

**AN ORDINANCE REGULATING THE OPERATION OF LODGING ESTABLISHMENTS;
DEFINING TERMS; PROVIDING STANDARDS, PROVIDING FOR FEES AND THE
ENFORCEMENT OF THIS CODE.**

WHEREAS, Taney County Health Department (TCHD), a separate political entity formed under authority of Chapter 205 of the Revised Statutes of Missouri, and Taney County, a separate political subdivision of the State of Missouri; and

WHEREAS, the Taney County Health Department Board of Trustees desires to provide uniform standards and consistency in its application of rules and regulations and provide for the health, safety and welfare of county inhabitants;

WHEREAS, RSMo 192.300 provides that county health center boards may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into a county; and

WHEREAS, Missouri Revised Statutes Chapter 192 Department of Health and Senior Services Section 192.300 authorizes the county health center board to establish and collect fees for services performed by County Officers and employees; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TANEY
COUNTY BEALTH DEPARTMENT, AS FOLLOWS:**

ORDINANCE 2018-1 HEALTH AND SANITATION

LODGING ESTABLISHMENT ORDINANCE

TANEY COUNTY HEALTH CODE

ORDER OF THE TANEY COUNTY HEALTH DEPARTMENT

AN ORDINANCE ESTABLISHING AN ANNUAL LODGING ESTABLISHMENT PERMIT

SECTION 2018-1: IN GENERAL This ordinance is enacted pursuant to Section 192.300, RSMo, which provides, in part as follows: The county commission and the county health boards of the several counties may make and promulgate orders and ordinances or rules and regulation, respectively, as well tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but orders or ordinances and rules and regulations shall not be in conflict with any rules or regulations authorized and made by the Department of Health in accordance with this chapter or by the Department of Social Services under Chapter 198 RSMo.

SECTION 2018-1.1 DEFINITIONS

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

ASME/ANSI STANDARD

A standard accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

AQUATIC ESTABLISHMENT

A physical place that contains one or more aquatic venues and support infrastructure.

AQUATIC VENUE

An artificially constructed structure or modified natural structure where the general public is exposed to water intended for recreational or therapeutic purpose. Such structures do not necessarily contain standing water, so water exposure may occur via contact, ingestion, or aerosolization. Examples include swimming pools, wave pools, lazy rivers, surf pools, hot spas, float spas, therapy pools, water slides, spray pad and other interactive water venues.

BACKWASH

The process of thoroughly cleansing the filter media and/or elements by reversing the flow of water through the filter.

BARRIER

A wall, building, fence or any combination of these which control access to the pool area. This barrier shall be a minimum of four feet in height and of such construction as to provide reasonable protection for the safety of the public.

BATHER/PATRON

Any person at an aquatic establishment or venue.

BREAK POINT CHLORINATION

The process of adding enough free chlorine to chemically oxidize and remove combined chlorine (chloramines) from pool or spa water, commonly referred to as shocking a pool. The additional free chlorine amount needed is typically calculated as follows: ten (10) times the combined chlorine (CC) amount minus the existing free chlorine (FC) residual. $(10 \times CC) - (FC) = \text{amount of additional chlorine needed to shock the pool.}$

CARTRIDGE FILTER

A filter that utilizes a replaceable and disposable porous element as the filter medium.

CDC

Center for Disease Control and Prevention.

CHLORINE DEMAND

The materials in the water which use up chlorine such as bacteria, algae, debris, and swimmer wastes. The chlorine demand must be satisfied before chlorine residual is available to disinfect the pool water.

CHLORINE RESIDUAL

The chlorine level in the water after the chlorine demand has been satisfied. The free chlorine residual is the true measure of potential chlorine disinfection and is the active chlorine that kills bacteria and algae. The active form of chlorine in water is known as hypochlorous acid.

COMBINED CHLORINE

Chlorine that has reacted with the organic substances in the water, known as chloramines.

CONTAMINANT

A substance that soils, stains, corrupts, or infects another substance by contact or association.

COPING

The covering which joins the top of the pool wall with the decking and is considered part of the deck.

CROSS CONNECTION

Any physical arrangement connecting:

- A potable water system, directly or indirectly, with anything other than another potable water system: or
- Pool water to any potable or non-potable water source capable of contaminating either the pool water, its components, or potable water source due to backflow.

FILTER

A device that separates solid particles from pool water by recirculating through a porous substance (filter media or cartridge element).

FILTER MEDIA

The fine material which entraps suspended particles from the water. These include sand, diatomaceous earth (DE) and sand/DE substitutes.

GENERAL PUBLIC

All people without restriction.

GUEST ROOM

Any room or unit where sleeping accommodations are regularly furnished to the public.

IMMINENT HEALTH HAZARD

Any condition, deficiency, or practice which, if not corrected, is very likely to result in illness, injury or loss of life to any person.

