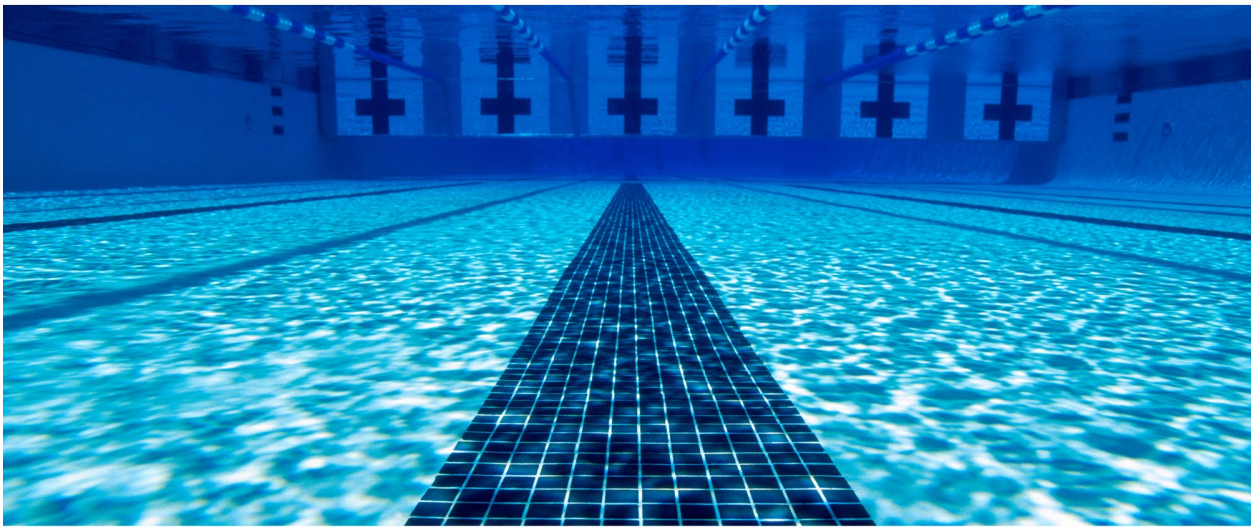
WICHITA FALLS-WICHITA COUNTY PUBLIC HEALTH DISTRICT

Aquatic Facility Manager Rules Review **2025**



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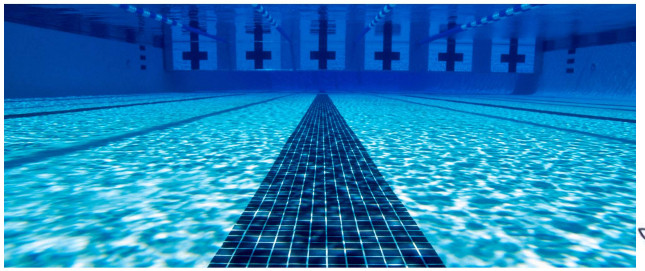

Requirements for Permitting

- This course with passed test OR a valid certificate for any of the following courses: Certified Pool-Spa Operator (CPO), Pool Operator on Location (POOL), Professional Pool and Spa Operator (PPSO), Licensed Aquatic Facility Technician (LAFT), or Aquatic Facility Operator (AFO)
- Application Page and Payments made, Data Sheet (for new build or extensive remodel), Passed Electrical Inspection (Iowa Park exempt from Electrical Inspection, but it is highly recommended!)
- Passed Permit Inspection

Electrical Inspection

- As of 2020, Wichita Falls & Surrounding Cities must have an annual electrical inspection
- Forms are found online: http://www.wichitafallstx.gov/2342/Aquatic-Facility-Fees-Forms

Not required for the city limits of Iowa Park, but it is highly recommended for the safety of the swimmers and personnel.
The Health District does NOT inspect electrical items!

Water Samples

Checks for Total Coliforms and *E. coli*

- First Failure: close and shock, then re-open once chlorine is **1.0-8.0 ppm** (a second water sample will be taken)
- Two Failures in a Row: closed until a passing water sample is achieved

Renovations/Replacing Equipment

- Plan Review:
  Certain items must be brought up to Code.
  Call 940-761-7820 before renovating!
- Permits:
  Plumbing and Electrical Changes require a permit through Building Inspections.
  Call 940-761-7461 before making these changes!

Updates

Skimmer equalizers are prohibited. Must be capped at the wall and inside the skimmer.

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"PERSONS UNDER THE AGE OF 14 MUST NOT BE IN THE POOL WITHOUT ADULT SUPERVISION"

Sign no longer required for establishments with lifeguards as of May 2024. You may still post it if you want.

Rules

2021 International Swimming Pool & Spa Code:
https://codes.iccsafe.org/content/ISPSC2021P3/preface

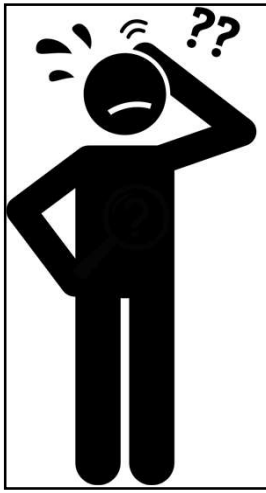
Texas Public Swimming Pools and Spas 2023:
https://www.dshs.texas.gov/sites/default/files/poolspa/pdf/25%20TAC%20Chapter%20265%20Subchapter%20L.pdf

Texas Public Interactive Water Features and Fountains 2010:
https://dshs.texas.gov/poolspa/pdf/Rules5_2010.pdf

Texas Health and Safety Code & Occupation Codes: Section 341.064 - Swimming Pools and Bathhouses; Section 341.0645 - Pool Safety; Section 341.0695 - Interactive Water Features and Fountains; Section 1.005 – Definitions; Chapter 757 - Pool Yard Enclosures; Title 13 Sports, Amusements, and Entertainment

Federal Regulations: Part 1207 – Safety Standard for Swimming Pool Slides; 28 CFR § 36.104 Definitions (Service Animal); 28 CFR §36.302(c) Service animals

Wichita Falls (& Cities that have adopted) Local Ordinance: Chapter 58 Article IV. Aquatic Facilities



Why do we have rules?
The Health Aspect
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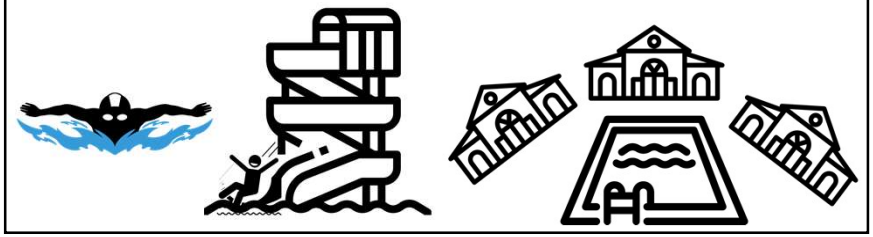
Recreational Water Illness (RWI)

- What Causes it: parasites (*Giardia*, *Cryptosporidium*), bacteria (*Salmonella*, *Campylobacter*, *E. coli*, *Shigella*, *Legionella*) , viruses (*Hepatitis A*, *Norovirus*), and fungi
- Caused by: swallowing, breathing in, or having contact with contaminated water
- Can cause: diarrhea, vomiting, various infections (including skin, liver, and lung) and rashes

Types of Aquatic Facilities & Required Management



Classes of Aquatic Facilities

- Class A- used for accredited competitive events
- Class B- used for public recreation & open to the general public (such as for parties and events)
- Class C- used for: lodging (hotels, motels, apartments, condos, or mobile home parks), youth camps, property owner associations, private organizations, or clubs; or schools, colleges, or universities academic or continuing ed. classes. Open to members and guests, but not to the general public

Operation & Management

- All classes of Aquatic Facilities must have a properly trained and certified operator
- Responsible for training anyone that checks or puts chemicals into the water
- May be responsible for multiple Aquatic Facilities
- Not required to be on-site

Operation & Management
Wichita Falls & Surrounding Cities

- A manager of operations shall obtain certification from the regulatory authority. **No person will be allowed to act as the manager of operations without first having obtaining a certification each year**
- A person showing a current certificate as a certified aquatic facility operator (AFO), certified pool-spa operator (CPO), a pool operator on location (POOL), or any other training approved by the regulatory authority, could be exempt from the Health District's test

Chemicals
(Chemical Storage Areas Must be Lockable!)

Storing Chemical Test Kits

- Test kits/reagents stored according to the manufacturer's instructions and protected from extreme heat/cold and from exposure to water, chemicals, and petroleum products
- Testing reagents must not be expired!

Storing Chemicals

- Dry chemicals stored off floor or in waterproof containers in dry room
- Chemicals and feed equipment stored so that Aquatic Facility users do not have access (locked)
- Chlorine compounds not stored in same area as petroleum products
- Chlorine gas is prohibited

Storing Chemicals Post-Jan 1, 2023

- Dedicated space to storing chemicals
- Plumbed in eyewash station required
- Outdoor storage must have barrier at least 6 ft high with self-closing/self-latching entry with permanent locking device
- Single doors equipped with emergency egress device
- Door opens inside building: spill containment must be provided; see ISPSC 324.8.1.1 & 324.8.2

Chemical Use

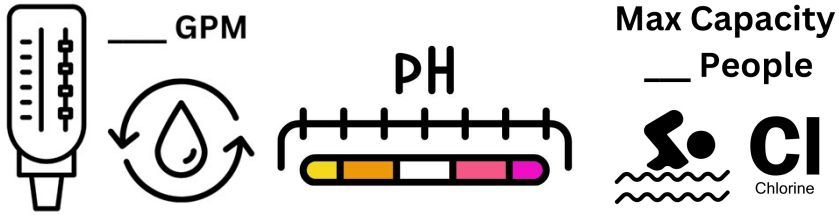
- Chemicals must be used according to the chemical manufacturer's directions
- Personnel must be provided with appropriate protective equipment and clothing according to the safety data sheets
- The operator is responsible for training anyone that checks or puts chemicals into the water

Chemicals by Hand

- Do NOT put chemicals in the skimmers
- Do NOT put chemicals in the water while users are in the water and/or while personnel are in the water (this includes floating dispensers)
- Before users reenter the water, the pH and Disinfectant must be at the required ranges (must wait at least 30 minutes before retesting)

Water Quality & Testing

(Arm must go in water to your elbow!)



Maximum User Capacity

Shallow (Less than 5 feet; not including Wading Pools)

Pools with Minimum Deck Area (4ft wide or less): Example: Surface area of pool is 240 ft^2 240 ÷ 15 = 16 people	15 ft^2 per user (Surface Area ÷ 15)
Pools with Deck Area Equal to Water Surface Area: Example: Surface area of pool is 310 ft^2 310 ÷ 12 = 25.8 = 25 people	12 ft^2 per user (Surface Area ÷ 12)
Pools with Deck Area 2x Water Surface Area: Example: Surface area of pool is 180 ft^2 180 ÷ 8 = 22.5 = 22 people	8 ft^2 per user (Surface Area ÷ 8)

Maximum User Capacity

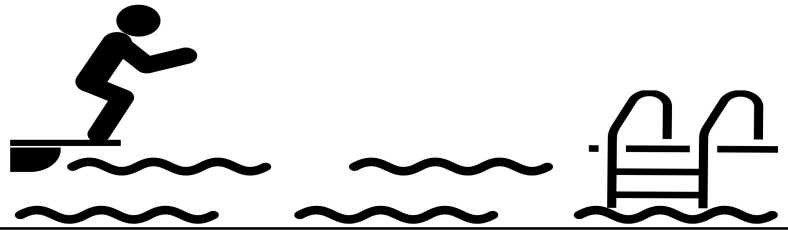
Deep Area (Not Including the Diving Area)

Pools with Minimum Deck Area (4ft wide or less): Example: Surface area of pool is 240 ft^2 240 ÷ 20 = 12 people	20 ft^2 per user (Surface Area ÷ 20)
Pools with Deck Area Equal to Water Surface Area: Example: Surface area of pool is 310 ft^2 310 ÷ 15 = 20.7 = 20 people	15 ft^2 per user (Surface Area ÷ 15)
Pools with Deck Area 2x Water Surface Area: Example: Surface area of pool is 180 ft^2 180 ÷ 10 = 18 people	10 ft^2 per user (Surface Area ÷ 10)

Maximum User Capacity

Diving Area (Per Each Diving Board)

Pools with Any Deck Area: Example: Diving are surface area of pool is 600 ft^2 600 ÷ 300 = 2 people	300 ft^2 per user (Surface Area ÷ 300)



Required Turnover Rates

Pre-October 1, 1999	Maximum Time
Pools	8 hours
Post-October 1, 1999	**Maximum Time**
Pools avg. depth ≥4ft	6 hours
Pools avg. depth <4ft	avg. depth x 1.5 (not to exceed 6 hours)
Pools avg. depth ≤3ft	4.5 hours
Therapy Pools	same as pools
Post-January 1, 2021 Pools	**Maximum Time**
Class A, B, & C Pools	avg. depth x 1.5 (not to exceed 6 hours)
Therapy Pools	same as pools

Water Level

- Water level must be maintained within the design operating water level range of the rim, gutter, or skimmer system
- When the water level is below the operating water level range of the rim, gutter, or skimmer system, the Aquatic Facility shall be closed

Water Clarity

- **Open Season Requirements**- 8" black/Secchi disk visible at deepest area; never green in color; recommend closing if the water is cloudy and/or green; MUST CLOSE if 8" black/Secchi disk is NOT visible at deepest area (*Cloudy and/or green water can be a sign of unbalanced water, which means more chance of recreational water illness!*)

WARNING SHORT DOCUMENTARY ON A WOMAN THAT DROWNED IN A POOL FULL OF PEOPLE, INCLUDES REENACTMENT

https://www.youtube.com/watch?v=Eo6ZBGIJ4Xo&t=1s

- **Off Season/Closed Requirements**- 8" black/Secchi disk visible at deepest area; never green in color

Required Chemical Levels

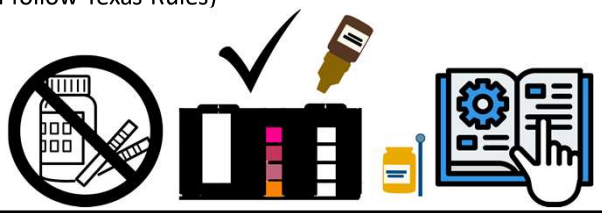
Level	Minimum	Ideal	Maximum
Pool Chlorine	1.0 ppm	2.0 – 3.0 ppm	8.0 ppm
Pool Bromine	3.0 ppm	4.0 – 6.0 ppm	10.0 ppm
Combined Chlorine	None	None	0.4 ppm
pH	7.0	7.2 – 7.6	7.8

Required Chemical Levels

Level	Minimum	Ideal	Maximum
Cyanuric Acid/CYA (Outdoor only)	None	30 – 50 ppm	100 ppm (50 ppm for PIWFs)
Oxidation-Reduction Potential/ORP	600 mV	650 – 750 mV	900 mV
Alkalinity	60 ppm	60 ppm – 180 ppm	>180 ppm
Pool Calcium Hardness	150 ppm	>150 – 400 ppm	1000 ppm
Pools must also be treated to eliminate algae			

Chemical Testing

- A reliable means of testing for pH, chlorine/bromine, cyanuric acid, alkalinity, and calcium hardness must be available (no test strips)
- DPD chemical test required for chlorine/bromine
- Your chemical test kit manual is your new best friend! It will teach you how to keep your chemicals balanced, how to shock the water, and much more (must still follow Texas Rules)



pH & Disinfectant (Chlorine/Bromine) Test Frequency

Class A & B: every 2 hours that the Aquatic Facility is in use or 3x a day with automatic systems

Class C with Aquatic Facility specific personnel: 3x a day

Class C with NO Aquatic Facility specific personnel: 1x a day or as often as necessary to ensure proper levels

MUST BE RECORDED IN YOUR LOG BOOK

Logs must be kept for 3 years & be available within 5 days

ORP Test Frequency

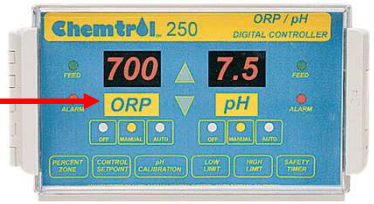
ONLY IF YOU HAVE A METER:

Recorded at the same time as your pH

MUST BE RECORDED IN YOUR LOG BOOK

Logs must be kept for 3 years & be available within 5 days

Example



CYA & Testing Frequency

Class A, B, & C: 1x a week

CYA exceeds **100 ppm:** Close Aquatic Facility; 1x a day with sanitizer at or above **2.0 ppm** until CYA level drops below **100 ppm**; Aquatic Facility must remain closed until CYA level drops below **80 ppm** (Wichita Falls and surrounding cities)

CYA is detected in a Therapy Pool or any Indoor Aquatic Facility: Close Aquatic Facility until CYA is no longer detectable

MUST BE RECORDED IN YOUR LOG BOOK

Logs must be kept for 3 years & be available within 5 days

Alkalinity, Calcium Hardness, & Water Balance (Saturation Index)

Class A, B, & C: at least once every 10 days; may do 1x a week

MUST BE RECORDED IN YOUR LOG BOOK

Logs must be kept for 3 years & be available within 5 days

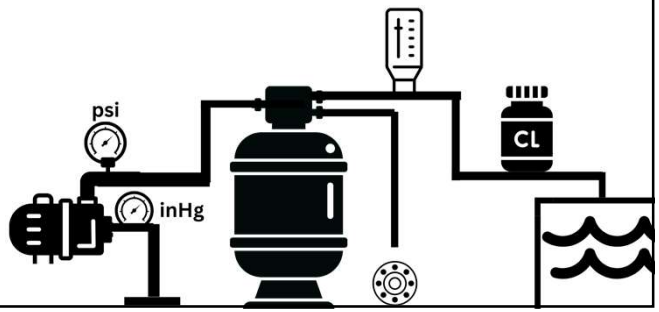
SAMPLE LOG

DATE	TIME	CHLORINE	pH	ORP (mV)	FLOW (GPM)	CHEMICALS ADDED - Quantity and Type	MAINTENANCE & NOTES

WEEKLY TEST = CYA (if less 100ppm)	***If CYA is over 100ppm, then it must be tested daily until it falls below 100ppm***
EVERY 10 DAYS TEST: DATES: ____ ____ ____	ALKALINITY (ppm) = ____ ____ ____
CALCIUM HARDNESS (ppm) = ____ ____ ____	CHEMICAL BALANCE = ____ ____ ____

Equipment

(Equipment Areas, including heater controls, Must be Lockable!)



