimming Pool Program

Clayton County Board of Health Swimming Pool Regulations

Section -.23 Compliance Procedures.

- (1) A swimming pool, spa or recreational water park shall not operate until such time as the appropriate application has been submitted to the health authority, on the prescribed forms provided and the valid operating permit has been issued by the health authority.

- (2) Suspension or Revocation: The health authority shall have the power and authority to suspend or revoke permits for failure to comply with the provisions of this Chapter. When an application for a permit is denied or the permit previously granted is to be suspended or revoked, the applicant or holder thereof shall be afforded notice and hearing as provided in O.C.G.A. Chapter 31-5, Article 1. If an application is denied or a permit is suspended or revoked, the applicant or holder of the permit must be notified in writing, specifically stating any and all reasons why the action was taken. The purpose of these procedures is to state the minimum actions to be taken to fulfill the obligation of the health authority in assuring compliance with the regulations when the continued operation of a swimming pool, spa or recreational water park presents a substantial and imminent health hazard to the public or when a swimming pool, spa or recreational water park is in flagrant or continuing violation of this Chapter. Suspension is effective upon service of a written notice thereof, and operation must cease immediately. The notice must state the basis for the suspension and advise the permit holder of the right to a preliminary hearing on request within 8 working hours. If requested, the preliminary hearing will be held by an experienced supervisory level employee of the health authority not directly involved in the suspension. The rules of evidence will not apply, but both the health authority and the permit holder may present witnesses, records and argument. The hearing official will be authorized immediately to rescind or modify the suspension or to continue the suspension with or without conditions. If the suspension is not rescinded, the permit holder will have the right on request to an evidentiary hearing. If a hearing is not requested, upon correction of all violations, the owner may request an inspection to reinstate permit.
 - (a) Items that are considered substantial and imminent health hazards include the following:
 1. During operation, disinfectant levels are less than the minimum given in Rule .17. If the level of the disinfectant used is not given in Rule .17, the disinfectant must be approved and kept at levels determined necessary by the health authority.
 2. During operation, the pH is less than the minimum or more than the maximum levels allowed in Rule .17.

3. The pump, automatic disinfectant equipment or other equipment necessary for continuous filtration and disinfection of the swimming pool, spa or recreational water parks attraction is not working.
 4. The water turbidity is such that the main drain cover or a standard black and white disc lying on the bottom of the deepest portion of the pool cannot be seen.
 5. Other hazards as determined by the health authority.
- (b) All other violations of items on the inspection report will be corrected as deemed appropriate by the health authority.
- (c) In lieu of suspension or revocation of a permit, a swimming pool, spa or recreational water park attraction may be allowed to voluntarily close until such time as the violations are corrected.
- (3) **Notice of Hearing:** For the purpose of this Chapter, a notice of hearing is properly served when delivered in person or by registered or certified mail to the owner or authorized agent of the swimming pool, spa or recreational water park.
- (4) A swimming pool, spa or recreational water park shall not be placed in operation initially until appropriate inspections show compliance with the requirements of this Chapter with no items violated on the inspection report.
- (5) The health authority shall inspect the swimming pool, spa, or recreational water park for compliance. Swimming pools, spas, or recreational water parks which open on or after April 1 and which close on or before October 31 shall be inspected at least once during the period of operation. All other swimming pools, spas, or recreational water parks shall be inspected at least twice each year. Additional inspections may be made as determined necessary by the health authority. The pool or spa operator shall receive a copy of the inspection and place it in a location protected from the weather in public view as designated by the health authority. Annual inspection fees shall be charged for inspections of public swimming pools as approved by the Clayton County Board of Health under the provisions and authority of O.C.G.A. Annotated, Section 31-3-4 (a) (6).
- (6) Representatives of the health authority, after proper identification, shall be permitted to enter any swimming pool or spa facility or property of any recreational water park at any reasonable time for the purpose of making inspections to determine compliance with this Chapter. Should access be denied, an inspection warrant may be obtained as authorized in Article 2 of O.C.G.A. Chapter 31-5.
- (7) **Enforcement:** The administration and enforcement of these rules and regulations shall be as prescribed in O.C.G.A. 31-5.

- (8) **Penalty:** Any person who violates any provision of this Article or any rule or regulation promulgated under O.C.G.A. 31-45 by the health authority shall be guilty of a misdemeanor.