LIFEGUARD

An individual who has demonstrated competency in water safety and lifesaving, through a certification program approved by the Regulatory Authority

LODGING ESTABLISHMENT

Any building, group of buildings, structures, facility, place, or places of business where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, bunkhouse, dormitory, time share (5 or more owned or managed privately or commercially), or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests. This definition shall not apply to dormitories and other living or sleeping facilities owned or maintained by public or private schools, colleges, universities, or churches unless made available to the general public and not used exclusively for students and faculty, school or church sponsored events.

MAIN DRAIN

The suction outlet(s) typically at the bottom of the aquatic venue that are connected to the recirculation pump for water circulation and filtration. There are two types of drains:

- Single Main Drain is a submerged suction outlet connected to one pump.
- Multiple Main Drain is a system that consists of two or more fully submerged suction outlets per pump.

PH

The measure of the degree of acid or alkaline qualities a solution possesses, as determined by its

hydrogen ion content.

POOL DECK

The surface area around the pool including the coping.

POOL OPERATOR

The person or persons responsible for the daily maintenance and operation of the pool or other related establishment.

RATE-OF-FLOW INDICATOR/FLOWMETER

A device installed on the pool recirculation piping or backwash line to indicate recirculation flow of the pool or backwash flow in gallons per minute (GPM).

REGULATORY AUTHORITY

Regulatory Authority means an agency, organization, office, or individual responsible for enforcing the requirements of a code or ordinance, or for approving equipment, materials, installations, or procedures. Regulatory Authority in this ordinance refers to the Taney County Health Department or a designated entity of the Director of Health.

SAFETY VACUUM RELEASE SYSTEM (SVRS)

A release system which ceases operation of the pump, reverses the circulation flow or otherwise provides a vacuum release at a suction outlet when a flow blockage is detected and that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.8.

SECONDARY DISINFECTION SYSTEM

The disinfection processes or systems installed in addition to the standard disinfection system required on all aquatic venues such as UV or copper/silver ions.

TURBIDITY

A cloudy condition of the water due to the presence of extremely fine particulate materials in suspension that interfere with the passage of light.

TURNOVER

The period of time (usually in hours) required to circulate a volume of water equal to the pool capacity.

UNBLOCKABLE DRAIN COVER

A drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard with minimum dimensions of 18"x23" or diagonal measure of 29" or larger or other documentation from manufacturer stating it is unblockable.

WATER SLIDE

A special purpose establishment which consists of one or more flumes, a plunge pool, pump reservoir, filtration, disinfection and chemical treatment facilities.

SECTION 2018-1.2 PERMIT AND LICENSE REQUIRED

No person shall establish, maintain or operate a lodging establishment within Taney County without having first obtained a permit from the Regulatory Authority and having obtained a lodging license from the state Department of Health and Senior Services, a lodging establishment permit from the health official, and any other permit or license as required by this Code.

SECTION 2018-1.3 PERMITS

Any person who desires to establish, maintain or operate a lodging establishment shall file a written permit application with the Regulatory Authority. Said application must contain such information as the Regulatory Authority may, by rule, prescribe. A valid permit shall be posted in every lodging establishment in a conspicuous location.

a. A permit is valid from October 1st through September 31st unless suspended or revoked.

b. Existing Establishments, Permit Renewal and Change of Ownership:

The Regulatory Authority may renew a permit for an existing lodging establishment or may issue a permit to a new owner of an existing lodging establishment after a properly completed application is submitted, reviewed, and approved, the fees are paid, and a pre-open inspection shows that the establishment is in compliance with this Code. Lodging establishment permits shall not be transferable.

c. Denial of Application for Permit; Notice.

If an application for a permit to operate is denied, the Regulatory Authority shall provide the applicant with a notice that includes:

1. The specific reasons and Code citations for the permit denial;
2. The actions, if any, that the applicant must take to qualify for a permit; and
3. Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided in law.

SECTION 2018-1.4 OPERATIONS

All lodging establishments, and every part thereof, shall be in accordance with the most current version of 19 CSR 20-3.050 Sanitation and Safety Standards for Lodging Establishments and/or order of the Health Department.

a. Continuous Occupancy:

When the same guest continuously occupies a room, the permit holder shall provide to the city upon request a weekly checklist with dates and times that the room was provided bed linens, towels and a checklist addressing the following:

1. Working smoke detectors hardwired and battery backup available.
2. No empty light sockets present.
3. All GFCI outlets in proper working condition.
4. No more than two, six-foot extension cords in the room.
5. Fresh linens and towels provided to the guest.
6. No bare or frayed wiring exposed.
7. Egress routes available and in good repair.
8. Light bulbs in working order and do not exceed the wattage rating of corresponding light fixtures.
9. No garbage or refuse build up present.
10. No insects or pests present at time of inspection.

b. Insect and Rodent Control:

Every lodging establishment shall be constructed and maintained to prevent the entrance, harborage, or breeding of flies, cockroaches, bed bugs, fleas, rats, mice, birds, and all other insects and pests. Routine inspections of the premises shall be conducted to control and minimize the presence of pests and eliminate harborage conditions.