Equipment Area

- Circulation equipment, mechanical spaces, and chemical storage spaces must be lockable
- A warning sign against unauthorized entry must be posted on the entry door or gate to the Aquatic Facility equipment room, building, or area

Equipment Area

Post-January 1, 2023:

- Separate from Chemical Storage Spaces
- Floor concrete or other suitable material: smooth, slip-resistant and positive drainage, including sump pump if necessary with a slope to floor drain
- Hose bib in room or within area to service room
- Lit to 30 foot-candles from floor level
- Adequate ventilation ISPSC 324.5
- Doors/openings/access ISPSC 324.7.1&2

Circulation Systems

- Must have Operation and Maintenance Instructions on-site
- Must run for 24 hours a day even during off season to maintain clarity
- Circulation rate may be reduced during off season

Emergency Pool Shut-off Switch

Post-January 1, 2023:

- Emergency shutoff switch provided to disconnect power to recirculation and jet system pumps and air blowers in a pool
- Emergency switches shall be accessible to users, located within sight of the pool not less than 5 ft horizontally from the inside walls of the pool
- Sign required; see table

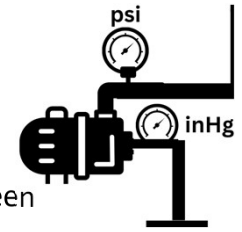
Piping

- Rated for pool/spa use
- Labeled to identify function and direction of flow

NSF Standard 50

- NSF 50 is a certification for Aquatic Facility equipment to ensure that it meets the safety standards in a commercial setting
- Equipment for Aquatic Facilities such as pumps, filters, valves, chemical feeders, and any other equipment must meet NSF 50
- Exception: Suction Outlets and Return Inlets (See Suction Outlet and Return Inlet Slide)

Pumps



- NSF 50
- Installed to manufacturer's instructions
- Capable of providing required flow rate
- Cleanable strainer, skimmer basket, or screen

A pump shall not be operated if the owner/operator of the Aquatic Facility knows or should know in the exercise of ordinary care that the drain grate, suction outlet, or any suction outlet cover is missing, broken or loose. Aquatic Facility must be closed!

Filters

- NSF 50
- Installed to manufacturer's instructions
- Capable of providing required flow rate
- Observable free fall or sight glass on the waste discharge line (Sight glasses must be readily removable for cleaning)

Pressure Filters & Separation Tanks: One or more lids that provide slow/safe release of pressure and a manual air release in addition to an automatic release with a posted sign (See Sign Table)

Chemical Feeders

- NSF 50
- Required to be installed (after filter)
- Installed and operated to manufacturer's instructions

If system has chemical feed pumps, be wired so they cannot operate unless there is adequate return flow to properly disburse chemical in the water and be regulated to ensure constant feed with varying supply/back pressure

Chemical Feeder Controllers

Automated controllers that adjust chemical feed based on demand or manually, or remotely managed controllers for pool/spa automatic disinfection equipment/ chlorinators are required

pH controller required if there is an automated pH system
(Automated system not required for pH at this time)

Heaters

Post-January 1, 2021 and pre-existing pools/spas replacing heaters:

- Must follow 2021 International Swimming Pool and Spa Code Sec.316
- Heaters and hot water storage tanks shall be listed and labeled in accordance with:

Table 316.2(1) Water Heaters

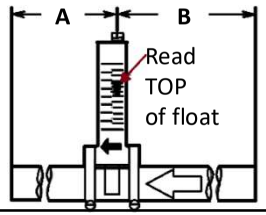
DEVICE	STANDARD
Electric Water Heater	UL 1261, UL 1563 or CSA C22.2 No.218.1
Gas-fired Water Heater	ANSI Z21.56/CSA 4.7a
Heat Exchanger	AHRI 400
Heat Pump Water Heater	AHRI 1160 and one of the following: CSA 22.2 No. 236, UL 1995, or UL/CSA 60335-2-40

Table 316.2(2) Water Heating Systems and Components

DEVICE	STANDARD
Solar Water Heater	ICC/APSP 902/SRCC 400

Flow Meters

- Must be NSF 50, NSF 60, or NSF 61
- Used to calculate Turnover Rate only (see Math Slides)
- Indicate GPM and accurate within ±10% of actual flow
- Located after the filter and installed for clearance up stream and downstream per manufacturer instructions

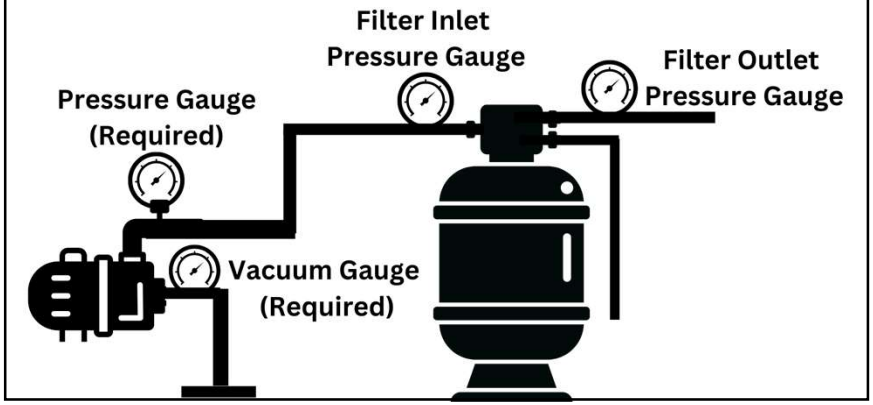


F-300 Flowmeter Installation Instructions

Dimension	Accuracy
A	Outlet Pipe Length = 2 x Pipe ID
B	Inlet Pipe Length = 5 x Pipe ID

Must be on horizontal straight pipe

Gauges



Gauges & Main Drains

Look on spare main drain cover or required documentation:

•If drain covers are on the floor, then look at GPM "floor"

•If drain covers are on the wall, then look at GPM "wall"

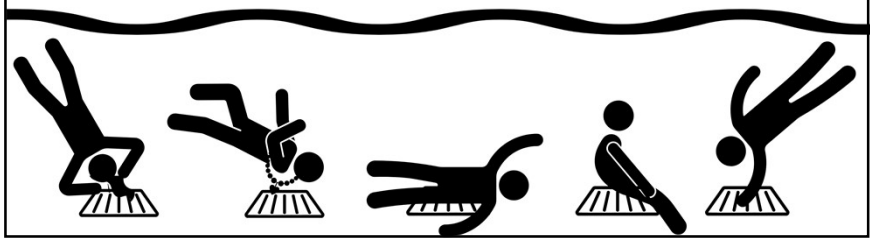
•Must be 10% more than required pump gauges calculated GPM (see Math Slides)

Gauges & Backwashing

- If the difference between the filter inlet and outlet gauges are 10-20 psi, then it is time to backwash!
- If you have a pressure gauge only on top of the filter then put a mark or turn the arrow where the needle is after you backwash (this is your clean mark). When the needle moves 8-10 psi from the clean mark, then it is time to backwash!
- Backwash water shall be discharged through an **air gap (no direct connect to sewer)** formed by positioning the discharge pipe opening **at least two pipe diameters above the overflow level** of any barriers that could cause flooding (splash screening barriers are permitted as long as the barriers do not destroy air gap effectiveness)

Suction Outlets & Return Inlets

(Another great reason why we have rules!)



Entrapment Hazards

- Hair Entrapment- the most common and most deadly
- Limb Entrapment- occurs when the cover is missing or broken and a limb is held within the plumbing due to suction
- Body Entrapment- occurs when the body is held against the suction outlet and forms a seal over the drain
- Evisceration/disembowelment- occurs when a persons buttock area seals the suction outlet causing the rectum to burst and internal organs to be withdrawn from the body
- Mechanical Entrapment- occurs when something attached to the bather tangles with structures below the water

Virginia Graeme Baker Act
Federal Law For Main Drain Covers

- Effective December 19, 2008: requires drain covers sold or manufactured in the US to comply with entrapment standards
- Requires Aquatic Facilities, regardless of age, to install safety equipment, including ASME/ANSI A112.19.8 certified suction outlets and covers, designed to prevent entrapment

https://www.dshs.texas.gov/public-swimming-pools-spas/laws-rules-public-swimming-pools-spas/virginia-graeme-baker-pool

Suction Outlet Systems

If the cover or grate on a suction outlet including a vacuum outlet, is missing, broken, or loose, the Aquatic Facility must be closed immediately and shall remain closed until a proper repair is made or a replacement is installed!

Large openings should have a cover regardless of function!

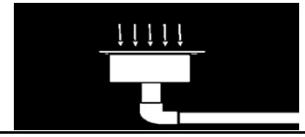
WARNING NEWS STORY ON DROWNING OF A CHILD
https://abc13.com/northwest-houston-double-tree-hotel-pool-malfunction-drowning-investigation/14566601/

Dual/Multi Main Drains

- Distance measured center to center must be GREATER THAN or equal to 3ft apart
- No means of isolating suction outlets is permitted that could allow one suction outlet to serve as the sole source of water to a pump
- Dual main drains that are LESS THAN than 3 feet apart are considered a single main drain (see next slide)

Single Main Drain
& Dual/Multi Main Drains that are LESS THAN 3ft Apart

- Must have a SVRS or APSS installed by a Licensed Engineer or Certified Installer
- SVRS or APSS devices certified to ASME/ANSI A112.19.17, ASTM F 2387
- SVRS and APSS devices shall be operated, tested, and maintained according to manufacturer's instructions
- OR be considered unblockable



Skimmers

Surface skimming system required:

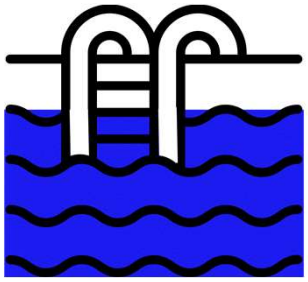
- Must be listed/labeled in accordance with NSF 50
- Designed to handle 100% of water flow
- Maintained in good condition (baskets intact if required)
- Skimmer covers installed/secured to manufacture instructions

Do NOT put chemicals in skimmers or floating devices

Return Inlets

- Return inlets are where the treated water goes back into the aquatic facility
- Located on the walls and/or the floor
- Designed to not constitute a hazard to swimmers
  - Appropriate caps in place
  - Not broken

Pool/Spa Interior
(Inside the Water)



Interior Colors/Finishes & Hazards

Colors, patterns, finishes shall not obscure objects or surfaces.
Surfaces must be smooth/easily cleanable and remain slip-resistant

Colors/Finishes:

- Pools/spas interior surfaces and finishes shall be at least 6.5 on the Munsell color value scale (existing pools must be this when refinished/repainted)

Hazards:

- Materials that come in contact with swimmers must not pose a cutting, pinching, or other means to cause injury
- Must be free of entrapment and entanglement hazards at all times
- Food, beverages, glass, and **animals** are prohibited in water

Interior Depth Markers

Located on the vertical wall of the pool in the top 4-1/2 inches of the pool wall just under the coping (within 25 ft of each other) at:

- Min and Max water depths
- Both sides and at each end of the pool
- At all points of slope change (transition line) & 2ft depth increments

Must be:

- Within ±3 inches accurate
- Color Contrasting
- Permanent such as tile (not regular pool paint)
- Numbers and letters must be **at least 4-inches tall**

Entries & Exits into Water

A minimum of 2 slip-resistant entries/exits are required for pools where water depths are greater than 24-inches at:

- Each end of pool
- Either end of deep end if it is greater than 30 ft wide

(Pool lifts, transfer walls and transfer systems that provide for pool entry and exit by persons with physical disabilities shall not be counted as the means of entry or exit)

Ladders

- Two handrails: one on each side of the ladder between 17-24 inches across (same for recessed treads)
- Ladder treads: uniform horizontal depth at least 1.5 inches (Post-21 = at least 2 inches); slip-resistant
  - Distance between ladder treads uniform 7-12 inches
  - Top tread of a ladder not greater than 12 inches below the top of the deck or coping
- **Wall clearance between wall and ladder shall not allow a 4-inch sphere to pass through it**

Underwater Steps

Handrails Post-99/where provided/remodeled:

- Installed so they cannot be removed without use of tools
- Top of gripping surface 34-38 inches above ramp or step surface as measured at nosing of step or finished surface of slope
- Leading edge of handrails located not greater than 18 inches from vertical face of bottom riser
- Outside diameter 1-1/4 to 2 inches

Each step requires 1-inch solid or broken stripe (see next slide)

Solid/Broken 1-inch Stripe

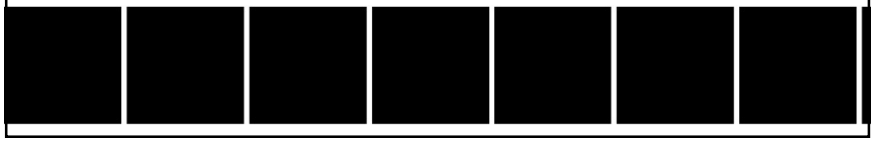
A horizontal solid or broken stripe on the top surface along the front leading edge shall be visually set apart with a 1-inch row of floor tile or other permanent method (not regular pool paint) that is color contrasting is required for:

- Underwater Steps
- Underwater Seats or Benches
- Water Lounges
- Underwater Toe Ledges
- Swimouts
- Or any other protrusion the Health District deems necessary for the safety of swimmers

Transition Line

The transition point of the pool where the depth reaches <u>greater than 5 ft</u> shall be visually set apart with a total of 4-inch row of floor tiles or other permanent method (not regular pool paint) that is color contrasting.

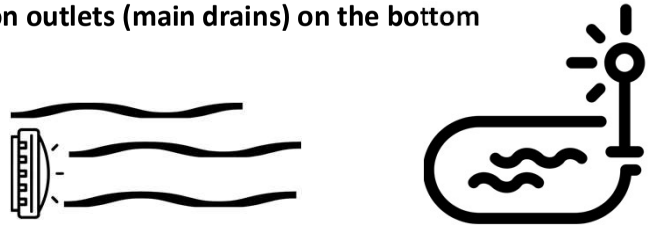
(Class B Pools must also have a rope with floats line)

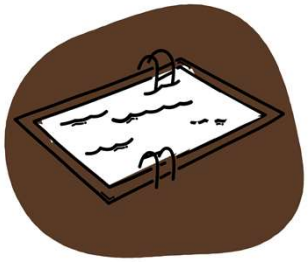


Interior Lighting

Aquatic Facilities must provide lighting 30 minutes prior to sunset, during the night, and until close or 30 minutes after sunrise if open during said times

Lighting must illuminate all areas inside the water, including all suction outlets (main drains) on the bottom





Pool/Spa Exterior
(Outside of the Water)

Exterior Hazards & Requirements

Hazards:

- Materials that come in contact with users must not pose a cutting, pinching, or other means to cause injury including tripping
- Glass shall not be allowed on a deck or anywhere within the pool/spa yard (including tables)

Requirements:

- Food and beverages shall be served only in non-breakable containers out of the water
- Covered trash containers shall be provided where food and beverages are allowed/served

Service Animals

Animals permitted under 28 CFR §36.302(c) and 24 CFR §100.204 shall be allowed on the deck and within the pool/spa yard, but **NOT IN** the water!
(unless they are rescuing you from drowning)

Service animal means any **dog** or **miniature horse** that is trained to do work or perform tasks for the benefit of an individual with a disability.

Decks

- Decks, ramps, coping, steps, markers, and brand insignias shall be slip-resistant
- Glass is prohibited (including furniture)
- No standing water (deck drains must remain clean)
- Post Jan 1, 2023: the structural design and installation in accordance with the International Building Code

Additional information can be found at:
https://codes.iccsafe.org/content/ISPSC2021P3/chapter-3-general-compliance#ISPSC2021P3_Ch03_Sec306

Deck Depth Markers

Located within 18-inches (24-inches pre-99) of water's edge (within 25 ft of each other and not located directly above an entry/exit) at:

- Min and Max water depths
- Both sides and at each end of the pool
- At all points of slope change (transition line) & 2ft depth increments

Must be:

- Slip-resistant
- Within ±3 inches accurate
- Color Contrasting
- Permanent such as tile (not regular pool paint)
- Numbers and letters must be **at least 4-inches tall**

Deck No Diving Markers

Located within 18-inches (24-inches pre-99) of water's edge (within 25 ft of each other and not located directly above an entry/exit) where the depth is less than 5 ft (may put them at deeper depths if desired).

Must be:

- Slip-resistant
- Permanent such as tile (not regular pool paint)
- Letters and symbol must be at least 4-inches in height
- Clearly marked in a color contrasting to the background
- Permanently affixed to permanent structures above the pool deck within 5 ft of water's edge (not required on diving boards or diving platforms, ADA-compliant chair lifts, slide flumes, lifeguard stands, or bridges)

Deck Lighting

Post-January 1, 2021:

- Required for Deck Area
- **Emergency Lighting Requirements-** will automatically turn on to permit evacuation of pool and securing of area in event of power failure
  - Illumination not less than 0.1 foot-candle measure at any point on water surface and at any point on walking surface of deck, and not less than an average of 1 foot-candle
  - At the end of the emergency lighting time duration, illumination level shall be not less than 0.06 foot-candle measured at any point on the water surface and at any point on the walking surface of the deck, and not less than an average of 0.6 foot-candle
  - A max-to-min illumination uniformity ratio of 40:1 shall not be exceeded

Diving Boards

Diving boards must follow the 2021 International Swimming Pool and Spa Code Section 402. Manufactured diving equipment shall be installed in accordance with the manufacturer's instructions. The manufacturer's instructions shall refer to the water envelope type by dimensionally relating their products to Point A on the water envelopes shown in Table 402.12. The diving board manufacturer shall specify which boards fit on the design pool geometry types as indicated in Table 402.12.

Label required to be permanently affixed to the diving board in a readily visible location with the following: minimum diving water envelope, manufacturer's name and address, manufacturer's identification and date of manufacture, and the maximum allowable weight of user

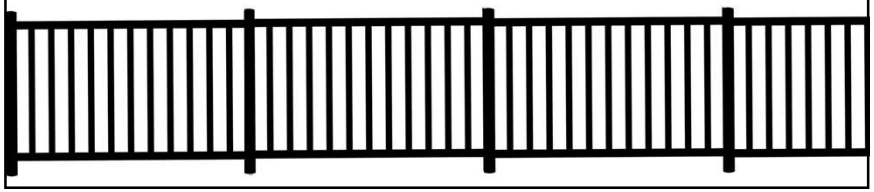
Slides & Aquatic Play Features

Any feature that meets the definition of a "slide" in the Consumer Product Safety Commission's Safety Standard for Swimming Pool Slides as published in Title 16 Code of Federal Regulations, Part 1207, shall comply with those standards in addition to Texas' rules. Examples include, but not limited to:

- Slide must be in good condition and be able to handle anticipated load
- Slide steps must be slip-resistant
- Handrails must be provided for slide ladders

Aquatic play features must be in good condition

Enclosures



All Classes

- Gates/doors capable of being locked and locked when not open for use, under repair, hazards exist, certain weather conditions, hand distribution of chemicals, or any other condition that warrants closure of pool/spa
- Service gates/doors used only by service personnel not required to be self-closing/self-latching; must be kept closed/locked when not in use
- Propping open gates/doors prohibited

<u>Doors or gates can open INTO the pool/spa yard if:</u>

- Door/gate is to a storage room, restroom, shower room, dressing room, or mechanical room and the room does not have an additional door/gate to outside of pool/spa yard, or
- deemed an Emergency Exit by the Fire Marshal's Office

All Classes Continued

- Elevator doors prohibited as entry/exit into pool/spa yard when pool/spa is inside building or accessed from interior of building
- Windows capable of being opened not allowed as part of enclosure unless windows are above required enclosure height measured from ground level
- Planters/light poles/site furnishings not permitted within 36-inches from outside of enclosure or located inside enclosure so that enclosure can be climbed from outside
- Trees trimmed to prevent being used to climb enclosure
- Cannot be readily climbable & no horizontal mid-rail

Resident Youth Camps & Class B

- Minimum 6 feet high
- No openings/gaps greater than 4-inches
- Chain link max opening of 1-3/4 inch
- All doors/gates/windows directly/continuously supervised by staff during hours of operation or locked

Multiunit Rental (aka Apartment) Complex & Homeowner/Property Owner Associations

Fence

Post-94:

- Minimum 48 inches high and no openings/gaps greater than 4-inches
- Horizontal and vertical members distance between the tops of horizontal members at least 45 inches, openings must be no more than 4-inches
- Horizontal and vertical members distance between the tops of horizontal members less than 45 inches, openings must be no more than 1-3/4 inches
- Chain link fence prohibited and decorative designs/cutouts may not contain any openings greater than 1-3/4 inches

Pre-94 same as above except that:

- Chain link openings no more than 2-1/4 inches (prohibited when fence replaced)
- Horizontal and vertical members distance between tops of horizontal members is at least 36 inches; openings no more than 4-inches

Gates

- Self-closing/self-latching
- Gate latch at least 60-inches above ground, *installed lower if*:
  - Latch on pool side and at least 3 inches below top of gate; and gate or enclosure no openings greater than 1/2 inch within 18 inches from latch
  - Gate latch may be located 42 inches or higher above ground if gate cannot be opened except by key, card, or combination on both sides of gate
  - ADA requires it (check with Fire Marshal's Office)

Doors Post-Sept 1993

Post-94:

- Door, sliding glass door, or French door may not open directly into pool/spa yard (unless deemed an Emergency Exit by the Fire Marshal's Office)

Post-Sept 1993:

- Keyed deadbolt/keyless deadbolt with throw of not less than 1-inch

Doors Pre-94

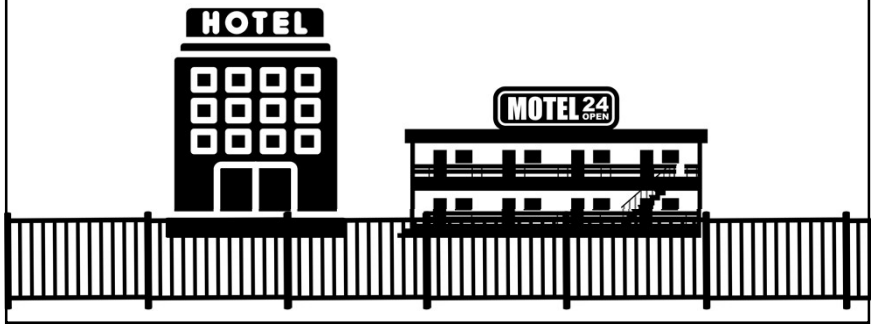
Pre-94: If door opens into pool/spa yard, must have: latch automatically engages when door is closed; spring-loaded door-hinge pin, automatic door closer, or similar device to close automatically; keyless bolting device 36-inches to 48-inches above floor

French Doors (one door must comply with latch above) and:
- Keyed deadbolt/keyless bolting device with insertion into doorjamb above door, and keyless bolting device with insertion into floor or threshold; or
- Bolt at least 3/4-in throw installed in door and operated from edge of door that has insertion into doorjamb above door and another bolt at least 3/4-in throw inside door and operated from edge of door with insertion into floor or threshold

Sliding Glass Door must have:
- Handle latch or security bar not more than 48-inches above floor
- Sliding door pin lock not more than 48-inches above floor

Pre-Sept 1993: Keyed dead bolt, keyless bolting device, sliding door pin lock, or sliding door security bar not more than 54-in from floor

Hotels/Motels & Other Class C



Fence

- Minimum 48 inches high
- No openings/gaps greater than 4-inches
- Distance between horizontal members of fence that is 48-inches in height shall be no less than 45 inches apart
- Post-99: chain link fencing prohibited for pools/spas
- Pre-99: replaced fencing prohibited from using chain link

Doors & Gates

- Self-closing/self-latching
- Hand-activated door/gate opening hardware at least 3 1/2 ft above deck/walkway; or
- Hand-activated door/gate opening hardware on pool side at least 3-inches below top of gate;
- No opening greater than 1/2 inch within 18-inches from latch; and
- Gate latch that may be located 42-inches or higher above ground if gate cannot be opened except by key, card, or combination on both sides of gate
- Must follow ADA laws (check with Fire Marshal's Office)

Safety & Life Guards

(All Pools need a First Aid Kit)

Drinking Water

At least one drinking water fountain or other source of drinking water, such as bottled water, shall be provided and available for pool and spa users at all pools and spas constructed on or after October 1, 1999 (and recommended for Pre-99), **and shall be available at all times the Aquatic Facility is open for use**

A faucet, spigot or sink does not satisfy the requirements for providing drinking water and NO GLASS

The drinking water is <u>not</u> required to be chilled!

The drinking water is not required to be located in the pool/spa yard (when the drinking water is not located in the pool/spa yard, a sign is required)

Emergency Summoning Device

Aquatic Facilities shall have a minimum of one emergency summoning device that is readily accessible within 200 ft of water's edge and functions 24 hours a day while Aquatic Facility is open for use. Can be:

- Telephone capable of making calls to 911 dispatch or to an emergency service
- An emergency monitoring contact device: when activated, shall directly connect to a 24-hour monitoring service, or directly to 911 dispatch or to emergency medical services (a telephone or emergency monitoring device shall not be answered by an on-site office)
- Cell phone dedicated for use at Aquatic Facility, mounted in pool/spa yard for public use and labeled as the emergency phone, may be used if the cell phone is activated by a service provider and provided with permanent power supply

Ring Buoy with Throwing Rope

A **<u>pool</u>** shall have at least one ring buoy with a throwing rope attached that is visible/readily accessible in the pool yard for every 2000 sq. ft. of pool surface area up to 6000 sq. ft. If the pool has over 6000 sq. ft. of surface area an additional ring buoy with throw rope shall be provided for each additional 4000 sq. ft.:

<u>Ring buoy:</u>
- USCG-approved
- No more than 24-inches inside diameter

<u>Rope:</u>
- 1/4-inch to 3/8-inch thick
- At least 2/3 max width of pool

Reaching Pole with Body Hook

A **pool** shall have at least one reaching pole with a body hook attached that is visible/readily accessible in the pool yard for every 2000 sq. ft. of pool surface area up to 6000 sq. ft. If the pool has over 6000 sq. ft. of surface area an additional reaching pole with body hook shall be provided for each additional 4000 sq. ft.:

Reaching Pole:
- Light, strong
- Non-telescoping & Non-conductive
- At least 12 ft long

Body Hook:
- Or Shepherd's crook
- Blunted ends

Lifeguards

A minimum of two lifeguards shall be provided at:
- Class A pools during competitive events
- Class B pools whenever the Class B pool is open
- Class C pools operating as a Class B pool
- Any pool where a user enters the water from any height above the deck or wall
- Any wave or surf pool
- Any pool while being used for recreation of youth groups, including youth camps, visiting childcare groups, or visiting school groups

Additional requirements can be found in the next section of your book. See Table of Contents for which page Lifeguard Requirements are on

Signs, Signs, and More Signs

The next slides have tables with the required signs for all pools (Class A,B,C).

Signs that are illegible must be replaced prior to permitting with the correct requirements. All signs are required to be INSIDE the pool enclosure unless noted otherwise!

Pool Signs with Distinctive Border	Letter/Size
"WARNING-NO LIFEGUARD ON DUTY" (Where no lifeguard required or provided.)	4 inches
"NO DIVING" and International No Diving Symbol (Where no lifeguard required or provided.)	4 inches
Post-Jan 2023 & Pools already with switch: "EMERGENCY POOL SHUTOFF" and location of the switch if not clearly visible. (Border not required)	"Clearly identify"
Maximum User Load Limit	At least 2 inches
Hours of Operation	At least 1 inch
When Closed: "Pool Closed" or "Closed" on gates/entries	Not specified

Pool Signs with Distinctive Border	Letter/Size
IN CASE OF EMERGENCY, DIAL 911	4 inches
Directions to and Location of Emergency Phone if Phone Not Visible in Pool Yard	At least 2 inches
Precise Location of the Pool on or with the Emergency Phone (address, directions, GPS location, or building number, as appropriate)	At least 1 inch
Clear operating instructions for emergency summoning device must be provided. (Border not required)	Not specified
Post-99: When the drinking water is not located in the pool yard, a sign that informs the users of the location of the drinking water is required. (Border not required)	At least 1 inch

Pool Signs with Distinctive Border	Letter/Size
PETS IN THE POOL ARE PROHIBITED	At least 2 inches
DO NOT SWIM IF YOU HAVE BEEN ILL WITH DIARRHEA WITHIN THE PAST 2 WEEKS	At least 2 inches
GLASS ITEMS NOT ALLOWED IN THE POOL YARD	At least 2 inches
PERSONS UNDER THE AGE OF 14 MUST NOT BE IN THE POOL WITHOUT ADULT SUPERVISION (Where no lifeguard required or provided.)	At least 2 inches
EXTENDED BREATH HOLDING ACTIVITIES ARE DANGEROUS AND PROHIBITED	At least 2 inches

Other Signs	Letter/Size
A warning sign against unauthorized entry must be posted on the entry door or gate to the pool and/or spa equipment room, building, or area	Not specified
All doors opening into chemical storage spaces shall be equipped with permanent signage with the following: a warning against unauthorized entry, statement of expected hazards, statement of location of the associated safety data sheets, product chemical hazard NFPA chart	Not specified
Ozone Rooms: “DANGER GASEOUS OXIDIZER – OZONE”	At least 4 inches
“DO NOT START THE SYSTEM AFTER MAINTENANCE WITHOUT FIRST PROPERLY REASSEMBLING THE FILTER AND SEPARATION TANK AND OPENING ALL AIR RELEASE VALVES” in a conspicuous location within the areas of air release	Not specified (previously 1 inch)

Toilet Facilities
Class A, B, and Wherever Provided

Must have liquid or powder soap in metal or plastic dispensers, toilet paper on a holder, and (where provided) shatter-resistant mirrors

Post-January 1, 2023 must provide:

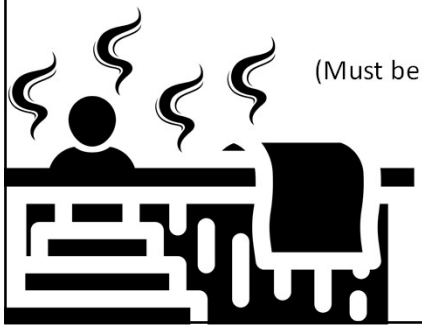
- Sanitary napkin receptacle in each stall for females
- Sanitary napkin dispenser in toilet facility for females
- Baby-changing tables in toilet facilities with 2 or more stalls (regardless of gender)

Dressing and Sanitary Facilities
Class A, B, and Wherever Provided

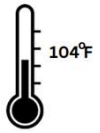
When mirrors are provided, they must be shatter-resistant mirrors

Post-January 1, 2023 must provide:

- At least one cleansing shower for each males and females per 7500 sq. ft. with 90°F-120°F water (controls prohibited to bathers), liquid or powder soap in metal or plastic dispensers, and sanitary napkin receptacle for females
- At least one rinsing shower (not required to be heated) on the deck of or at the entrance of each pool



Spa Specific



(Must be on a separate system from pool)

Spa Maximum User Capacity

Shallow (Less than 5 feet) or Wading Areas		
Maximum Number of Users in Spas Example: Surface area of spa is 25 ft²	25 ÷ 8 = 3.125 = 3 people	8 ft² per user (Surface Area ÷ 8)

Spa Required Turnover Rate

Any Year	Maximum Time
Spas	30 minutes

Spa Required Chemical Levels

Level	Minimum	Ideal	Maximum
Spa Chlorine	2.0 ppm	3.0 ppm	8.0 ppm
Spa Bromine	4.0 ppm	5.0 ppm	10.0 ppm
Combined Chlorine	None	None	0.4 ppm
Spa Calcium Hardness	100 ppm	150 – 400 ppm	800 ppm
pH, CYA (outdoor only), ORP, and Alkalinity	Same as pools	Same as pools	Same as pools
Spas must also be treated to eliminate algae			

Spa Pumps & Emergency Shut-off Switch

Spa pumps and motors shall be labeled for use in spas

Emergency shut-off switch:

- Provided for circulation, jet system pumps, and air blowers with sign (see sign table)
- Shall be accessible to users, located within sight of the spa not less than 5 ft horizontally from the inside walls of the spa
- Post-January 1, 2023: provided with audible alarm at least 80 decibels, light, and sign (see sign table)

Spa Timer

Pre-January 1, 2023 Timer:

- Timer operates blower and booster pump
- Shuts off automatically after 15 minutes or manually when turned to the off position

Post-January 1, 2023 and Replaced Timers:

- Timer must be 10 minutes

(A Clock must also be provided that is visible to spa users)

Spa Temperature

A means shall be provided to indicate the water temperature in the spa.
Glass Thermometers are Prohibited

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The maximum water temperature of a spa shall not exceed 104^{o}F
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Spa Interior & Exterior

Depth Markers:
- Must have a minimum of 2 interior depth markers
- Must have a minimum of 2 deck depth markers

Deck No Diving Markers:
- "NO DIVING" and International No Diving Symbol are not required
- May be added if desired

Entries/Exits:
- A minimum of 1, slip-resistant, entry/exit is required

Spa Signs

The following slide has signs for spas!

Illegible signs must be replaced prior to permitting with the correct requirements. All signs are required to be INSIDE the spa enclosure unless noted otherwise!

Spa Specific Required Signs with Distinctive Border	Letter/Size
DO NOT USE THE SPA IF THE WATER TEMPERATURE IS ABOVE 104 DEGREES FAHRENHEIT	At least 1 inch
Post-Jan 2023 & Spas already with alarm: "ALARM INDICATES SPA PUMPS OFF. DO NOT USE SPA WHEN ALARM SOUNDS AND LIGHT IS ILLUMINATED UNTIL ADVISED OTHERWISE"	"Visible"
Additional signs may be required at a later time due to 2023 International Swimming Pool and Spa Code when the city updates local ordinance.	

Spa Signs with Distinctive Border	Letter/Size
"WARNING-NO LIFEGUARD ON DUTY" (Where no lifeguard required or provided.)	4 inches
"NO DIVING" and International No Diving Symbol	4 inches
EMERGENCY SPA SHUTOFF	At least 2 inches
Maximum User Load Limit	At least 2 inches
Hours of Operation	At least 1 inch
When Closed: "Spa Closed" or "Closed" on gates/entries	Not specified

Spa Signs with Distinctive Border	Letter/Size
IN CASE OF EMERGENCY, DIAL 911 (Recommended, not required)	4 inches
Directions to and Location of Emergency Phone if Phone Not Visible in Pool Yard	At least 2 inches
Precise Location of the Pool on or with the Emergency Phone (address, directions, GPS location, or building number, as appropriate)	At least 1 inch
Clear operating instructions for emergency summoning device must be provided. (Border not required)	Not specified
Post-99: When the drinking water is not located in the pool yard, a sign that informs the users of the location of the drinking water is required. (Border not required)	At least 1 inch

Spa Signs with Distinctive Border	Letter/Size
PETS IN THE SPA ARE PROHIBITED	At least 2 inches
DO NOT SWIM IF YOU HAVE BEEN ILL WITH DIARRHEA WITHIN THE PAST 2 WEEKS	At least 2 inches
GLASS ITEMS NOT ALLOWED IN THE SPA YARD	At least 2 inches
PERSONS UNDER THE AGE OF 14 MUST NOT BE IN THE SPA WITHOUT ADULT SUPERVISION (Where no lifeguard required or provided.)	At least 2 inches
EXTENDED BREATH HOLDING ACTIVITIES ARE DANGEROUS AND PROHIBITED (Recommended, not required)	At least 2 inches

Other Signs	Letter/Size
A warning sign against unauthorized entry must be posted on the entry door or gate to the pool and/or spa equipment room, building, or area	Not specified
All doors opening into chemical storage spaces shall be equipped with permanent signage with the following: a warning against unauthorized entry, statement of expected hazards, statement of location of the associated safety data sheets, product chemical hazard NFPA chart	Not specified
Ozone Rooms: “DANGER GASEOUS OXIDIZER – OZONE”	At least 4 inches
“DO NOT START THE SYSTEM AFTER MAINTENANCE WITHOUT FIRST PROPERLY REASSEMBLING THE FILTER AND SEPARATION TANK AND OPENING ALL AIR RELEASE VALVES” in a conspicuous location within the areas of air release	Not specified (previously 1 inch)

Wading Pool Specific

(Post-99 must be on a separate system from pools)

Wading Pools

Post-99:

- Definition- max water depth 24 inches
- Be physically set apart from shallow water areas by at least 15 ft (maintain clear visibility through the barrier)
- Be physically set apart from deep water areas by at least 35 ft (maintain clear visibility through the barrier)

Post-January 1, 2021:

- Definition- max water depth 18 inches
- Must not have submerged suction outlets. Skimmers or overflow gutters must accommodate 100% of the circulation system flow rate

Post-January 1, 2023:

- Physically separated from main pool (decking required to be 6 ft)

Wading Pool Maximum User Capacity

Shallow (Less than 5 feet) or Wading Areas	
Maximum Number of Users in Wade Pools and Wade Pools with Public Interactive Water Features Example: Surface area of wading pool is 100 ft^2 100 ÷ 8 = 12.5 = 12 people	8 ft^2 per user (Surface Area ÷ 8)

Wading Pool Required Turnover Rates

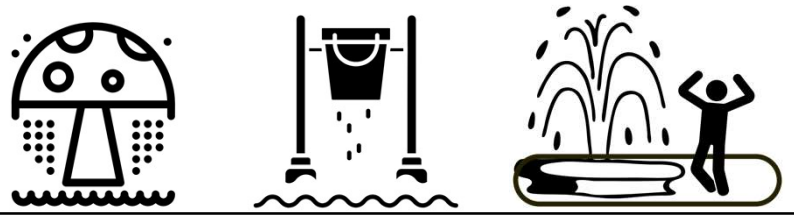
Pre-99 Wading Pools with or without Public interactive Water Features	Maximum Time
Wading Pools (gravity to main pool)	Same as pools
Wading Pools (stand-alone)	1 hour
Post-99/Post-21 Wading Pools with or without Public Interactive Water Features	**Maximum Time**
Wading Pools	1 hour

Wading Pool Suction Outlet Systems

A wading pool constructed or heavily renovated on or after January 1, 2021 SHALL NOT have fully submerged suction outlets. Skimmers or overflow gutters shall be installed and shall accommodate 100% of the circulation system flow rate!