1. Professional pest services shall be used for preventive maintenance and for control and elimination of the presence of pests, or the health official may approve the following:

2. For the control of bed bugs, a lodging establishment may self-treat with commercial grade heat treating equipment. The person administering the heat treatment must be able to demonstrate knowledge of how to use equipment and also have in their possession a manufacturer's manual for the operation of the heat treating equipment. If knowledge cannot be demonstrated the lodging establishment's right to self-treat will be revoked and a professional pest control company will be required for treatment.
3. Pesticide Application. Poisonous or toxic materials shall be:
 - i. Used according to:
 - a) This Code;
 - b) Manufacturer's use directions included in labeling;
 - c) The conditions of certification, if certification is required, for use of the pest control materials;
 - d) Additional conditions that may be established by the health official; and
 - ii. Applied so that:
 - a) A hazard to employees or guests is not constituted;
 - b) Contamination including toxic residues due to drip, drain, fog, splash or spray is prevented; and
 - c) A restricted use pesticide shall be applied only by an applicator certified as defined in 7 USC 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide, and Rodenticide Act, or a person under the direct supervision of a certified applicator.
4. Removal. Dead or trapped birds, insects, rodents, and other pests shall be removed from pest control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

SECTION 2018-1.5 RECREATIONAL WATER

a. Structural Design

Construction or any construction detail conducted shall meet the requirements of the most current adopted International Swimming Pool and Spa Code and also be compliant with the most current version of the Virginia Graeme Baker Pool and Spa Safety Act. All pool drain covers must meet the ASME/ANSI A112.19.8 Standard. As of the date these regulations are adopted, any new or renovated wading pool or spa water shall not be interconnected with any other pool and all wading pools/spas shall have a separate recirculating system.

b. Water Supply

Water supply shall be potable water that meets the United States Environmental Protection Agency (EPA) Safe Drinking Water Act. No piping arrangements shall exist which, under any conditions, will permit sewage or wastewater to enter the recirculation system or will permit water from the recirculation system or pool to enter the make-up water supply.

c. Pool Water Quality

1. The water must be sufficiently clear to plainly view the main drain(s) or bottom of pool from the opposite end of the deck of the pool at all times when the pool is open. The main drain shall be of contrasting color.

- i. If the main drain is not located on the bottom of the pool and the pool is less than 10 feet in depth, a 4'x4' square of contrasting color shall be placed on the bottom of the pool in the deepest part of the pool. If the pool is 10 feet or deeper, an 8' x 8' square of contrasting color must be placed on the bottom of the pool in the deepest part of the pool.
2. The water shall be kept clean and free of debris, organic materials, and biofilm in accessible areas in the water and on all surfaces. Water levels in pools shall be maintained and operated to remove such material continuously. All aquatic venues shall be equipped with a filtration system for the purpose of clarifying the water. The filtration system shall consist of sand-type filters, DE type filters, or cartridge filters. Filters shall be equipped with an approved pressure gauge or gauges. Vacuuming shall only be done when the aquatic venue is closed.
3. Pool water temperatures for indoor pools shall be maintained at a minimum of 70°F/21°C.
4. Spa water temperatures shall not exceed 104°F/40°C. Spa temperature controls shall be only accessible by the pool operator. All gas-fired heaters for pools or spas shall meet the most current ANSI standard.
5. The Regulatory Authority shall take samples for bacterial analysis whenever suspected water borne illness is reported. The presence of any coliform or E. coli in the sample will indicate unsatisfactory water quality and the aquatic venue shall be closed until a satisfactory water sample can be obtained. Other samples may be collected based on recommendations of the Centers for Disease Control and Prevention (CDC) or Missouri Department of Health and Senior Services (MODHSS).
6. Chemical water quality testing shall be conducted and recorded by the pool operator at a minimum of once per day. Records must be readily available at all times. Records must have at a minimum the date, time of test, free chlorine, combined chlorine, total chlorine, bromine (if used in lieu of chlorine), pH, alkalinity, cyanuric acid, temperature, and initials of pool operator conducting the test. Pool operator must ensure the aquatic venue's chemicals are compliant each day before allowing patrons in the pool.
 - i. All aquatic venues shall have an accurate N, N-diethyl phenylenediamine (DPD) test kit for measuring free and combined chlorine or bromine concentration, pH, total alkalinity and cyanuric acid, if used. DPD test kits shall be provided and capable of measuring the minimum and maximum allowable ranges for chemical operational parameters. Reagents shall be date marked with the date of purchase and held according to manufacturer's guidelines. The use of orthotolidine (OTO) tests and test strips for chlorine is prohibited.
7. The turnover shall be sufficient to recirculate and disinfect the entire volume of water in the following time frames listed below:
 - i. Swimming Pool- 6 hours
 - ii. Wading Pool- 1 hour
 - iii. Wave Pool/Lazy River- 2 hours
 - iv. Plunge Pool- 1 hour
 - v. Spa- 30 minutes
8. All pools and other related facilities shall be provided with an operational rate-of-flow indicator that reads in gallons per minute. All rate-of-flow indicators shall be installed so as to meet manufacturers' installation requirements. Where the rate-of-flow indicator is installed