******Wading Pools and Activity Pools are two different types of pools. Activity Pools are becoming increasingly popular in bigger cities******

Public Interactive Water Feature (PIWF) Specific



Public Interactive Water Features

Definition: includes water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons in various arrays for purpose of wetting persons playing in spray streams. Other examples: mushrooms, water curtains, ground sprays

Applies: rules apply to all PIWFs whether the PIWF shares or does not share a water supply, disinfection system, filtration system, circulation system, or any other treatment system that allows water to co-mingle with any other water feature or a pool

Does NOT Apply: a PIWF that is supplied entirely by drinking water that is not recirculated is not subject to: signs (other than contact number in the event of a problem requiring correction), record keeping, circulation and disinfection, and water quality such as chlorination, etc.

Post-January 1, 2023: direct suction outlets from PIWFs prohibited

PIWF Operation and Management

PIWFs shall be operated and maintained under supervision and direction of properly trained and certified operator who is responsible for sanitation and proper maintenance of PIWF, and who is responsible for maintaining all physical and mechanical equipment and records

Certified Pool Manager required and must have one of the following:

- NRPA, "Aquatic Facility Operator" (A.F.O.)
- NSPF, "Certified Pool Operator" (C.P.O.)
- ASPSA, "Licensed Aquatic Facility Technician" (L.A.F.T.)
- AquaTech Pool and Aquatic Facility Operator

PIWF Records

Records must be kept for 2 years & be available within 5 days:

- Chemical Log Book
- Routine and preventative maintenance schedule/activities
- Documentation of any *Cryptosporidium* testing if required
- Documentation of supplemental water treatment conducted

PIWF Stand-Alone Maximum Bather Load

Stand-Alone Public interactive Water Feature (not in a pool)	
Maximum Number of Users on PIWF Example: Surface area of PIWF is 300 ft^2 300 ÷ 15 = 20 people	15 ft^2 per user (Surface Area ÷ 15)

PIWF Turnover Rates

Pre-May 1, 2010	**Maximum Time**
Public Interactive Water Feature	As designed
Public Interactive Water Feature in a Wading Pool (Unless Pre-99 Gravity Fed)	1 hour (As designed)
Post-May 1, 2010 and extensively remodeled	**Maximum Time**
Public Interactive Water Feature	1 hour

PIWF Required Chemical Levels

Level	Minimum	Ideal	Maximum
Chlorine	1.0 ppm	3.0 – 5.0 ppm	8.0 ppm
Bromine	2.5 ppm	5.5 – 7.5 ppm	12.0 ppm
Combined Chlorine (outdoors)	None	None	1.5 ppm
Combined Chlorine (indoors)	None	None	0.5 ppm
pH	7.0	7.4 – 7.6	7.8
Cyanuric Acid	None	20 ppm	50 ppm

PIWF Automatic Chemical Controls

Post-May 1, 2010 Requirements:

- Automatic disinfectant and pH feed equipment
- Capable of automatically adjusting chemical feed on demand
- Installed and operated in accordance to manufacturer's instructions
- Make-up water supply air gap/other acceptable cross-connection control
- Prevent siphoning from recirculation system to solution container and prevent siphoning of chemical into PIWF
- Failure-proof features so chemical cannot feed into PIWF, piping system, or water supply system if equipment or power fails, or if there is not adequate return flow to properly disperse chemical

PIWF Treatment Tank & Filtration Pump

Treatment Tank:

- Be designed to provide ready access for cleaning/inspections and capable of draining
- Have automatic water level controller
- Have any makeup water introduced into treatment tank through an air gap or by another method which will prevent back flow and back-siphonage
- Post-January 1, 2023: access hatch/lid locked or require tool

Filtration Pump Post-January 1, 2023: sized to turn over surge basin in 30 minutes or less

PIWF Supplemental Disinfectant

PIWFs shall be equipped with a supplemental water treatment system that will protect the public against infection by *Cryptosporidium* such as:

- UV light disinfection
- Ozone
- NSF/ANSI-50 product, combination of products, or process to control *Cryptosporidium*
- Weekly hyperchlorination following the Center for Disease Control's Recommendations for Aquatics Operators of Treated Venues "Hyperchlorination to Kill *Cryptosporidium*"
- Equivalent product, process, or system approved by the Texas Department of State Health Services

PIWF UV Light Treatment

- Installed after filter, but before chemical feeders
- NSF/ANSI-50 Standard AND Provide a 3-log kill of *Cryptosporidium*
- Provide validated dosage = to 40mJ/cm^2 or greater at end of lamp life
- Automatic audible alarm to warn of UV light disinfection unit malfunction or impending shutdown
- Automatic mechanism for shutting off power to UV light source whenever protective UV unit cover is removed
- Be installed in enclosure designed to protect the operator against electrical shock or excessive radiation and that provides protection from UV exposure

PIWF Ozone Treatment

If using Ozone as the Supplemental Treatment, then it must meet standards in EPA Guidance Manual for Alternative Disinfectants and Oxidants Guidance Manual, EPA Publication 815-R-99-014

AND

Have the required sign for Ozone Rooms: "DANGER GASEOUS OXIDIZER – OZONE" in 4-inch high letters

PIWF Pre-May 1, 2010 Alternative

Pre-May 1, 2010 Stand-alone PIWFs may have a system OR test water every 14 days for *Cryptosporidium*

Pre-May 1, 2010 Co-mingled PIWFs may have a system OR test water every 30 days for *Cryptosporidium*

Public interactive Water Feature (PIWF) Signs posted at the entrance of the PIWF	Letter/Size
"Non-Service Animals Prohibited"	At least 2 inches
"Changing Diapers Within 6 Feet Of The Water Feature is Prohibited"	At least 2 inches
"Use Of The Water Feature If Ill With A Contagious Disease is Prohibited"	At least 2 inches
"Do Not Drink Water From The Water Feature"	At least 2 inches
"Use Of The Water Feature When Ill With Diarrhea is Prohibited"	At least 2 inches
At PIWFs without an on-site owner or operator a sign shall be posted that provides a contact number to be used in the event of a malfunction, unsanitary condition, or any other non-emergency problem requiring correction at the PIWF.	At least 2 inches
Closed notice posted on the entrance when it is closed	Not specified

Aquatic Recreation Facility (Class B) Specific

Aquatic Recreation Maximum User Capacity

	Shallow or Wading Areas	Deep Area (not including Diving)	Diving Area per diving board	Deck Area
Vessel water surface area	8 ft^2 per user (Surface Area ÷ 8)	10 ft^2 per user (Surface Area ÷ 10)	300 ft^2 per user (Surface Area ÷ 300)	-
Deck area	-	-	-	15 ft^2 per user (Surface Area ÷ 15)

The occupant load shall be the combined total of the number of users based on the pool or spa water surface area and the deck surrounding the pool or spa. The deck area occupant load shall be based on the occupant load calculated where a deck is provided or based on an assumed 4-foot-wide deck surrounding the entire perimeter of the pool or spa, whichever is greater.

Aquatic Recreation Required Turnover Rates

Pre-21 Pools	Maximum Time
Specialty Pools	As designed
Post-21 Pools	**Maximum Time**
Wave Action Pool	1 hour
Activity Pool <24-inches depth	1 hour
Activity Pool ≥24-inches depth	2 hours
Catch Pool	1 hour
Leisure River	2 hours
Vortex Pool	1 hour

Aquatic Recreation Skimming Systems

Pool Type	Surface Skimming System
Wave Pool	Zero-depth trench located at static water level or other skimming system
Activity Pool	Auto skimmer, zero-depth trench or gutters
Catch Pool	Auto skimmer, zero-depth trench or perimeter device
Leisure River	Single or multiple skimmer devices for skimming flow
Vortex Pool	Skimmers prohibited in side area

Aquatic Recreation Entries & Exits

Pool Type	Entry & Exit Location
Wave Pool	Entry at beach end only; Exit beach end, sides or end wall
Activity Pool	Entry/Exit determined by pool designer
Catch Pool	Entry prohibited deck areas; Exit ladder/ step/ramp determined by pool designer
Leisure River	Entry/Exit determined by pool designer
Vortex Pool	Entry/Exit determined by pool designer

Aquatic Recreation Markings & Separation

Post-January 1, 2023:

- Pools having nonflush propulsion nozzles in the floor must be distinctively marked
- Activity Pools with depth greater than 4 ½ ft shall have distinctive floor marking at 4 ½ ft
- Rope and float line required for separation of activity areas

Aquatic Recreation Safety Float Line

Required for Class A and Class B not being used for competitive events:

- Rope and float line between 1 and 2 ft on shallow water side of 5 ft water depth
- Floats: spaced at max 7 ft intervals and secured so they will not slide or bunch up
- The stretched rope and float line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by users
- Rope and float lines shall be securely fastened to wall or deck anchors made of corrosion-resisting materials and of type that is recessed or removable and shall have no projection that will constitute a hazard when line is removed

Specialty Slides & Catch Pools

Slide flumes constructed must be easily cleanable, have proper drainage in all valleys and dips, and have safety measures that ensure a rider cannot fall or be ejected from the flume.

Additional slide rules:

- Texas Health and Safety Code Title 13 Sports, Amusements, and Entertainment
- Federal Regulation Part 1207 – Safety Standard for Swimming Pool Slides

Wave Pools

- Must be fitted with a rope and float line located to restrict access to the caisson wall if required by the equipment manufacturer. (Safety rope and float lines at the shallow to deep water transition do not apply)
- Post Jan-2021: must provide a minimum of two emergency shutoff switches readily accessible to lifeguards, one on each side of wave pool, to disable wave action
- Caisson barriers required (unless using forced air to generate waves and not recommended by manufacturer) and must have no openings that would allow passage of a 4-inch sphere

Leisure Rivers

Post-January 1, 2023:

- Obstructions such as landscaping, walls, or bridges are allowed provided they do not impact lifeguarding, sight lines, or rescue operations
- Depth markers at leisure rivers are required on the sidewalls on both sides of all entry and exits, but if the depth is consistent, they are not required in the landscape, where there is no deck, or on the sidewalls in the main channel of the leisure river

Surf Pools

- Must be fitted with a rope and float line located to restrict access to the caisson wall if required by the equipment manufacturer. (Safety rope and float lines at the shallow to deep water transition do not apply)
- Post Jan-2021: must provide a minimum of two emergency shutoff switches readily accessible to lifeguards, one on each side of wave pool, to disable wave action
- Additional Rules Found at §265.195(e) Surf Pools https://www.dshs.texas.gov/sites/default/files/poolspa/pdf/25%20TAC%20Chapter%20265%20Subchapter%20L.pdf

Moveable Floor Pool/Spa

Post-January 1, 2021:

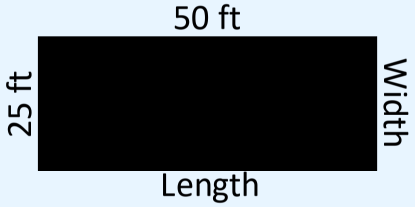
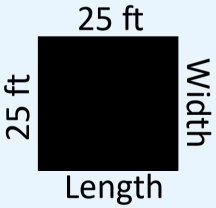
- The use of starting platforms in the area of a movable floor is prohibited when the water depth is shallower than 5 ft
- Use of the moveable floor portion of the pool shall not be open to users when the floor is being raised or lowered
- See sign table for signs

Aquatic Recreation Facilities Signs in Addition to Pool Signs
Placement and letter size: Not mounted on fences or gates of guest walkways/staircases. Squarely face approaching traffic with center line at least 66 inches above walking surface with clear and bold font such as Arial 1 inch for 10 feet of intended viewing distance, but at least 1 inch
Provide: pertinent information of the activity being performed or to be performed, details about the activity, short and concise, direct without humor or embellishments
General information Signs: posted facility-wide (not attraction specific)
Directional Signs: identify location of services and attractions in the park with directional arrows posted at various crossroads
Rules Signs: inform guests of qualifications (weight/height, proper attire, etc.) of the specific ride/attraction posted at the point where the guest make the initial commitment to participate on the ride

Aquatic Recreation Facilities Signs in Addition to Pool Signs
Instructional: instructions for use of ride (posture, prohibited activity, user exit requirements, etc.) posted along queue approaching ride dispatch area
Shallow water warnings
Cold water warning sign posted at point of entry to pool or at attraction using such water where water temperature could fall below 70°F
Varied Depth Pools: must be posted to inform user that pool has varied depth and refer to sign showing current depth (the posted water depth must be water level to floor of pool measured vertically 3 ft from wall of pool)
At least 2-inches letter height: An island not designed or intended for walking on by pool users must have signs stating "No Entry"

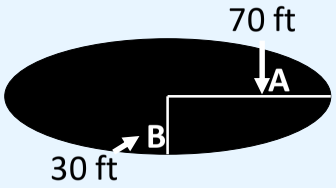
Math Section

Calculating Surface Area (SA)

Rectangle	Square
	
Surface Area = Length x Width = 50 x 25 SA = 1,250 ft^2	Surface Area = Length x Width = 25 x 25 SA = 625 ft^2

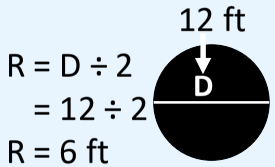
Calculating Surface Area (SA)

Oval



Surface Area = A x B x 3.14
= 70 x 30 x 3.14
SA = 6,594 ft^2

Circle

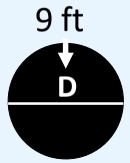


R = D ÷ 2
= 12 ÷ 2
R = 6 ft

Surface Area = R x R x 3.14
= 6 x 6 x 3.14
SA = 113.04 ft^2

Calculating Surface Area (SA)

Multi-Depth Circle



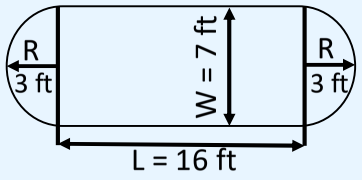
R = D ÷ 2
= 9 ÷ 2
R = 4.5 ft

Surface Area Top = R x R x 3.14
= 4.5 x 4.5 x 3.14
SA Top = 63.59 ft^2

The surface area formula is the same as the surface area formula for a circle

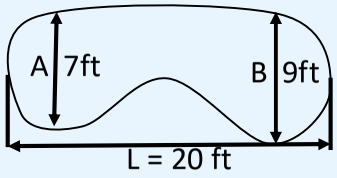
Calculating Surface Area (SA)

Oblong



Surface Area = R x R x 3.14 + (L x W)
= 3 x 3 x 3.14 + (16 x 7)
= 28.26 + (112)
SA = 140.26 ft^2

Kidney



Surface Area = (A + B) x L x .45
= (7 + 9) x 20 x .45
= (16) x 9
SA = 144 ft^2

Maximum User Capacity/Bather Load

You have a pool with a constant depth of 4 feet and a surface area of 1,144 ft^2. You have a minimum deck. What is your maximum bather load?

Shallow (Less than 5 feet; not including Wading Pools)

Pools with Minimum Deck Area (4ft wide or less):	15 ft^2 per user (Surface Area ÷ 15)

Bather Load = Surface Area ÷ Square ft per user from chart
= 1,144 ÷ 15
Max Bather Load = 76 people

Maximum User Capacity/Bather Load

You have a pool with a shallow end of 3 ft and a deep end of 8 ft. The surface area of the shallow end is 200 ft^2. The surface area of the deep end is 400 ft^2. You have a minimum deck. What is your max bather load?

Shallow (Less than 5 feet; not including Wading Pools)	
Pools with Minimum Deck Area (4ft wide or less):	15 ft^2 per user (Surface Area ÷ 15)

Bather Load 1 = Surface Area Shallow ÷ Sq. ft. per user from chart
= 200 ÷ 15
BL 1 = 13 people

Continued on Next Slide!

Maximum User Capacity/Bather Load

You have a pool with a shallow end of 3 ft and a deep end of 8 ft. The surface area of the shallow end is 200 ft^2. The surface area of the deep end is 400 ft^2. You have a minimum deck. What is your max bather load?

Deep Area (Not Including the Diving Area)	
Pools with Minimum Deck Area (4ft wide or less):	20 ft^2 per user (Surface Area ÷ 20)

Bather Load 2 = Surface Area Deep ÷ Sq. ft. per user from chart
= 400 ÷ 20
BL 2 = 20 people

Continued on Next Slide!

Maximum User Capacity/Bather Load

You have a pool with a shallow end of 3 ft and a deep end of 8 ft. The surface area of the shallow end is 200 ft^2. The surface area of the deep end is 400 ft^2. You have a minimum deck. What is your max bather load?

Total Max Bather Load = BL 1 + BL 2
= 13 + 20

Total Max Bather Load = 33 people

Calculating Gallons

Rectangle	**Square**
	
Avg Depth = (shallow + deep) ÷ 2 = (3 + 8) ÷ 2 Avg Depth = 5.5	Avg Depth = (shallow + deep) ÷ 2 = (6 + 3) ÷ 2 Avg Depth = 4.5
Gallons = SA x Avg Depth x 7.5 = 1,250 x 5.5 x 7.5 Gallons = 51,562.5	Gallons = SA x Avg Depth x 7.5 = 625 x 4.5 x 7.5 Gallons = 21,093.75

Calculating Gallons

Oval

Avg Depth = (shallow + deep) ÷ 2
= (3 + 5) ÷ 2
Avg Depth = 4

Gallons = SA x Avg Depth x 7.5
= 6,594 x 4 x 7.5
Gallons = 197,820

Circle

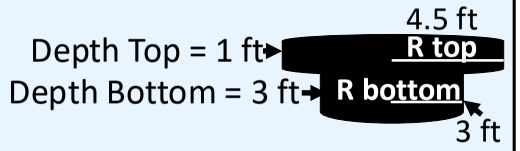
Avg Depth = ~~(shallow + deep) ÷ 2~~
Avg Depth = 4 ft

Gallons = SA x Avg Depth x 7.5
= 113.04 x 4 x 7.5
Gallons = 3,391.2

Calculating Gallons

Multi-Depth Circle

SA Top = R x R x 3.14
= 4.5 x 4.5 x 3.14
SA Top = 63.59 ft^2



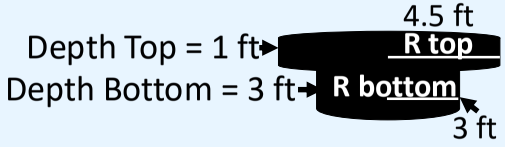
Gallons Top = SA Top x Depth 1 x 7.5
= 63.59 x 1 x 7.5
GTop = 476.93

Now we have to find the gallons in the bottom!

Calculating Gallons

Multi-Depth Circle

SA Bottom = R x R x 3.14
= 3 x 3 x 3.14
SA Bottom = 28.26 ft^2



Gallons Bottom = SA Bottom x Depth 2 x 7.5
= 28.26 x 3 x 7.5
GBottom = 635.85

Total Gallons = Gtop + Gbottom
= 476.93 + 635.85
Total Gallons = 1,112.78 or 1,113

Calculating Gallons

Oblong

Avg Depth = (shallow + deep) ÷ 2
= (3 + 6) ÷ 2
Avg Depth = 4.5

Gallons = SA x Avg Depth x 7.5
= 140.26 x 4.5 x 7.5
Gallons = 4,733.78

Kidney

Avg Depth = ~~(shallow + deep) ÷ 2~~
Avg Depth = 5 ft

Gallons = SA x Avg Depth x 7.5
= 144 x 5 x 7.5
Gallons = 5,400

Turnover Rate

You have a Pre-99 pool with 25,000 gallons. Your flow meter reads 65 GPM. What is your turnover rate and is it adequate?

Turnover Rate = Gallons ÷ Flow Rate (GPM) ÷ 60

= 25,000 ÷ 65 ÷ 60

Turnover Rate = 6.4 hours and it is adequate!

Pre-99 Pools require no more than 8 hours.

Turnover Rate

You have a Post-99 pool with 19,000 gallons. Your flow meter reads 40 GPM. What is your turnover rate and is it adequate?

Turnover Rate = Gallons ÷ Flow Rate (GPM) ÷ 60

= 19,000 ÷ 40 ÷ 60

Turnover Rate = 7.9 hours and it is not adequate!

Post-99 Pools require no more than 6 hours.

Main Drain Cover Calculation

Filter MUST be clean & skimmers turned off prior to calculating

For Pumps located above water line:

TDH Pump Vacuum Gauge (Vacuum Side) = Hg x 1.13

TDH Pump Pressure Gauge (Discharge Side) = psi x 2.31

Total TDH = TDH Vacuum + TDH Pressure

The Total TDH is then taken to the Pump's Performance Curve provided by the manufacturer to convert to the flow rate (GPM) through the pump (go horizontally until you hit the max curve, then go down vertically). This flow rate must be less than your main drain cover rating or you will need new drain covers!

Main Drain Cover Calculation

Filter MUST be clean & skimmers turned off prior to calculating

Your pump's vacuum gauge reads 6 Hg and the pump's pressure gauge reads 21 psi. What is the Total TDH?

TDH Pump Vacuum Gauge (Vacuum Side)	= Hg x 1.13 = 6 x 1.13 = 6.78	TDH Pump Pressure Gauge (Discharge Side)	= psi x 2.31 = 21 x 2.31 = 48.51

Total TDH = TDH Vacuum Side + TDH Pressure Side

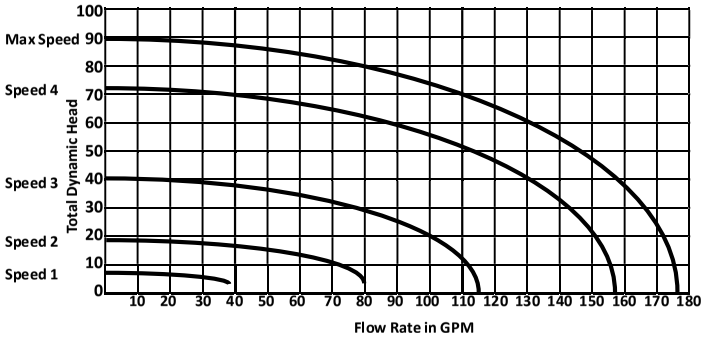
= 6.78 + 48.51

Total TDH = 55.29 or 55

Take the Total TDH and use the example Pump Performance Curve on the next slide to find the Pump's Flow rate.

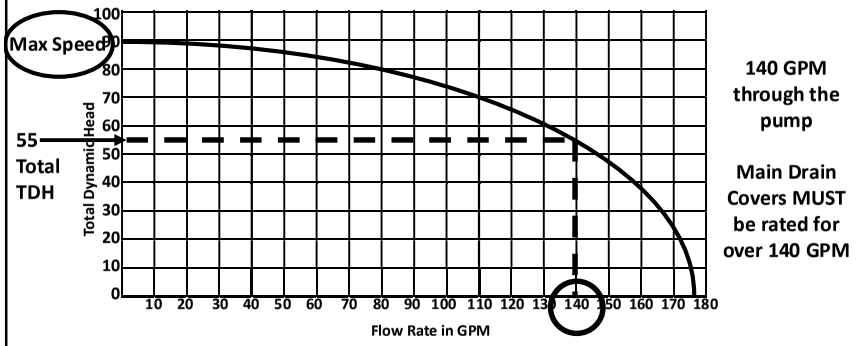
Main Drain Cover Calculation

Example of a Pump Performance Curve



Main Drain Cover Calculation

Example of a Pump Performance Curve



§265.191. Lifeguard Personnel Requirements and Standards at Pools.

(a) Lifeguards required. Pools and spas are required to meet the operational standard that is most applicable to their respective use. For example, a pool or spa that is normally operated as a Class C pool or spa but is occasionally made available to the public, with or without a fee, must meet Class B lifeguard standards when the pool is open to the general public, with or without a fee. A minimum of two lifeguards must be provided at:

(1) Class A pools during competitive events;

(2) Class B pools whenever the Class B pool is open;

(3) any pool where a user enters the water from any height above the deck or wall, including from diving boards, diving platforms, drop slides, waterslides, starting platforms, zip lines, or climbing walls that are open for use;

(4) any wave or surf pool; or

(5) any pool while it is being used for the recreation of youth groups, including youth camps, visiting childcare groups, or visiting school groups, and a minimum of two lifeguards must be provided by either the aquatic facility or by the youth group using the aquatic facility.

(b) Closing diving boards, diving platforms, drop slides, waterslides, starting platforms, zip line, or climbing wall. A diving board, diving platform, drop slide, waterslide, starting platform, zip line, climbing wall, or any other structure that allows entry from any height above the deck will be considered open unless there is a lock, chain, or other method used to prevent access to these structures, and a sign is posted on the entry to these structures stating that they are closed.

(c) Lifeguards at spas. Lifeguards are not required at spas.

(d) Lifeguard staffing plan required. A staffing plan specifying the number of onduty lifeguards must be prepared by the pool operator, lifeguard supervisor, or pool owner, and must provide adequate supervision and close observation of all users at all times. A copy of the plan must be available on-site and be provided to a DSHS or local regulatory authority inspector upon request.
(e) Surveillance area. Each lifeguard must be given an assigned surveillance area commensurate with ability and training. The lifeguard must be able to view the entire assigned surveillance area.

(f) Other duties must not distract. Lifeguards conducting surveillance of users must not be assigned duties that would distract the lifeguard's attention from proper observation of the users or that would prevent immediate assistance to persons in the water.

(g) Lifeguard rotation required. When lifeguards are provided or required, a rotation procedure for lifeguards is required. Lifeguards must have break time from guarding activities as recommended by ARC or equivalent aquatic safety organization.

(h) Lifeguard training and drills. When lifeguards are provided or required, alertness and response drills and any other training is required, including:

(1) a pre-season training program;

(2) a continual "in-service" program of at least a minimum of 60 minutes for every 40 hours of employment by the lifeguard or other aquatic safety personnel;

(3) a review of the Centers for Disease Control and Prevention standards for responding to formed-stool contamination, diarrheal-stool contamination, vomit contamination, and contamination involving blood;

(4) performance audits as recommended by the ARC, Young Men's Christian Association, or by an equivalent aquatic safety organization; and

(5) a facility emergency action plan for an event, such as submersion, suspected spinal injury, medical emergency, thunderstorm, missing person, bad weather, or chemical exposure.
(i) Emergency action plan. Any pool or spa emergency action plan must contain the following:

(1) a list of emergency phone numbers and contacts, including the trained and certified operator;

(2) the location of the first-aid kit and other rescue equipment such as the AED, BVM, and backboard;

(3) a response plan for inclement weather such as a thunderstorm, lightning, or high wind, including evacuation areas; and

(4) a plan following the Centers for Disease Control and Prevention standards for responding to formed-stool contamination, diarrheal-stool contamination, vomit contamination, and contamination involving blood.

(j) Lifeguard records. All training must be kept current. Records confirming the status of training must be made available upon request. If records are not kept onsite, records must be provided to DSHS or local regulatory authority within five business days of the request. The following records pertaining to lifeguards must be kept three years:

(1) each lifeguard's certification, including the expiration date; and

(2) records of the most current training, including date, length of training, training topic, trainer name, and attendee.

(k) Lifeguard access to safety equipment. Lifeguards must have access to safety equipment including:

(1) an Occupational Safety and Health Administration (OSHA) compliant, minimum 24-unit first aid kit housed in a durable weather-resistant container that is fully stocked and ready for use. The kit must include disease transmission barriers and cleaning kits meeting OSHA standards;

(2) at least one backboard equipped with a head immobilizer and sufficient straps to immobilize a person to the backboard located close enough to a pool or spa to enable a two-minute response time to an incident in a pool or spa. (3) at least one portable AED and one

BVM kept in a secure location that can be easily and quickly accessed by lifeguards or other trained personnel.

(l) Lifeguard stands. OSHA-compliant lifeguard stands with platforms for lifeguards are required where water depth is greater than 5 feet and must have a protective umbrella or sunshade high enough to give lifeguards a complete and unobstructed view of the assigned area of surveillance for the lifeguards. Lifeguard stands and platforms must be located such that there are no hazards such as electrical wires directly overhead.

(m) Personal lifeguard equipment. Each lifeguard must be provided with the following personal equipment:

(1) uniform attire that readily identifies the lifeguard as a staff member and a lifeguard;

(2) a rescue tube with attached rope or strap;

(3) personal protective devices including a resuscitation mask with one-way valve and non-latex, non-powdered, single use disposable gloves worn in a hip pack or attached to the rescue tube; and

(4) a whistle or other signaling device for communicating to users, other lifeguards, or staff.

(n) Minimum lifeguard standards. The standards in this subsection are considered minimum standards. Pool owners or operators may require additional and more stringent lifeguard policies, procedures, staffing requirements, training requirements, and performance audits.

Wichita Falls (& Cities that have adopted) Local Ordinance

ARTICLE IV. AQUATIC FACILITIES

Last updated February 19, 2019, prior to Texas rule changes

Sec. 58-135. Adoption of the state aquatic facility regulations.

(a) The standards of the following statutes, laws, and regulations in their current form and as they may hereafter be amended, are adopted and applied into this article as if they were set forth at length herein:

(1) Texas Health and Safety Code Title 5 sec. 341.064, "Swimming Pools and Bathhouses;" and

(2) Texas Health and Safety Code Chapter 757, "Pool Yard Enclosures;" and

(3) Texas Admin. Code Title 25, Part I, Chapter 265 Subchapter L, "Standards of Public Pools and Spas;" and

(4) Texas Admin. Code Title 25, Part I, Chapter 265 Subchapter M, "Public Interactive Water Features and Fountains."

(b) If a conflict occurs between a provision of this article and a provision of the above statutes, laws, or regulations, the stricter provision shall apply.

(Ordinance 02-2019, sec. 1, adopted 2/19/19)

Sec. 58-136. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. A term not included in this list of definitions but defined within the state aquatic facility regulations shall have the meaning assigned to it within the state aquatic facility regulations:

Aquatic facility. A pool, spa, special aquatic activity device, public interactive water feature, fountain or venue that may be used for swimming or bathing, or other regulated water body as defined by state aquatic facility regulations.

Authorized agent or employee. The Director of Health of the regulatory authority, which shall have the enforcement responsibility for this article.

Certified pool operator. A person who:

(1) Possesses a valid and current certificate of accreditation, and

(2) Obtains certification by completion of one of the following courses or other nationally recognized course in aquatic facility operation, safety and management, and:

a. NRPA, "aquatic facility operator" (A.F.O.);

b. NSPF, "certified pool-spa operator" (C.P.O.);

c. Y.M.C.A., "pool operator on location" (P.O.O.L.);

d. NSPI, "professional pool and spa operator" (P.P.S.O.);

e. ASPSA, "licensed aquatic facility technician" (L.A.F.T.); or

f. Other training at discretion of the Director of Health.

Coliform testing. Refers to total coliform not fecal coliform.

Enclosure. A fence, wall, or combination of fences, walls, gates, windows, or doors that completely surround an aquatic facility.

Extensively remodeled. The replacement of or modification to an aquatic facility structure or its enclosure, its circulation system or its appurtenances, so that the design, configuration or operation is different from the original design, configuration or operation, including the installation of new deck detail or tile work that is different from the original design. This term does not include the normal maintenance and repair or the replacement of equipment which has been previously approved if the size, type or operation of the equipment is not substantially different from the original equipment.

Manager of operations. The person primarily responsible for the safe, sanitary maintenance of a public pool, spa, or other water-related activity.

Permit holder. A local person who has the ultimate responsibility for the operation of any pool, spa, or other related water activity regulated in this article, and who shall, in all respects, act as the representative for any entity having an ownership interest in the same.

Private aquatic facility. Any aquatic facility located on private, single-family residential property under the control of the homeowner or tenant, the use of which is limited to members of the homeowner's or tenant's family or invited guests.

Public aquatic facility. Any aquatic facility which is intended to be used by the general public for swimming, bathing or other related purposes and is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use.

Regulatory authority. The Wichita Falls-Wichita County Public Health District.

Secured. That an enclosure during normal operation is maintained so that all gates and entrances are maintained closed with functioning self-latching and self-closing mechanisms, and that the enclosure is not allowed to maintain gaps large enough to allow the passage of a four-inch sphere or provide any feature that may be easily climbed to gain access to the aquatic facility.

The enclosure during times when the aquatic facility is closed to the public must maintain the above conditions, but the gates or entrances to the enclosure must also be locked so that no person may enter the gates or entrances without the authorization of the certified pool operator and/or person in charge.

Semi-public aquatic facility. Any aquatic facility which is not included within the definition of either "private aquatic facility" or "public aquatic facility" as those terms are defined in this section.

Service animal. A dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability.

State aquatic facility regulations. The regulations adopted by the State of Texas to regulate public pools and spas, and includes the following, as amended from time to time:

(1) Texas Health and Safety Code, Title 5, sec. 341.064, "Swimming Pools and Bathhouses;"

(2) Texas Health and Safety Code, Chapter 757, "Pool Yard Enclosures;"

(3) Texas Admin. Code Title 25, Part I, Chapter 265 Subchapter L, "Standards of Public Pools and Spas;" and

(4) Texas Admin. Code Title 25, Part I, Chapter 265 Subchapter M, "Public Interactive Water Features and Fountains."

(Ordinance 02-2019, sec. 1, adopted 2/19/19)

Cross reference – Definitions generally, sec. 1-2.

Sec. 58-137. Penalty for violation.

A violation under this section is a Class C misdemeanor, punishable by a fine. In addition thereto, such person may be enjoined from continuing such violations. Each day upon which such violation occurs constitutes a separate violation. (Ordinance 02-2019, sec. 1, adopted 2/19/19)

Sec. 58-138. Permit; certification of manager of operations.

(a) Permit required; transferability; posting. A person may not operate a public or semi-public aquatic facility without a permit issued by the regulatory authority. Permits are not transferable from one person to another person or from one location to another location. A valid permit must be posted at every establishment regulated by this article. Therapeutic pools as defined in the standards are not exempt from this section.

(b) Application for permit. A person desiring to operate a public or semi-public aquatic facility must make a written application for a permit on forms provided by the regulatory authority. The application must contain the name and address of each applicant, the location and type of the pool, the name and address of each manager of operations and the application fee. An incomplete application will not be processed. Failure to provide all required information or falsifying information required may result in denial or revocation of the permit. All permits will expire March 31 of each year; the same information is required for a renewal permit as for an initial permit. Each pool and spa at each location will be charged a separate permit fee as determined by the regulatory authority.

(c) Certification of manager of operations.

(1) A manager of operations of a public or semi-public aquatic facility shall obtain certification from the regulatory authority. A manager of operations may obtain certification by successfully completing a training course conducted by the regulatory authority. No person will be allowed to act as the manager of operations without first having obtained certification.

(2) Certification training classes will be conducted each year. The fee for certification of a manager of operations shall be determined by the regulatory authority and the certification shall expire March 31 of the year following its issuance.

(3) A person showing a current certificate as a certified aquatic facility operator (AFO), certified pool-spa operator (CPO), a pool operator on location (POOL) or any other training approved by the regulatory authority, may be exempt from the health district training.

(4) Facilities constructed before the adoption of this article must comply with all provisions of this article and all future amendments to this article, unless the regulatory authority grants a variance in writing, or unless otherwise exempted under Texas Health and Safety Code, sec. 757.005.

(5) If a variance to this article is issued by the regulatory authority, the permit applicant must annually reapply for the variance in writing. The granting of a variance does not guarantee that the director will grant future variances.

(6) All fees are nonrefundable and will not be prorated.

(Ordinance 02-2019, sec. 1, adopted 2/19/19)

Sec. 58-139. Inspections and annual pre inspections.

(a) The regulatory authority is authorized to conduct inspections as necessary to ensure compliance with all sections of this article. The regulatory authority shall have the right of entry at any reasonable hour upon the premises where public or semi-public aquatic facilities are located. The regulatory authority shall have the authority to collect water and photographic and/or video evidence from the aquatic facility.

(b) Each public or semi-public aquatic facility shall pass an annual pre-operation inspection by the regulatory authority prior to use by the public each permit year. There shall be no charge for one preliminary pre-operation inspection that is not

requested by the facility and for one pre-operation inspection that is requested by the facility; a re-inspection fee shall be required for all further pre-operation inspections.

(c) Effective with permit renewal in 2020, each public or semi-public aquatic facility shall also annually submit certification by a licensed, registered electrician that the electrical equipment for the aquatic facility meets all local, state, and federal electrical codes on a form promulgated by the city.

(Ordinance 02-2019, sec. 1, adopted 2/19/19)

Sec. 58-140. Maintenance and operation.