between the pump and the filter, periodic cleanings shall be performed to ensure accurate readings

d. Pool Water Chemistry

1. All aquatic venues shall have continual disinfection 24 hours a day through either an automatic feeder or an automated system. Only bromine and chlorine products that are EPA-registered for use as sanitizers or disinfectants in aquatic venues in the United States shall be permitted for use as the primary disinfectant. Secondary disinfectant system may be used in conjunction with a primary disinfectant upon approval by the Regulatory Authority. Use of compressed chlorine gas is prohibited.

2. Aquatic venues shall maintain a free available chlorine residual of 1 PPM (mg/L). A spa shall maintain a minimum free available chlorine residual of 3 PPM (mg/L). Free available chlorine shall not exceed 10 PPM (mg/L) at any time the aquatic venue is open to bathers.

3. Combined chlorine (chloramines) levels shall not exceed .4 PPM (mg/L). If combined chlorine levels do exceed .4 PPM (mg/L), the venue must immediately be closed and action taken to reduce the levels.

4. Minimum Bromine levels for aquatic venues shall be maintained at 3 PPM (mg/L). Minimum Bromine levels for spas shall be maintained at 4 PPM (mg/L). Bromine levels shall not exceed 10 PPM (mg/L) at any time the aquatic venue is open to bathers.

5. The pH of the water shall be maintained between 7.2 and 7.8.

6. Total alkalinity shall be maintained in the range of 60-180 PPM (mg/L). Alkalinity shall be recorded once a day.

7. Cyanuric Acid shall not exceed 100 PPM (mg/L). Cyanuric Acid shall be recorded once a day.

8. Only pool grade salt shall be used and saline content of the water shall be maintained in the required range as specified by the manufacturer. Salt levels shall be recorded once a week.

e. Sewage

1. The sewer system shall have sufficient capacity to serve the establishment, including bathhouse, locker rooms, toilets, and related accommodations.

2. There shall be no direct physical connection between the sewer system and any drain from the aquatic venue or circulation system. Any deck drain, backwash or overflow from the circulation system, when discharged to the sewer system, or other approved natural drainage course, shall be discharged through a suitable air gap so as to preclude the possibility of backflow of sewage or waste water into the aquatic venue piping system.

i. The sanitary sewer servicing the aquatic venue and auxiliary facilities shall discharge to a public sewer system wherever possible and in accordance with applicable requirements. Where no such sewer is available, the connection shall be made to a suitable waste water treatment system which has been designed and constructed and is operated and maintained in accordance with all local sewer and/or sewage disposal codes. An on-site sewage disposal system permit shall be approved before pool construction can begin.

ii. Backwash from the filter(s) shall be piped to a sanitary sewer. In all cases of filter backwash discharge, an air gap shall be provided with a minimum of

two (2) inches between the discharge pipe and top of the sump or sewer piping. Both the sump and the exit pipe shall be sized to accommodate the back wash flow.

f. General Safety

1. No glass bottles, sharp objects or any other debris, which might cause injury or accidents, shall be in or around any aquatic establishment. Food and/or drinks are prohibited in the water and only allowed in designated areas away from the water. No operational activities or conditions of facilities which are likely to cause illness or injury shall be allowed to exist in an aquatic establishment.
2. All aquatic facilities and aquatic venues shall be enclosed to prevent unauthorized entry. The barrier may be any fence, wall or permanent structure which prevents entry except through self-closing, self-latching and lockable gates or doors. The gate or door shall self-close from any open position. The barrier shall surround all four sides of the aquatic venue and not block visual observation of the pool. In any new construction of an outside pool or spa, an adjacent building may only serve as one barrier side. In existing construction, each entry from any adjacent building to the pool area must contain either an alarm on the door, cardkey access, or another approved means of preventing unauthorized entry into an aquatic venue. Shrubbery shall be maintained and not constitute an acceptable barrier or block visual observation of the aquatic venue. Gates or doors shall be designed in such a way that they do not prevent egress in the event of an emergency.
3. The barrier shall not be less than four (4) feet in height. The topography outside the barrier shall be considered during the construction phase to ensure the barrier will provide a minimum four (4) feet. Barriers shall not have open spaces greater than four (4) inches horizontally. There shall not be more than four (4) inches of space between the bottom of the barrier and the ground's surface or the pool deck. A barrier shall be provided to separate a wading pool from other pools unless the wading pool is separated by a distance of 15 feet (4.6 m) from other bodies of water. The barrier shall be maintained in good repair at all times and at any point there is a breach in the barrier system, the breach must be barricaded in a manner that will prevent unauthorized entry.
4. Where multiple facilities are located within a common pool area (i.e., pool, spa, and/or wading pool) provisions shall be made to prevent access to any pool or spa, which is closed for maintenance, repair or as the result of non-compliance. This requirement does not apply to lifeguarded facilities. Locking spa covers and portable fencing which meet the above criteria are acceptable options for closure. Floating spa covers are not acceptable. Signs shall be posted indicating which aquatic venue is closed. The need for separate fencing for water recreation attractions, such as water theme parks, shall be evaluated on a case-by-case basis.
5. Gates shall be at least equal in height at top and bottom to the barrier of which they are a component. Quantity, location, and widths for exit gates shall be provided consistent with local building and fire codes and applicable accessibility guidelines. Exit gates shall swing away from the aquatic venue enclosure except where emergency egress codes require them to swing into the aquatic venue enclosure. For unguarded aquatic venue enclosures, self-latching mechanisms must be located not less than four (4) feet above finished grade and self-latching mechanisms shall not be operable by small children on the outside of the enclosure around the aquatic venue.
6. Windows on a building that forms part of an enclosure around an aquatic venue shall have a maximum opening width not to exceed four (4) inches. If designed to be opened, windows shall also be provided with a non-removable screen.

7. The area must be secured by self-closing and self-latching doors for dedicated pool/spa rooms or by barriers as required above, wherever the pool/spa are located where guest rooms or lobbies open onto the pool area. Some means of access control (such as room key or card) shall be provided to prevent entry by unattended children.

8. Chemicals shall be kept in the original containers and shall be used and stored in accordance with label instructions. All rooms used for storage of pool chemicals shall be plainly marked at the entry as such by any combination of words, pictures or symbols and kept locked to prevent entry from patrons. Adequate space shall be provided for the storage of chemicals, separate from the operating equipment. No food or drink shall be allowed in rooms that contain pool chemicals.

9. Wiring and grounding for lights and all electrical power for pool equipment must conform to the codes of the International Electrical Code and/or other applicable local and state codes. Junction boxes must be above the pool water level and not be a trip hazard. All electrical work shall be done by a licensed and insured electrician.

10. A maximum setting of 15 minutes for the timer to activate the jet system shall be installed on spas and shall be located at a distance that would require the bather to exit the spa to restart. An emergency shut off switch shall also be accessible for all spas.

11. No children under the age of 14 are allowed in the pool area without a responsible adult or person of the age 18 or older.

12. Each aquatic establishment/venue shall have a basic first aid kit to care for minor injuries. First aid kit may be kept pool side or at the front desk.

13. All deaths or serious injuries shall be reported to the Regulatory Authority immediately. Minor accident records shall be submitted to the Regulatory Authority within 48 hours of the incident.

g. Safety Devices and Signs

1. The aquatic establishment or each aquatic venue shall have a functional telephone or other communication system or device that is hard wired and capable of directly dialing 911 or an attendant. The telephone number of the emergency service, as well as any instructions necessary to operate the communication system shall be posted in a conspicuous place near the emergency communication system. For existing outdoor aquatic venues that do not have the means to have a hardwired communication system, an audible and visual notification device that sounds in the area with a minimum of 75 decibels shall be allowed. Video surveillance is not approved for monitoring bathers in place of an emergency communication system. If the aquatic establishment or venue does not have a communication system that meets this requirement, the establishment or venue will have 365 days, or one (1) year, from the day this ordinance is adopted to meet this requirement.

2. Aquatic venues whose depth exceeds two feet (61.0 cm) of standing water shall provide and maintain both of the following items:

- i. reaching pole of 12 foot (3.7 m) to 16 foot (4.9 m) in length, non-telescopic, light in weight, and with a securely attached Shepherd's Crook with an aperture of at least 18 inches (45.7 cm) and;
- ii. A U.S. Coast Guard-approved aquatic rescue throwing device, with at least a quarter-inch (6.3 mm) thick rope whose length is 50 feet (15.2 m) or 1.5 times the width of the POOL, whichever is less.
- iii. Equipment shall be located in the immediate vicinity of the aquatic

venue and shall have a sign posted that equipment is for emergency use only. Reaching pole shall be made of a non-conductive material.