(a) Every public or semi-public aquatic facility shall be under the supervision of the permit holder, who shall be responsible for compliance with all parts of this article relating to aquatic facilities maintenance, and operation and safety of swimmers. It shall be unlawful for such permit holder to cause or permit the existence of a condition which is in violation of any section of this article.

(1) It shall be the duty of the certified pool operator and/or an appropriately trained designee to:

a. Assure that someone can physically respond within one hour of being notified by the regulatory authority to the site of the aquatic facility;

b. Check at least once per day that the aquatic facility remains in compliance with this article and with state aquatic facility regulations; and

c. Check and record water chemistry at least once per day for each aquatic facility permitted to ensure compliance with state and local aquatic facility regulations, including:

1. Disinfectant levels;

2. pH levels;

3. Cyanuric acid levels (if applicable); and

d. Ensure that an appropriate method is used to check water chemistry as specified in state aquatic facility regulations;

e. Retain records of daily water chemistry checks for at least two years on site; and

f. All records must be made available to the regulatory authority upon request.

g. Register certification as a certified pool operator or manager of operations with the regulatory authority and maintain a copy of the registration on site at the facility. In the event that the certified pool operator/manager of operations is no longer employed on premises, the aquatic facility must employ another certified pool operator/manager of operations who possesses or obtains a current Wichita Falls Wichita County Public Health District Manager of Operations or certified pool operator as defined by this article.

(2) To ensure compliance with this article, it is recommended that all manager of operations/certified pool operators use a DPD test kit certified by the American National Standards Institute (ANSI).

(b) All pumps, filters, sanitizers and chemical feeders, drains, ladders, lighting, ropes and appurtenant equipment used in the operation of all public and semi-public aquatic facilities, shall be maintained in a good state of repair.

(c) All public and semi-public aquatic facilities shall be treated and maintained in accordance with current Texas Department of State Health Services unless otherwise stated:

(1) Every pool shall contain a sanitizer concentration equivalent to a free chlorine residual between 1.0–8.0 ppm. Every spa shall contain a sanitary concentration equivalent to a free chlorine residual of 3.0–8.0 ppm. If aquatic facility is outside the required range of free chlorine residual or equivalent, then the aquatic facility shall be immediately closed to the public. A test kit for measuring the concentration of the free chlorine shall be present at each aquatic facility. The regulatory authority must approve use of any sanitizer other than chlorine.

(2) Every aquatic facility shall have water with a pH of not less than 7.2 and not more than 7.8. An adequate pH test kit shall be present at each aquatic facility. If an aquatic facility test shows an acid reaction less than 7.0 or basic reaction over 7.8, then the pool or spa shall be immediately closed to the public.

(3) The presence of microorganisms of the total coliform group or E. coli in any water sample shall be deemed unacceptable water quality. Two consecutive samples showing microorganisms of total coliform will be grounds for immediate closure of the aquatic facility.

(4) Every aquatic facility shall have water clarity sufficient for the main drain or a six-inch diameter turbidity test disk placed at the deepest part of the aquatic facility, to be clearly visible from the sidewalks of the pool at all distances up to ten yards, measured from a line drawn across the pool through the disc. Failure to meet this requirement shall be sufficient cause for immediate closure of the aquatic facility.

(5) A 15-minute maximum timer will be installed and operational at each spa. The timer must be located so that it cannot be reached unless a person exits the spa.

(6) Cyanuric acid shall not exceed 100 ppm in any aquatic facility. If the level exceeds 100 ppm, the facility shall close until the level can be lowered to below 80 ppm.

(7) During any routine inspection, if the regulatory authority is required to close the pool for non-compliance, a re-inspection fee may be charged to the permit holder for each requested return visit for re-inspection.

(Ordinance 02-2019, sec. 1, adopted 2/19/19)

Sec. 58-141. Regulations in pool and spa area; suspension of permit.

(a) A person commits an offense if he/she violates any portion of this article or the standards set forth by the Texas Department of State Health Services.

(b) Failure to comply with any section of this article may result in the immediate closure of the aquatic facility and/or the initiation of legal action. Upon determination that the aquatic facility does not comply with the provisions of this article, the regulatory authority shall notify the permit holder or manager of operations of the existing violations. If the regulatory authority determines that the condition of the aquatic facility may be hazardous to the health or safety of the swimmers or to the general public, the aquatic facility shall be immediately closed. A new inspection of the aquatic facility will be conducted during the regular working hours of the regulatory authority at the request of the pool manager of operations or the permit holder. If compliance has been achieved, the permit holder shall be notified that the aquatic facility may be opened.

(c) When the regulatory authority has ordered that an aquatic facility be closed due to non-compliance with any provision of this article, the permit holder shall not allow the aquatic facility to be used for swimming, diving or bathing purposes and shall immediately take every reasonable step to prevent the use of such aquatic facility for such purposes. By way of example and without limiting such duty, the permit holder shall immediately:

(1) Post notices reasonably likely to come to the attention of potential users of the aquatic facility advising of the closure; and

(2) Lock all gates and doorways in any fence or other enclosure surrounding such pool.

Failure to immediately comply with the above will result in the regulatory authority posting a sign at the pool, which states, "Pool Closed by Order of the Wichita Falls-Wichita County Public Health District." It shall be unlawful to remove, cover or mutilate such sign without the approval of the regulatory authority. Use of the aquatic facility by an individual for swimming, diving or bathing purposes after the regulatory authority has ordered such aquatic facility to be closed shall be deemed prima facie evidence that the permit holder of such aquatic facility has knowingly allowed the pool or spa to be used for such purposes.

(d) The regulatory authority shall suspend a permit to operate a public aquatic facility if:

(1) A permit holder fails to designate a certified manager of operations as specified in this article;

(2) The condition or operation of an aquatic facility is considered to be hazardous or constitutes an imminent health hazard to the health or safety of swimmers or the general public; or

(3) The permit holder fails to keep all aquatic facility equipment and devices working properly.

The suspension shall continue until the regulatory authority has conducted a new inspection and the cause of suspension is corrected.

(Ordinance 02-2019, sec. 1, adopted 2/19/19)

Sec. 58-142. Construction compliance.

(a) Plans review and construction inspections.

(1) Prior to beginning the construction of a new aquatic facility or the extensive remodeling of an existing aquatic facility, the owner shall submit plans and specifications for such construction or remodeling to the Building Inspections Department for review.

(2) The plans and specifications shall indicate the proposed layout and arrangement of mechanical, plumbing, fencing, electrical, construction materials of work areas, the type and model of proposed fixed equipment and facilities and all associated buildings or structures.

(3) A licensed professional engineer shall examine the final aquatic facility design/blueprints for all new and extensively remodeled aquatic facilities (including structural, mechanical, plumbing or electrical renovations) and certify by original signature and engineer's seal compliance with state aquatic facility regulations and this article.

(4) No work shall begin until regulatory authority has received the engineer's certificate of pre-construction, conducted a plan review and has communicated with the Building Inspections Department that a building permit may be issued. Work shall commence and conclude within the time allowed by such permits. Deviations from approved plans shall not be permitted without approval in writing from the regulatory authority and the Building Inspections Department. If no work has begun within 180 days from the date the regulatory authority has given written notice that work may begin, or if work has begun and is halted more than 60 days, the director may withdraw approval.

(5) The aquatic facility construction shall pass a pre-gunite inspection, pre-plaster inspection and preoperational inspection by the regulatory authority prior to issuance of a permit. The completion of these inspections by a regulatory authority does not substitute or replace inspections required by other departments within the city.

(6) It is the responsibility of the person in charge to ensure that the building permit applicant and licensed professional engineer comply with all zoning, building, fire, and health ordinances of the city.

(Ordinance 02-2019, sec. 1, adopted 2/19/19)

Sec. 58-143. Regulations for all persons in aquatic facilities.

A person commits an offense if they:

(1) Have skin abrasions, open sores, skin disease, eye disease, nasal or ear discharge, diarrhea, or a communicable disease and bathes in a public or semi-public aquatic facility;

(2) Alter or remove safety equipment or signage from a public or semi-public aquatic facility except in an emergency;

(3) Alter or damage any part of a public or semi-public aquatic facility enclosure or allows the aquatic facility enclosure to remain unsecured while the enclosure is under repair;

(4) Alter or damage drain and/or suction outlet covers or grates;

(5) Carry glass within a public or semi-public aquatic facility area or enclosure;

(6) Allow an animal under his control to enter or remain within the aquatic facility, area or enclosure of a public or semi-public aquatic facility without approval from the regulatory authority, unless the animal is a service animal;

(7) Interfere with or obstruct the regulatory authority while they are in the process of enforcing this article; or

(8) Are the manager of operations/certified pool operator or the person in charge and violates any provision of this article.

(Ordinance 02-2019, sec. 1, adopted 2/19/19)

Secs. 58-144–58-199. Reserved.

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TITLE 25 HEALTH SERVICES
PART 1 DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 265 GENERAL SANITATION
SUBCHAPTER L PUBLIC SWIMMING POOLS AND SPAS

§265.181. General Provisions.

(a) Scope and purpose. The purpose of this subchapter is to implement Texas Health and Safety Code, §341.064, Swimming Pools, Artificial Swimming Lagoons and Bathhouses, and §341.0645, Pool Safety.

(b) Adoption by reference. Department of State Health Services (DSHS) adopts by reference the 2021 International Swimming Pool and Spa Code (ISPSC) regarding construction, alteration, renovation, enlargement, and repair of commercial swimming pools and spas; the ANSI/APSP-16 American National Standard for Suction Outlet Fitting Assemblies (SOFA) for use in Pools Spas and Hot Tubs; and the ANSI/PHTA/ICC-7 American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins as specified in subsection (c) of this section.

(c) ISPSC sections adopted. DSHS adopts by reference the following chapters and sections from the ISPSC, except as provided in subsection (d) of this section: Section 102 in Chapter 1, Scope and Administration; Chapter 2, Definitions; Chapter 3, General Compliance, only as these sections and chapters relate to the construction, alteration, renovation, enlargement, and repair of commercial swimming pools and spas; Chapter 4, Public Swimming Pools; Chapter 5, Public Spas and Public Exercise Spas; and Chapter 6, Aquatic Recreation Facilities.

(d) ISPSC sections not adopted. DSHS does not adopt by reference the following chapters and sections from the 2021 ISPSC: Sections 102.7.1, 103, 104, 105, 106, 107, 108, 109.2, 109.3, 110, 111, 112, 113, and 114 in Chapter 1, Scope and Administration; Definitions in Section 202 in Chapter 2: Code Official, Deep Area, Design Professional, and Jurisdiction; Section 412.2 in Chapter 4, Public Swimming Pools; Section 508.3 in Chapter 5, Public Spas and Public Exercise Spas; Section 603.3 in Chapter 6, Aquatic Recreation Facilities; Chapter 7, Onground Storable Residential Swimming Pools; Chapter 8, Permanent Inground Residential Swimming Pools; Chapter 9, Permanent Residential Spas and Permanent Residential Exercise Spas; and Chapter 10, Portable Residential Spas and Portable Residential Exercise Spas.

(e) Application of the rules. The rules in this subchapter establish minimum standards for swimming pools and spas concerning pool operation and management, water quality, safety standards unrelated to design and construction, signage, enclosures, and safety features intended to reduce to a practical minimum the possibility of drowning or injury to users.

(f) Date of construction. The date of construction of a pool, spa, or a bathhouse is the date that a building permit for construction is issued. If no building permit is required, the date that excavation or electrical service begins, whichever is earlier, is the date of construction. In the case of the latter, the owner or operator must

produce adequate written documentation of the date of excavation or the beginning date of electrical service.

(g) Regulations not in the ISPSC. Regarding regulations in this subchapter not addressed by the ISPSC, local regulatory authorities may, with the exception of DSHS-approved alternate methods of disinfection set forth in §265.196 of this subchapter (relating to Request for Alternate Method of Disinfectant), adopt standards that vary from the standards in this subchapter; however, such standards must be equivalent to or more stringent than the standards in this subchapter.

(h) References to public swimming pools and public spas. The rules specify whether a particular provision concerns pool operation and management, water quality, safety standards unrelated to design and construction, signage, enclosures, and safety features applies to pools and spas constructed on or after the effective date of this subchapter or whether it applies to all public swimming pools and public spas regardless of the date of construction.

§265.182. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

(1) AED--Automated External Defibrillator. A device that automatically diagnoses the life-threatening cardiac arrhythmias of ventricular fibrillation and pulseless ventricular tachycardia and can treat those conditions by application of electricity which stops the arrhythmia, allowing the heart to re-establish an effective rhythm.

(2) Alternate method of disinfectant--A method of disinfectant for a pool or spa requiring approval by DSHS.

(3) Alternative communication system--Devices that alert multiple on-site staff when activated, such as pager systems, radios, or walkie-talkie communication systems. Used to notify on-site EMS, on-site medical staff, on-site certified staff such as lifeguards, or a commercial emergency monitoring service.

(4) ANSI--American National Standards Institute.

(5) APSP--Association of Pool and Spa Professionals now known as the Pool and Hot Tub Alliance (PHTA).

(6) ARC--American Red Cross.

(7) Artificial swimming lagoon--An artificial body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a disinfectant method. The term does not include a body of water open to the public that continuously recirculates water from a spring or a pool.

(8) ASPSA--American Swimming Pool and Spa Association.

(9) ASTM International--American Society of Testing Materials International.

(10) ASTM F2376--Standard Practice For Classification, Design, Manufacture, Construction, And Operation Of Water Slide Systems.

(11) Backflow prevention device--A device designed to prevent a physical connection between a potable water system and a non-potable source, such as a pool or spa, or a physical connection between a pool or spa and a sanitary sewer or wastewater disposal system.

(12) Breakpoint chlorination--The addition of enough of the chlorination compound to water to destroy chlorine demand compounds, chloramines, and any combined chlorine that is present. The amount added is normally 10 times the combined chlorine concentration. Breakpoint chlorination, also called "superchlorination," results in a decrease in eye irritation potential and "chlorine odors."

(13) BVM--Bag-Valve Mask. A handheld device used to provide positive pressure ventilation to persons who are not breathing adequately. Also known by its proprietary name, Ambu bag.

(14) Chlorine--An element that at room temperature and pressure is a heavy green-yellow gas that is used to sanitize water. Chlorine, when mixed with water, forms hypochlorous acid, which is the disinfecting agent, and hydrochloric acid.

(15) Cleansing shower--A shower with hot and cold running water and soap for the purpose of removing dead skin, sweat, dirt, and waste material from users.

(16) Combined chlorine--Also known as "chloramine(s)." Formed when free chlorine combines with nitrogen-containing compounds such as perspiration and ammonia. Combined chlorine, or chloramines, can cause eye and skin irritation, strong and unpleasant "chlorine" odors, and is not as effective as a sanitizer or disinfectant.

(17) Commercial pool and spa--A public swimming pool and spa as defined in paragraph (51) of this section, referring to public pool and in paragraph (54) of this section, referring to public spa.

(18) Cross-connection control device--A backflow prevention device as defined in this section.

(19) *Cryptosporidium parvum* --A microscopic parasite that is highly tolerant to chlorine disinfection and that causes the diarrheal disease cryptosporidiosis. It is commonly referred to as Crypto.

(20) Day camp--A day camp as described in the Texas Youth Camps Safety and Health rules, §265.11 of this chapter (relating to Definitions).

(21) Disinfectant--Energy, chemicals, or a combination of both used to kill or irreversibly inactivate microorganisms such as bacteria, viruses, and parasites.

(22) DPD--A chemical testing reagent (N, N-Diethyl-P-Phenylenediamine) used to measure the levels of free chlorine or bromine in water by yielding a series of

colors ranging from light pink to dark red.

(23) DSHS--Texas Department of State Health Services.

(24) EMS--Emergency medical services.

(25) Emergency monitoring service--A service that provides an emergency summoning device at pools and spas that is monitored 24 hours a day off-site by personnel trained to identify pool and spa related emergencies, such as drownings. A service capable of contacting local EMS, providing a precise location of the emergency call to local EMS, and that has personnel trained to offer the caller instructions for assisting when possible.

(26) Exercise spa or swim spa--For purposes of the rules in this subchapter related to safety, operation and management, signage, and enclosures, exercise spas or swim spas are a variant of a spa in which the design and construction includes specific features and equipment to produce a water flow intended to allow recreational physical activity including swimming in place.

(27) Facility--A pool, spa, public interactive water feature or fountain, and restrooms, dressing rooms, equipment rooms, deck or walkways, beach entries, enclosure, and other appurtenances directly serving the pool or spa.

(28) FIFRA--The Federal Insecticide, Fungicide, and Rodenticide Act.

(29) Filter media--A finely graded material (for example, sand, diatomaceous earth, or polyester fabric) that removes filterable particles from the water.

(30) FINA--Fédération Internationale de Natation. The organization that administers international competition in aquatic sports.

(31) Floatation system--A combination of a float solution holding vessel and treatment system for the immersion and floatation of a person or persons in a temperature-controlled environment. Also known as a flotation system, sensory deprivation system or floatation chamber. For purposes of this subchapter, a floatation system is not considered a pool or spa.

(32) Free available chlorine or free chlorine residual--That portion of the total chlorine remaining in chlorinated water that is not combined with ammonia or nitrogen compounds and that will react chemically with bacteria or other pathogenic organisms in the water of a pool, spa, or lagoon.

(33) Gpm--Gallons per minute.

(34) Hyperchlorination--The intentional and specific raising of chlorine levels for a prolonged period-of-time to inactivate pathogens following a diarrheal release in a pool or spa as per the Centers for Disease Control and Prevention's guidance titled "Healthy Swimming: Fecal Incident Response Recommendations for Aquatic Staff".

(35) Island--A structure inside a pool where the perimeter is surrounded by the water in the pool and the top is above the surface of the pool.

(36) Langelier Saturation Index--A number indicating the degree of saturation in water related to calcium carbonate solubility. The number represents the ability of water to deposit calcium carbonate, or dissolve metal, concrete, or grout.

(37) Licensed design professional--A person licensed to engage in the practice of design in the state of Texas in accordance with relevant licensing laws, including an architect, electrician, and engineer.

(38) Licensed architect--A person licensed to engage in the practice of architecture in the State of Texas in accordance with the Texas Occupations Code, Chapter 1051, and related rules.

(39) Licensed electrician--A person licensed to perform electrical work on pools and spas in accordance with the Texas Electrical Safety and Licensing Act, Texas Occupations Code, Chapter 1305, and related rules.

(40) Licensed engineer--A person licensed to engage in the practice of engineering in the State of Texas in accordance with the Texas Engineering Practice Act, Texas Occupations Code, Chapter 1001, and related rules.

(41) Lifeguard--A person who supervises the safety and rescue of swimmers, surfers, and other water sports participants and who has successfully completed and holds a current ARC, Young Men's Christian Association, or equivalent Lifeguard Certificate from an aquatic safety organization, a current First Aid Certificate, and a current cardiopulmonary resuscitation (CPR) certificate received for training in CPR for adults, infants, and children and the use of an AED and BVM.