3. All pools in which the maximum pool depth exceeds five (5) feet, a safety rope shall be located one foot before the slope from the shallow area to the deep area. Aquatic venues with a lifeguard present shall be exempt from this requirement. Pools which provide lane swimming, may remove a lifeline during periods of lap swimming or routine maintenance. The lifeline shall be replaced following any maintenance activities or lap swimming to ensure safety for recreational swimming. Dive wells shall always have a safety rope in place separating the well from the rest of the swimming pool, if connected. The lifeline shall be maintained in good condition. For all new construction, the connections for the lifeline shall be recessed in the pool walls.

4. For pools deeper than five feet (1.5 m), a line of contrasting color, not less than two inches (5.1 cm) and not more than six inches (15.2 cm) in width, shall be clearly and permanently installed on the pool floor at the shallow side of the break in the floor slope, and extend up the pool walls to the waterline.

5. All signs and depth markers must be in contrasting color, legible, and visible from any point at all times.

6. Hours of operation shall be placed on each entry door and/or gate to the aquatic establishment or aquatic venue. All pools shall close at 10 pm unless otherwise approved by the Regulatory Authority.

7. All pool use rules shall be located at conspicuous places, shall be legible, and include the following:

- i. Persons with infections not permitted.
- ii. No food, drink, gum or tobacco permitted in pool or on deck.
- iii. No glass or glass containers allowed.
- iv. Shower before entering and after use of toilet facilities.
- v. No running or rough play.
- vi. No pets allowed.
- vii. Do not leave small or young children unattended.

Whenever additional rules needed to protect the health and safety of patrons, the management shall post and enforce such rules.

8. Whenever the pool area is opened for use and no lifeguard service is required or provided, warning signs shall be placed in plain view to the entrances and inside the pool area which state "WARNING--NO LIFEGUARD ON DUTY" with clearly legible letters at least four inches high. Signage shall also indicate that children shall not use pool/spa without an adult in attendance.

9. A legible sign visible from the spa shall be provided. It shall state: "Caution. Any person having an acute or chronic disease such that use of the spa might adversely affect their health should consult a physician before using this spa. Do not use the spa immediately following exercise or while under the influence of alcohol. Do not use the spa alone or without supervision. Do not use the spa longer than ten minutes. Children shall be accompanied by an adult. Spa temperature shall not be over 104F."

10. For water slides, signs indicating riding instructions, warnings, and requirements in accordance with the manufacturer recommendations shall be posted at the waterslide entry.

- i. Always slide feet first and only after previous slider has cleared the plunge pool.

- ii. No jumping or diving from slide.
- iii. Only one person at a time allowed on the slide.

11. Depth Markers shall be a minimum of four (4) inches in height and of a contrasting color. Depth markers shall be installed at not more than 25 foot (7.6 m) intervals on the vertical wall at or above the water surface and on the edge of the pool deck. In addition, for water less than five feet (1.5 m) in depth, the depth shall be marked at one foot (30.5 cm) depth intervals. Where depth markings cannot be placed on the vertical walls above the water level, other means shall be used so that the markings will be plainly visible to persons in the pool.

Depth markers shall be clearly and permanently marked at the following locations:

- i. Minimum depth,
- ii. Maximum depth,
- iii. On both sides and at each end of the pool and,
- iv. At the break in the floor slope between the shallow and deep portions of the pool.
- v. For pool water depths 5 feet (1.5 m) or shallower, all deck depth markers shall be provided with "NO DIVING" warning signs along with the universal international symbol for "NO DIVING".

h. Lifeguard Requirements

1. For aquatic facilities with less than 2,000 square feet of water surface area, no lifeguard is required, regardless of pool depth. For aquatic facilities with water surface area of 2,000 square feet or more, lifeguards shall be required according to the number of lifeguard chairs required per square footage of water surface.
2. One (1) elevated lifeguard chair or platform shall be provided for pools having over 2000 square feet up to 4000 square feet of pool water surface. One (1) additional lifeguard chair or platform shall be provided for each 2000 square feet or major fraction thereof of pool water surface area above 4000 square feet. The lifeguard chair(s) or platform(s) shall be located to allow a clear and unobstructed view of the pool bottom in the area of surveillance.
3. Lifeguards must be 15 years of age or older and shall have current certification through a nationally recognized lifeguard training course that is approved by the Regulatory Authority, and be in good physical condition and competent in techniques. The certificate of such competency shall be posted in a conspicuous area.

i. Virginia Graeme Baker Pool and Spa Safety Act

All aquatic venues must be compliant with the most recent version of the Virginia Graeme Baker Pool and Spa Safety Act. Any aquatic venue that is not compliant with the Virginia Graeme Baker Pool and Spa Safety Act will have 365 days, or one (1) year, from the day this ordinance is adopted, to meet this requirement.

j. General Operations and Inspections

1. Records shall be retained by the aquatic venue owner/operator on file for review upon request by the Regulatory Authority. Such mandatory records include, but not limited to: chemical and water quality records, operational manuals for equipment, main drain documentation, Virginia Graeme Baker Pool and Spa Safety Act compliancy documentation, lifeguard

- certificates, pool operator training certificates, and accident reports.
2. A copy of the inspection report will be emailed to the establishment after the inspection is complete. All items shall be corrected as soon as possible, either by the revisit date or the next routine inspection. If the violation cannot be corrected by the next routine inspection, the report shall specify a reasonable period of time for correction.
 3. Any pool which is not in use for two (2) weeks or longer, shall be covered, drained, locked or winterized. If drained, care should be taken to ensure that the pool is not damaged by subsurface hydro-static pressure. There shall be no access by animals or humans. If the pool will be permanently closed, the pool/spa shall be filled in or removed along with equipment and drainage connections. Any public pool that will be closed or out of service for more than one (1) year, shall be maintained so that it is not a nuisance or imminent health hazard.
 4. The main drain may only be disabled if documentation is provided showing the chemical and water quality can be maintained in compliance with this ordinance. The main drain(s) shall be permanently disabled in a manner approved by the Regulatory Authority.

k. Closure

1. Every pool shall be under the supervision of an owner, manager, or designated representative who is fully capable of and who shall assume responsibility for compliance with all ordinances, rules and regulations relating to pool operation, maintenance, and safety of bathers. Any pool may be subject to immediate closure by the Regulatory Authority when a critical violation is noted. These include, but are not limited to the following:
 - i. Failure or lack of filtration
 - ii. Insufficient or critically high disinfectant
 - iii. Combined chlorine exceeds .4 mg/L
 - iv. Main drain is not visible
 - v. Main drain cover missing or in poor repair
 - vi. Emergency phone/device is not operational
 - vii. Gates are not self-closing or self-latching
 - viii. Life safety equipment missing or in poor repair
 - ix. Spa temperature exceeds 104F
 - x. Cross connection
 - xi. Unapproved water supply or sewage, liquid waste disposal
 - xii. Absence or lack of required supervisory personnel
 - xiii. Imminent health hazard observed
 - xiv. Aquatic Venue is not compliant with the Virginia Graeme Baker Pool and Spa Safety Act
 - xv. Operating without a valid health permit
2. In the case of voluntary pool closure, one or more signs shall be posted conspicuously stating Pool/Spa Closed, No Swimming, or similar language and the gate/entry shall be locked to prevent any unauthorized entry. If there are multiple aquatic venues, the closure signs shall be specific on which aquatic venue is closed. If entry cannot be prevented on only one aquatic venue when there are multiple aquatic venues present, the entire aquatic establishment shall be closed.
3. When the aquatic venue is closed by the Regulatory Authority for noncompliance, the Regulatory Authority shall post POOL CLOSED sign(s) and the aquatic venue's gates shall be locked to prevent unauthorized entry. Only the Regulatory Authority may remove the

issued signage and the establishment shall not reopen until an inspection has been conducted by the Regulatory Authority indicating compliance.

4. It is required that the operator shall have proper knowledge to successfully operate the aquatic venue(s) to satisfy all requirements of this ordinance.

SECTION 2018-1.6 LODGING COMPLIANCE PROCEDURES

- a. Prior to approval for a lodging establishment permit, the Regulatory Authority shall inspect the proposed lodging establishment to determine compliance with the requirements of this Ordinance.
- b. An inspection of a lodging establishment shall be performed at least once every year.
- c. The Regulatory Authority, after proper identification, shall be permitted to enter any lodging establishment at any reasonable time for the purpose of making inspections to determine compliance with this Ordinance.

SECTION 2018-1.7 SUSPENSION AND REVOCATION OF PERMITS

a. Lodging Establishment health permits may be suspended by the Regulatory Authority for failure of the holder to comply with the requirements of this ordinance. Whenever the Regulatory Authority finds unsanitary or other conditions in the operation of a Lodging Establishment which, in his/her judgment, constitute a substantial hazard to the public health, or for interference with the Regulatory Authority in the performance of his/her duties, the Regulatory Authority may issue a written notice to the permit holder citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If deemed a substantial hazard to the public health, such order shall state that the permit is immediately suspended and all Lodging Establishment operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately, but upon written petition to the Regulatory Authority shall be afforded a hearing within five days before the Regulatory Authority as hearing officer.

b. Any person whose permit application or permit that has been denied or suspended may, at any time, make application for a hearing and/or re-inspection for the purpose of approval and/or reinstatement of the permit. Within five business days following the receipt of a written request, the Regulatory Authority shall make a decision on the permit application or if needed a re-inspection to ensure proper compliance within this ordinance. If the applicant is complying with the requirements of this ordinance, the application for a permit and/or the current permit shall be approved and/or reinstated after all fees have been paid.