(42) Local regulatory authority--A county, municipality, or other political subdivision of the state having jurisdiction over pools and spas and associated facilities.

(43) mV--Millivolt.

(44) NCAA--National Collegiate Athletic Association.

(45) NRPA--National Recreation and Parks Association.

(46) ORP--Oxidation Reduction Potential. The measure of the oxidation-reduction potential of chemicals in water or the tendency for a solution to either gain or lose electrons. It is generally measured in millivolts (mV) by means of an electronic meter and depends upon types and concentrations of oxidizing and reducing chemicals in water.

(47) pH--A value expressing the relative acidic or basic tendencies of liquids, such as water, on a scale from 0 to 14 with 7.0 being neutral, values less than 7.0 being acidic, and values greater than 7.0 being basic.

(48) PHTA--Pool and Hot Tub Alliance. Formerly APSP.

(49) PIWF--Public interactive water feature and fountain. A PIWF includes any indoor or outdoor installation maintained for public recreation that includes water

sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons in various arrays for the purpose of wetting the persons playing in the spray streams. It may be a stand-alone PIWF, also known as a splash pad, spray pad, or wet deck, or may share a water supply, disinfection system, filtration system, circulation system, or other treatment system that allows water to co-mingle with a pool.

(50) Pool yard or spa yard--An area that has an enclosure containing a pool or spa.

(51) Public pool--For purposes of the rules in this subchapter related to safety, operation and management, signage and enclosures, pools are classified and referred to as follows: any man-made permanently installed or non-portable structure, basin, chamber, or tank containing an artificial body of water that is maintained or used expressly for public recreation, swimming, diving, aquatic sports, or other aquatic activity. Public pools include but are not limited to activity pools, catch pools, lazy or leisure river pools, wave action pools, vortex pools, therapy pools, and wading pools. A public pool may be publicly or privately owned and may be operated by an owner, lessee, operator, licensee, or concessionaire. A fee for use may or not be charged. The term does not include a residential pool, artificial swimming lagoon, floatation system or chamber, or a body of water that continuously recirculates water from a spring.

(A) Class A pool--Any pool maintained or used, with or without a fee, for accredited competitive events such as FINA, United States Swimming, United States Diving, NCAA, or National Federation of State High School Association events. A Class A pool may also be used for recreational swimming.

(B) Class B pool--Any pool maintained or used for public recreation and open to the general public with or without a fee.

(C) Class C pool--Any pool that is not a Class A or B pool that is limited to occupants, members, or students and their guests, but not to the general public. It is a pool operated for and in conjunction with:

(i) lodging, such as hotels, motels, apartments, condominiums, RV parks, or mobile home parks;

(ii) youth camps, property owner associations, private organizations, or clubs; or

(iii) schools, colleges, or universities while operated for academic or continuing education classes.

(52) Pools and Spas--Public swimming pools and public spas are referred to as pools and spas throughout this subchapter.

(53) Ppm--Parts per million.

(54) Public spa--A body of water intended for the immersion of persons in either hot or cold water circulated in a closed system and not intended to be drained and

refilled after each use. A spa can include a filter, heater, a pump or pumps, blowers, and water sanitizing equipment. The term includes a swim spa or exercise spa. For purposes of the rules in this subchapter related to safety, operation and management, signage, and enclosures, spas are classified and referred to as follows:

(A) Class A spa--Any spa maintained or used, with or without a fee, for accredited competitive events such as FINA, United States Swimming, United States Diving, NCAA, and National Federation of State High School Association events.

(B) Class B spa--Any spa maintained or used for public recreation and open to the general public with or without a fee.

(C) Class C spa--A spa that is not a Class A or Class B spa that is open to occupants, members, or students and their guests, but not to the general public. It is a spa that is operated for and in conjunction with:

(i) lodging, such as hotels, motels, apartments, condominiums, RV parks, or mobile home parks;

(ii) youth camps, property owner associations, private organizations, or clubs; or

(iii) schools, colleges, or universities while operated for academic or continuing education classes, or hospitals or medical centers.

(55) Regulatory authority--A federal or state agency or local regulatory authority having jurisdiction over pools and spas, and associated facilities.

(56) Rescue tube--A piece of lifesaving equipment that is a part of the equipment used by lifeguards to make water rescue easier by helping support the victim's and rescuer's weight.

(57) Resident youth camp--A resident youth camp as described in the Texas Youth Camps Safety and Health rules, §265.11 of this chapter.

(58) Residential pool or spa--A pool or spa that is located on private property under the control of the property owner or the owner's tenant and that is intended for use by not more than two resident families and their guests. It includes a pool or a spa serving only a single-family home or duplex.

(59) Rinsing shower--A shower located on the pool or spa deck for the purpose of removing sand, dirt, sweat, and user hygiene products without the use of hot water or soap.

(60) Secchi disk--An 8-inch diameter disk with alternating black and white quadrants that is lowered in the pool and spa and is used to measure water turbidity and clarity.

(61) Secondary disinfection system--A process or system installed in addition to

the standard disinfection system required on all pools and spas.

(62) Self-closing and self-latching device--A device or mechanism that causes a gate to automatically close without human or electrical power after it has been opened and to automatically latch without human or electrical power when the gate closes.

(63) Slide--A recreational feature with a flow of water and an inclined flume or channel by which a user is conveyed downward into a pool.

(A) Drop slide--A slide that drops users into the water from an elevated height into water.

(B) Pool slide--A slide having a configuration as defined in the Code of Federal Regulations, Chapter II, Title 16, Part 1207 by United States Consumer Product Safety Commission or is similar in construction to a playground slide that allows users to slide from an elevated height to a pool. This includes children's (tot) slides.

(C) Waterslide--A slide that runs into a landing pool or runout through a fabricated channel with flowing water.

(64) Supplemental treatment system--A system, process, or water treatment which is not required on a public pool or spa for health and safety reasons that may be used to enhance overall system performance and improve water quality.

(65) Surf pool--A pool with less than 20,000 square feet of water surface area in which waves are generated and dedicated to the activity of surfing on a surfboard or analogous surfing device commonly used in the ocean and intended for sport. A surf pool is intended for the sport of surfing as opposed to general play activities in wave pools.

(66) Superchlorination--See paragraph (12) of this section, Breakpoint chlorination.

(67) TCEQ--Texas Commission on Environmental Quality.

(68) TDLR--Texas Department of Licensing and Regulation.

(69) Therapeutic pool or spa--A pool or spa that is operated exclusively for therapeutic purposes, such as physical therapy, and is under the direct supervision and control of licensed or certified medical personnel.

(70) Total alkalinity--A measure of the ability or capacity of water to resist change in pH, also known as the buffering capacity of water. Total alkalinity is measured with a test kit and expressed as parts per million (ppm) and consists mainly of carbonates, bicarbonates and hydroxides.

(71) Total chlorine--The sum of both the free available chlorine and combined chlorine (chloramines).

(72) UL--An independent testing laboratory (formerly Underwriters Laboratories).

(73) USCG--United States Coast Guard.

(74) User--A person using a pool, spa, or lagoon or adjoining deck.

(75) VGBA--The Virginia Graeme Baker Pool and Spa Safety Act. A federal law that requires drain covers to comply with entrapment protection requirements specified by the American National Standards Institute (ANSI) ANSI/APSP 16 performance standard or any successor standard, and ANSI/PHTA/ICC-7 American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins.

(76) Wading pool--A pool with a maximum water depth that is no greater than 18 inches. A wading pool may contain a PIWF.

(77) Wave pool--A pool, with less than 20,000 square feet of water surface area, designed to simulate breaking or cyclic waves for purposes of general play. A wave pool is intended for general play as opposed to a surf pool that is intended for sport.

(78) Written instructions--Written communication that provides directions for carrying out a procedure or performing a task. Written instructions can include manuals, journals, lists, printed materials, computer-generated materials, and handwritten materials. Written instructions may be maintained in electronic form so long as electronic use and transmission of the electronic materials does not present a risk to the health and safety of individuals accessing the electronic materials.

§265.183. Plans and Instructions.

(a) Plans for new construction of pools and spas. DSHS may review plans for pools and spas to ensure compliance with construction requirements. If DSHS intends to review plans, DSHS will notify the owner or operator in writing.

(b) Additions, alterations, renovations, or repairs authorized. A minor addition, alteration, renovation, or repair to an existing pool or spa and related mechanical, electrical, and plumbing systems may be performed in accordance with the construction standard that was in place when the pool and spa was constructed.

(c) Accepted practice for pools and spas. The structural design and materials for pools and spas constructed before the effective date of this subchapter must be in accordance with accepted industry engineering practices and methods prevailing at the time of original construction unless otherwise stated in this subchapter.

§265.184. Slides and other Aquatic Play Features.

(a) Proper installation of a slide or other aquatic play feature. A slide or other aquatic play feature, such as a climbing wall, floating amusement island, zip line, or anchored floats, must be installed according to manufacturer's instructions or in accordance with the specifications established by a licensed engineer or licensed

architect.

(b) Amusement ride. An aquatic play feature or slide that meets the definition of "Amusement Ride" in Texas Occupations Code, Chapter 2151 (the Amusement Ride Safety Inspection and Insurance Act) must comply with that chapter.

(c) Jumping rocks or ledges. Pools with diving or jumping rocks or ledges must be designed by a licensed engineer or licensed architect.

§265.185. Pumps and Motors for Pools and Spas.

A pump for a pool or spa must not be operated if the owner or operator of the pool or spa knows or should know in the exercise of ordinary care that the drain grate, suction outlet, or any suction outlet cover is missing, broken, or loose. If such a condition exists, the pool or spa must be closed and remain closed until corrected.

§265.186. Electrical Requirements for Pools and Spas.

(a) Licensed electrician required. The electrical system of a pool or spa and structures in the pool yard or spa yard must be installed, maintained, repaired, or replaced by a licensed electrician in accordance with the Texas Electrical Safety and Licensing Act, Texas Occupations Code, Chapter 1305 and related rules.

(b) Extension cords. Temporary extension cords and power connectors must not be used as a substitute for permanent wiring.

(1) All parts of an extension cord must be restrained at a minimum of 6 feet as measured along the shortest possible path from a pool or spa during times when the pool or spa is open for use.

(2) An extension cord may be used within 6 feet of the nearest edge of a pool or spa if a permanent wall exists between the pool or spa and the extension cord.

(3) The circuit supplying power to an extension cord must be protected by a ground fault circuit interrupter, commonly referred to as GFCI, when the extension cord is to be used within 6 feet of a pool or spa.

§265.187. Pool or Spa Water Supply and Drinking Water for All Pools and Spas.

(a) Water supply. For all pools and spas, the initial fill water and make-up water used to maintain the water level and water used as a vehicle for sanitizers or other chemicals for pump priming or for other additions must be from a public water system, as defined by 30 TAC §290.38 (relating to Definitions), or from a water well that complies with the requirements of subsection (c) of this section.

(b) Water distribution system. All portions of the water distribution system must be protected against backflow and back siphonage using a high hazard preventer such as a reduced-pressure-principle backflow preventer meeting the requirements of the American Society of Sanitary Engineering Standard 1013, as amended, and approved for use in potable water systems possibly subjected to back siphonage or high back pressure or an air gap designed to ASME Standard A112.1.2.

(c) Private water supply. If the water supply providing water to the pool or spa does not meet the definition of a public water system, as defined in subsection (a) of this section, that water supply must comply with the following requirements.

(1) Water pressure system must be designed to:

(A) maintain a minimum pressure of 35 pounds per square inch (psi) at all points within the distribution network at flow rates of at least 1.5 gallons per minute per connection;

(B) maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions when the system is intended to provide firefighting capability; and

(C) maintain a minimum distribution pressure not less than 20 psi at any time.

(2) Coliform testing of the well water must be performed each month the pool or spa is open for use. Records of any bacteriological tests must be kept on-site for three years and made available during inspection.

(3) Chemical analysis must be for the secondary constituent levels set out by 30 TAC §290.118 (relating to Secondary Constituent Levels).

(A) Water samples for chemical analysis obtained from the entry point to the distribution system must be submitted once every three years to a laboratory certified by the TCEQ.

(B) Records of all chemical testing must be kept on-site for three years and made available during inspection.

(d) Drinking water provided. At least one drinking water fountain or other source of drinking water, such as bottled water, must be provided and available for pool and spa users at all pools and spas constructed on or after October 1, 1999, and must be available at all times the pool or spa is open for use. A faucet, spigot, or sink does not satisfy the requirements for providing drinking water. Glass containers must not be allowed on a deck, in the pool or spa, or anywhere within the pool yard or spa yard.

(1) The drinking water is not required to be chilled.

(2) The drinking water is not required to be in the pool or spa yard.

(3) When the drinking water is not located in the pool yard or spa yard, a sign with letters a minimum of 1 inch in height is required. The sign must be posted so that it is visible to users that informs the users of the location of the drinking water.

(e) Hose bibs. Hose bibs in the pool yard or spa yard must be protected with a vacuum breaker.

§265.188. Wastewater Disposal for Pools and Spas.

(a) Filter backwash wastewater disposal. Filter backwash, cartridge wash water, and drainage water that is not reused in the pool or spa must be discharged or disposed of in accordance with the requirements of the TCEQ or local regulatory authority.

(b) No direct connection. No direct mechanical (hard) connection may be made between the pool or spa, the drains, the chemical treatment equipment, or the system of piping and the sanitary sewer system, septic system, or other wastewater disposal system.

(c) Pool and spa backwash. Backwash water and draining water must be discharged through an air gap formed by positioning the discharge pipe opening at least two pipe diameters above the overflow level of any barriers that could cause flooding and submergence of the discharge opening or by other means in accordance with TCEQ requirements. Splash screening barriers are permitted, as long as the barriers do not destroy air gap effectiveness.

(d) Wastewater post treatment. Filter backwash water and circulation system drainage water must be treated either chemically or through use of settling tanks to eliminate or neutralize chemicals, diatomaceous earth, and other contaminants in the water that exceed discharge limits set by TCEQ or the local regulatory authority.

(e) Other wastewater or drainage water disposal facilities or lines. The location of other wastewater disposal facilities or lines must meet applicable standards of 30 TAC Chapter 307, Texas Surface Water Quality Standards, Chapter 308, Criteria and Standards for the National Pollutant Discharge Elimination System, Chapter 311, Watershed Protection, and Chapter 315, Pretreatment Regulations for Existing and New Sources of Pollution, or the local regulatory authority.

§265.189. Disinfectant Equipment and Chemical Feeders.

(a) Disinfectant agent. Pool and spa water must be continuously disinfected by a chlorine or bromine disinfectant agent that can be easily measured by simple and accurate field tests.

(b) Supplemental treatment systems. Supplemental treatment systems may be installed and used on pools and spas.

(1) Supplemental treatment systems used only to treat water in a pool or spa and not a public interactive water feature or fountain (PIWF) are not required to meet the minimum 3-log or 2-log inactivation of *Cryptosporidium parvum.*

(2) Supplemental treatment systems used to treat water in a PIWF must comply with the requirements in §265.306(g) of this chapter (relating to Water Quality at Public Interactive Water Features and Fountains) referring to supplemental water treatment systems for PIWFs.

(3) Supplemental treatment systems must meet NSF Standard 50 or NSF

Standard 60, have an Environmental Protection Agency (EPA) or FIFRA registration, and be used in accordance with the manufacturer's instructions.

(c) Secondary disinfection systems. Secondary disinfection systems may be installed and used on a pool or spa and must be certified, listed, and labeled to NSF Standard 50.

(1) Secondary disinfection systems must achieve a minimum 2-log (99%) reduction in the number of infective *Cryptosporidium parvum* oocysts per pass though the treatment system; and

(2) must be located in the treatment system so that the 2-log reduction is obtained.

(3) Validation records, as applicable, and operation records must be maintained for any secondary disinfection system or treatment, and must be maintained on-site, or made available to the inspector within five business days upon request if kept off-site.

(d) Water treatment chemicals. Treatment chemicals must be certified, listed, and labeled to either NSF Standard 50 or NSF Standard 60 or have an EPA FIFRA registration and be used only in accordance with the manufacturer's instructions.

(e) Chlorine gas prohibited. Use of compressed chlorine gas is prohibited in pools and spas constructed on or after January 1, 2021.

(f) Training and protection. Personnel responsible for the operation of the disinfectant agent and other potentially hazardous chemicals, whether it is the trained and certified operator, or someone assigned to maintain a pool or spa when the trained and certified operator is not on-site, must be properly trained and provided with appropriate protective equipment and clothing, including rubber gloves and goggles, safety information, and safety data sheets. Safety data sheets covering all chemicals for which personnel are responsible must be kept on-site and be readily available.

(g) Application of disinfectant in a pool or spa.

(1) Automatic distribution of chemicals. If using automatic feeders, automated controllers that adjust chemical feed based on demand or manually, or remotely managed controllers for pool and spa disinfection and pH control, must be installed. Automatic feeders must meet NSF Standard 50 for use in public pools and spas and must operate in a manner that does not invalidate the NSF rating for the system and equipment.

(A) Controllers that adjust chemical feed either manually or automatically are required.

(B) Disinfection equipment must be selected and monitored so that continuous and effective disinfection can be achieved under all conditions.

(C) Disinfectant feed systems must have the capacity to maintain up to 5

parts per million (ppm) chlorine (or equivalent bromine level) in outdoor pools and spas and up to 3 ppm chlorine (or equivalent bromine level) in indoor pools and spas under all conditions of intended use.

(D) Skimmer baskets or floating dispensers may not be used to dispense disinfectant, chemicals that adjust pH, or algaecides.

(2) Hand distribution of chemicals. Hand distribution of disinfectant chemicals, chemicals used to adjust pH, or algaecides is prohibited when users are in the pool or spa. Before users reenter the pool or spa following hand distribution of disinfectant chemicals, chemicals used to adjust pH, or algaecides, the following applies:

(A) tests of disinfectant levels and pH must be performed 30 minutes after hand distribution; and

(B) no one may reenter the pool or spa until the disinfectant levels and pH are checked and are found to be within the required range.

(h) Bulk chemical tanks. All chemical bulk and day tanks must be clearly labeled to indicate the tank's contents.

(i) Chemical storage areas.

(1) Disinfectant agents, other chemicals, and feed equipment must be stored so that pool and spa users and other unauthorized persons do not have access.

(2) Dry chemicals must be stored off the floor or in waterproof containers in a dry room and protected against flooding or wetting from floors, walls and ceiling.

(3) Chlorine compounds must not be stored in the same storage room or storage area as petroleum products.

§265.190. Safety Features for Pools and Spas.

(a) Safety rope and float lines and floor markings.