c. Health-Hazardous or Life-Threatening Violations; Opportunity to Correct. During an inspection, if the Regulatory Authority discovers that a permit holder has failed to comply with this Article or the rules and regulations established by the Regulatory Authority, and the violation is or may become life-threatening or a potentially serious health hazard, he or she shall:

1. Immediately lock, secure or close the area of violation and post a sign indicating that the room, area and/or lodging establishment is closed.
2. Inform the permit holder or his agent, or employee in writing that a violation exists;
3. Allow the permit holder an opportunity to correct the violation within a reasonable period of time, as determined by the Regulatory Authority; and
4. Re-inspect the lodging establishment to determine if the violation still exists

d. Timely Corrections. During an Inspection, the permit holder shall at the time of inspection correct any health hazardous or life threatening violation of the Code and implement corrective actions to prevent violation from recurring.

1. Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Regulatory Authority may agree to or specify a longer time frame, not to exceed ten (10) calendar days after the inspection, for the permit holder to correct health hazardous or life threatening violation.
2. For non-health-hazardous or life-threatening violation the permit holder shall correct violation by a date and time agreed to or specified by the Regulatory Authority but no later than thirty (30) calendar days after the inspection.
3. The Regulatory Authority may approve a compliance schedule that extends beyond the time limits specified under (c) of this section if a written schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule for compliance.
4. If the Regulatory Authority finds the permit holder still in violation after three (3) re-inspections, the Regulatory Authority shall notify the permit holder in writing of the intention to suspend or revoke the permit and allow the permit holder an opportunity for a hearing.

e. For serious or repeated violations of any of the requirements of this ordinance or for interference with the Regulatory Authority in the performance of his/her duties, the permit may be permanently revoked after an opportunity for a hearing before the Regulatory Authority as the hearing officer. Prior to such action, the Regulatory Authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten days following service of such notice, unless a request for a hearing is filed with the Regulatory Authority by the permit holder within such ten-day period. A permit may be suspended for cause pending its revocation or a hearing on the revocation. Appeal from the decision of the hearing officer may be made to the circuit court pursuant to Lodging Statute Chapter 315.041.

f. The hearings provided for in this section shall be conducted by the Regulatory Authority as the hearing officer in accordance with the requirements of Lodging Statute Chapter 315.041. The Regulatory Authority may, without warning, notice, or hearing suspend any permit to operate a lodging establishment if the holder of the permit does not comply with the requirements of this ordinance. Suspension is effective upon service of the notice required by this ordinance. When a permit is suspended, lodging establishment operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for hearing within 20 days of receipt of a request for hearing. Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit.

SECTION 2018-1.8 REMEDIES

The Regulatory Authority may enforce these regulations by any remedies provided by state statute, or the Regulatory Authority may institute lawsuits for injunction, mandamus, abatement, or any other appropriate actions or proceedings to remedy, prevent, enjoin, abate, or remove such violations.

SECTION 2018-1.9 SEVERABILITY

If any article, chapter, section, clause or phrase of this regulation is, for any reason, held to be invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this regulation. No statement contained in this article shall be constructed to interfere with any additional requirements that may be imposed by the Regulatory Authority.

TANEY COUNTY HEALTH CODE
LODGING ESTABLISHMENT ORDINANCE
ORDER OF THE TANEY COUNTY HEALTH DEPARTMENT

WHEREAS, Ordinance Number 2018-1 adopting the Taney County Health Code Lodging Establishment Ordinance. This ordinance shall be liberally constructed and applied to promote its underlying purpose of protecting the public's health.

An ordinance adopting regulations regarding the administration of lodging establishment standards by the Taney County Health Department Board of Trustees.

Be it ordained as follows:

(1) The Taney County Health Department Board of Trustees hereby promulgates and adopts regulations regarding the administration of lodging establishment standards as recommended and requested. A copy of said regulations are attached hereto and made a part hereof by reference.

(2) The County Clerk is hereby ordered to have the attached regulations printed and available in their office for distribution to the public.

(3) A copy of this order shall be published in a newspaper in this county on three successive weeks, with the first publication occurring not later than thirty (30) days after the passage of this order.

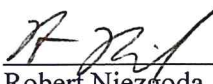
SECTION ORDINANC NUMBER 2018-1 EFFECTIVE DATE

By order of the Taney County Health Department Board of Trustees Passed and approved this 26th of February 2018.

IT IS SO ORDERED.

 2-26-18
Debbie Redford, Chair, Board of Trustees Date
Chairperson

Attest:

 2/26/18
Robert Niezgoda Date
Regulatory Authority