(1) Class A pools not being used for competitive events or lap swimming must have a rope and float line:

(A) provided between 1 and 2 feet on the shallow water side of the 5-foot depth and floats must be spaced at not greater than 7-foot intervals and secured so they will not slide or bunch up, and the stretched rope and float line must be a size to provide a good handhold and strong enough to support loads normally imposed by users; and

(B) be securely fastened to wall or deck anchors made of corrosion-resisting materials of the type that is recessed or removable and must have no projection that will constitute a hazard when the line is removed.

(2) Class B pools that are over 5-feet deep must have:

(A) a 4-inch minimum width row of floor tile or other permanent method using a color contrasting with the bottom of the pool at the transition point of the pool floor from the shallow area to the deep area of the pool;

(B) a rope and float line between 1 and 2 feet on the shallow water side of the 5-foot depth and floats must be spaced at not greater than 7-foot intervals and secured so they will not slide or bunch up; and

(i) the stretched rope and float line must be a size to provide a good handhold and strong enough to support loads normally imposed by users; and

(ii) the rope and float may be removed when the pool is used for lap swimming or for competitive events; and

(C) rope and float lines securely fastened to wall or deck anchors made of corrosion-resisting materials of the type that is recessed or removable and must have no projection that will constitute a hazard when the line is removed.

(3) Class C pools that are over 5-feet deep must have a 4-inch minimum width row of floor tile or other permanent method using a color contrasting with the bottom of the pool at the transition point of the pool floor from the shallow area to the deep area of the pool.

(A) A rope and float line may also be used in addition to the transition line and must be provided between 1 and 2 feet on the shallow water side of the 5-foot depth. The floats must be spaced at not greater than 7-foot intervals and secured so they will not slide or bunch up. The stretched rope and float line must be a size to offer a good handhold and strong enough to support loads normally imposed by users.

(B) Rope and float lines must be securely fastened to wall or deck anchors made of corrosion-resisting materials of the type that is recessed or removable and must have no projection that will constitute a hazard when the line is removed.

(4) Wave pools, surf pools, and waterslide landing pools are not required to provide a safety rope on the shallow side of the change in floor slope.

(b) Depth markers. Depth markers in pools and spas constructed or renovated after the effective date of the rules of this subchapter or that are being replaced must be placed in the top 4-1/2 inches of the pool or spa wall just under the coping and be positioned to be read by a user while in the pool.

(c) Depth markers in spas. Spa depth markers must comply with the following:

(1) There must be no less than two depth markers for each spa, regardless of spa size and shape.

(2) Depth markers in spas must be permanent in nature with numbers and letters not less than 4 inches in height and must be clearly marked in a color contrasting to the background on which they are applied both on the deck and on the vertical wall of the spa.

(3) Depth markers in spas on the vertical wall must be positioned in the top 4-1/2 inches of the spa wall and be positioned to be read by a user while in the spa.

(4) Depth markers in spas must be spaced at not more than 25-foot intervals and must be uniformly located around the perimeter of the spa.

(5) Deck depth markers for spas must be positioned to be read while standing on the deck and must be slip-resistant.

(6) Depth markers for spas must have units of measurement that either spell out "feet" or "inches" or abbreviate "FT," "IN," or fractions of a foot.

(d) Deck "NO DIVING" marker and symbol. Where no diving markers and symbols are required in pools, the markers and symbols must comply with the requirements in the International Swimming Pool and Spa Code (ISPSC) and with the following:

(1) The no diving marker and symbol may not be less than 4 inches in height. The no diving symbol must consist of a diver's profile in a circle with a 45-degree slash through the diver.

(2) The color of the letters and symbol must contrast with the background on which they are applied, and the color must be permanent in nature.

(3) The no diving markers and symbols on the deck must be slip resistant.

(4) The no diving marker and symbol on the deck must be within 18 inches of the water's edge and positioned to be read while standing on the deck facing the water.

(5) If a permanent structure above the pool deck is within 5 feet of the water's surface, the 4-inch no diving marker and symbol must be affixed to the structure so that the warning is visible to persons who may attempt to use the structure for diving. The no diving symbol and warning are not required on diving boards or diving platforms, ADA-compliant chair lifts, slide flumes, lifeguard stands, or bridges over the water.

(6) The no diving marker and symbol is not required on the interior tile line of a pool or in a spa.

(e) Starting platforms. Starting platforms must be used during official competition only or when there is direct supervision by the team coach, a qualified instructor, or a lifeguard. Starting platforms must be removed or secured to prevent inadvertent use when the starting platforms are not directly supervised.

(f) Safety signage. In addition to safety signs required in the ISPSC, the additional safety and operational signs are required for pools as follows.

(1) Signs must be in the pool yard, securely mounted as applicable, and readily visible to the pool user and must be posted within the pool yard unless otherwise stated within this subchapter.

(2) Sign panels must be durable for the weather conditions and the message surface must be clean and smooth and readily accept paint or precut lettering adhesives.

(3) Theming or artwork applied to signs must not invade the message panel and signs must have a distinct border.

(4) Multiple signs may be used or messages may be combined on one sign.

(5) Safety signs for pools constructed on or after the effective date of this subchapter or safety signs that are replaced at pools constructed before the effective date of this subchapter must be in compliance with Figure: 25 TAC §265.190(f)(5).

Figure: 25 TAC §265.190(f)(5)

Required Pool Sign or Signs	Letter and Symbol Size
"WARNING-NO LIFEGUARD ON DUTY" (Where no lifeguard required or provided.)	4 inches
"NO DIVING" and International No Diving Symbol (Where no lifeguard required or provided.)	4 inches
"IN CASE OF EMERGENCY, DIAL 911"	4 inches
Precise Location of the Pool on or with the Emergency Phone (address, directions, GPS location, or building number, as appropriate)	Minimum 1-inch
Hours of Operation	Minimum 1-inch
Directions to and Location of Emergency Phone if Phone Not Visible in Pool Yard	Minimum 2-inches
Maximum User Load Limit	Minimum 2-inches
"PETS IN THE POOL ARE PROHIBITED"	Minimum 2-inches
"DO NOT SWIM IF YOU HAVE BEEN ILL WITH DIARRHEA WITHIN THE PAST 2 WEEKS"	Minimum 2-inches
"CHANGING DIAPERS WITHIN 6 FEET OF THE POOL IS PROHIBITED"	Minimum 2-inches
"GLASS ITEMS NOT ALLOWED IN THE POOL YARD"	Minimum 2-inches
"PERSONS UNDER THE AGE OF 14 MUST NOT BE IN THE POOL WITHOUT ADULT SUPERVISION"	Minimum 2-inches
"EXTENDED BREATH HOLDING ACTIVITIES ARE DANGEROUS AND PROHIBITED"	Minimum 2-inches

(6) In areas of Texas where the majority of residents are non-English speaking, in addition to signs in English, signs and other written warnings or information required by the rules in this subchapter may be posted in the predominant language.

(7) Variations of the language of the required safety signs in Figure: 25 TAC §265.190(f)(5) are allowed if the language of the safety signs is substantially equivalent to the language in Figure: 25 TAC §265.190(f)(5) and if local regulatory officials that regulate swimming pools and spas approve the variations before the sign is posted in the pool yard.

(g) Rescue equipment. A pool must have at least one ring buoy with throwing rope and a reaching pole for every 2000 square feet of pool surface area up to 6000 square feet. If the pool has over 6000 square feet of surface area an additional ring buoy, throw rope, and reaching pole must be provided for each additional 4000 square feet of surface area or fraction thereof. The reaching poles and ring buoys with rope must be visible and readily accessible from all areas of the pool yard.

(1) The reaching pole must be light, strong, non-telescoping, and at least 12 feet long. The pole must be constructed of fiberglass or other material that does not conduct electricity and must have a body hook or shepherd's crook with blunted ends attached.

(2) The throwing rope must be 1/4-inch to 3/8-inch in diameter, with a length at least two-thirds the maximum width of the pool. A USCG-approved ring buoy, maximum 24-inches in diameter, must be attached to the throwing rope.

(h) Certain safety requirements for spas.

(1) Signs for spas constructed on or after the effective date of this subchapter or safety signs that are replaced at spas constructed before the effective date of this subchapter must be securely mounted and readily visible to spa users and must be inside the spa enclosure as required in Figure: 25 TAC §265.190(h)(4), Required Spa Signs.

(2) Safety signs can be combined on one sign or posted individually.

(3) Variations of the language of the required safety signs in Figure: 25 TAC §265.190(h)(4) are allowed if the language of the safety signs is substantially equivalent to the language in Figure: 25 TAC §265.190(h)(4) and if local regulatory officials that regulate swimming pools and spas approve the variations before the sign is posted in the pool yard or spa yard.

(4) Safety signs for spas constructed on or after the effective date of this subchapter, or safety signs that are replaced at pools constructed prior to the effective date of this subchapter, must be in compliance with Figure: 25 TAC §265.190(h)(4).

Figure: 25 TAC §265.190(h)(4)

Required Spa Signs	Letter and Symbol Size
"WARNING – NO LIFEGUARD ON DUTY" (if no lifeguard is provided or required)	4 inches
"DO NOT USE THE SPA IF THE WATER TEMPERATURE IS ABOVE 104 DEGREES FAHRENHEIT"	Minimum 1-inch
Maximum User Load	Minimum 1-inch
Location of the nearest emergency phone or device	Minimum 2-inches
EMERGENCY SPA SHUTOFF	Minimum 2-inches
"DO NOT SWIM IF YOU HAVE BEEN ILL WITH DIARRHEA WITHIN THE PAST 2 WEEKS"	Minimum 2-inches
"PERSONS UNDER THE AGE OF 14 MUST NOT BE IN THE SPA WITHOUT ADULT SUPERVISION"	Minimum 2-inches
"PETS IN THE SPA ARE PROHIBITED"	Minimum 2-inches

(i) Emergency summoning device. A pool or spa must have a minimum of one emergency telephone, emergency monitoring contact device, or alternative communication system that is capable of immediately summoning emergency services and that is readily accessible, within 200 feet of the water, and is functioning at all times the pool or spa is open for use. Where a pool or spa has a seasonal operation schedule, the emergency summoning device must be functioning 24 hours a day during the entire season the pool or spa will be in use. Clear operating instructions for the emergency summoning device must be provided.

(1) A fixed-location telephone, emergency monitoring device, or alternative communication system must be visible, have no obstruction to access, and have some method of identification that enables the telephone or other device or system to be easily identified by users.

(2) A telephone or emergency monitoring device must not be answered by an on-site office. An alternative communication system must not be answered by an on-site office unless the alternative communication system complies with paragraph (5) of this subsection.

(3) A telephone must be capable of making calls to 911 dispatch or to an emergency service.

(4) An emergency monitoring contact device, when activated, must directly connect to a 24-hour monitoring service, or directly to 911 dispatch or to emergency medical services.

(5) An alternative communication system that contacts an on-site office may be

used if the pool or spa is in a remote area with limited or delayed emergency medical services response times and there are employees on-site that are trained and certified or licensed to perform emergency medical intervention when the pool or spa is open for use.

(6) A cell phone that is dedicated for use at the pool or spa that is mounted in the pool yard or spa yard for public use and labeled as the emergency phone may be used if the cell phone is activated by a service provider, is provided with a permanent power supply, and is capable of reaching the emergency service provider or 911 emergency services.

(7) A sign must be posted above the emergency summoning device whether it is a phone, emergency monitoring device, or alternative communication device with the precise location of the pool or spa, such as an address, building number, GPS location, or other location identifying information in letters a minimum of 1-inch in height.

(j) Lighting at pools and spas. Lighting at pools and spas that operate before sunrise and after sunset must be provided a minimum 30 minutes before sunrise and a minimum of 30 minutes after sunset or while the pool or spa is open.

§265.191. Lifeguard Personnel Requirements and Standards at Pools.

(a) Lifeguards required. Pools and spas are required to meet the operational standard that is most applicable to their respective use. For example, a pool or spa that is normally operated as a Class C pool or spa but is occasionally made available to the public, with or without a fee, must meet Class B lifeguard standards when the pool is open to the general public, with or without a fee. A minimum of two lifeguards must be provided at:

(1) Class A pools during competitive events;

(2) Class B pools whenever the Class B pool is open;

(3) any pool where a user enters the water from any height above the deck or wall, including from diving boards, diving platforms, drop slides, waterslides, starting platforms, zip lines, or climbing walls that are open for use;

(4) any wave or surf pool; or

(5) any pool while it is being used for the recreation of youth groups, including youth camps, visiting childcare groups, or visiting school groups, and a minimum of two lifeguards must be provided by either the aquatic facility or by the youth group using the aquatic facility.

(b) Closing diving boards, diving platforms, drop slides, waterslides, starting platforms, zip line, or climbing wall. A diving board, diving platform, drop slide, waterslide, starting platform, zip line, climbing wall, or any other structure that allows entry from any height above the deck will be considered open unless there is a lock, chain, or other method used to prevent access to these structures, and a sign is posted on the entry to these structures stating that they are closed.

(c) Lifeguards at spas. Lifeguards are not required at spas.

(d) Lifeguard staffing plan required. A staffing plan specifying the number of on-duty lifeguards must be prepared by the pool operator, lifeguard supervisor, or pool owner, and must provide adequate supervision and close observation of all users at all times. A copy of the plan must be available on-site and be provided to a DSHS or local regulatory authority inspector upon request.

(e) Surveillance area. Each lifeguard must be given an assigned surveillance area commensurate with ability and training. The lifeguard must be able to view the entire assigned surveillance area.

(f) Other duties must not distract. Lifeguards conducting surveillance of users must not be assigned duties that would distract the lifeguard's attention from proper observation of the users or that would prevent immediate assistance to persons in the water.

(g) Lifeguard rotation required. When lifeguards are provided or required, a rotation procedure for lifeguards is required. Lifeguards must have break time from guarding activities as recommended by ARC or equivalent aquatic safety organization.

(h) Lifeguard training and drills. When lifeguards are provided or required, alertness and response drills and any other training is required, including:

(1) a pre-season training program;

(2) a continual "in-service" program of at least a minimum of 60 minutes for every 40 hours of employment by the lifeguard or other aquatic safety personnel;

(3) a review of the Centers for Disease Control and Prevention standards for responding to formed-stool contamination, diarrheal-stool contamination, vomit contamination, and contamination involving blood;

(4) performance audits as recommended by the ARC, Young Men's Christian Association, or by an equivalent aquatic safety organization; and

(5) a facility emergency action plan for an event, such as submersion, suspected spinal injury, medical emergency, thunderstorm, missing person, bad weather, or chemical exposure.

(i) Emergency action plan. Any pool or spa emergency action plan must contain the following:

(1) a list of emergency phone numbers and contacts, including the trained and certified operator;

(2) the location of the first-aid kit and other rescue equipment such as the AED, BVM, and backboard;

(3) a response plan for inclement weather such as a thunderstorm, lightning, or

high wind, including evacuation areas; and

(4) a plan following the Centers for Disease Control and Prevention standards for responding to formed-stool contamination, diarrheal-stool contamination, vomit contamination, and contamination involving blood.

(j) Lifeguard records. All training must be kept current. Records confirming the status of training must be made available upon request. If records are not kept on-site, records must be provided to DSHS or local regulatory authority within five business days of the request. The following records pertaining to lifeguards must be kept three years:

(1) each lifeguard's certification, including the expiration date; and

(2) records of the most current training, including date, length of training, training topic, trainer name, and attendee.

(k) Lifeguard access to safety equipment. Lifeguards must have access to safety equipment including:

(1) an Occupational Safety and Health Administration (OSHA) compliant, minimum 24-unit first aid kit housed in a durable weather-resistant container that is fully stocked and ready for use. The kit must include disease transmission barriers and cleaning kits meeting OSHA standards;

(2) at least one backboard equipped with a head immobilizer and sufficient straps to immobilize a person to the backboard located close enough to a pool or spa to enable a two-minute response time to an incident in a pool or spa.

(3) at least one portable AED and one BVM kept in a secure location that can be easily and quickly accessed by lifeguards or other trained personnel.

(l) Lifeguard stands. OSHA-compliant lifeguard stands with platforms for lifeguards are required where water depth is greater than 5 feet and must have a protective umbrella or sunshade high enough to give lifeguards a complete and unobstructed view of the assigned area of surveillance for the lifeguards. Lifeguard stands and platforms must be located such that there are no hazards such as electrical wires directly overhead.

(m) Personal lifeguard equipment. Each lifeguard must be provided with the following personal equipment:

(1) uniform attire that readily identifies the lifeguard as a staff member and a lifeguard;

(2) a rescue tube with attached rope or strap;

(3) personal protective devices including a resuscitation mask with one-way valve and non-latex, non-powdered, single use disposable gloves worn in a hip pack or attached to the rescue tube; and

(4) a whistle or other signaling device for communicating to users, other lifeguards, or staff.

(n) Minimum lifeguard standards. The standards in this subsection are considered minimum standards. Pool owners or operators may require additional and more stringent lifeguard policies, procedures, staffing requirements, training requirements, and performance audits.

§265.192. Pool Yard and Spa Yard Enclosures.

(a) Fence or barrier required. All pool yards and spa yards must be completely enclosed by a fence, wall, or equivalent barrier that is durable and is not easily climbed. An enclosure can surround multiple pools and spas within an aquatic facility.

(1) Planters, light poles, and other structures and site furnishings must not be permitted within 36 inches, as measured horizontally, outside of the enclosure.

(2) Planters, light poles, and other structures and site furnishings inside the pool or spa enclosure must be constructed and placed such that the fence is not made easily climbable from outside the pool or spa enclosure.

(3) Tree limbs must be kept trimmed to prevent a tree or the limbs of the tree from being used by children to climb over the enclosure.

(4) Solid barriers that do not have openings must be smooth and not have any indentations or protrusions that could be used as a handhold or foothold except for normal construction tolerances and tooled masonry joints on the side away from the pool or spa.

(b) Enclosures for Class A and Class B pools and spas and resident youth camp pools and spas. Enclosures for Class A and Class B pools and spas and resident youth camp pools and spas must meet the following requirements.

(1) Class A and B pools and spas and pools and spas at resident youth camps must have an enclosure consisting of a fence, portion of a building, wall or other durable enclosure, or an equivalent structure. Chain link material with a maximum opening of 1-3/4 inch mesh may be used for fencing at Class A, Class B, and residential youth camp pools and spas.

(2) A building that serves as part of the enclosure must have doors or gates that open into the pool or spa yard only if:

(A) any doors or gates between the building and the pool or spa yard are for entry into a storage room, restroom, shower room, dressing room, or mechanical room adjacent to the pool or spa; and

(B) the room does not have any door or gate openings to the outside of the pool yard or spa yard enclosure.

(3) The enclosure, including doors and gates, must be designed and constructed

so that it cannot be easily climbed and:

(A) have a minimum effective perpendicular height of at least 6 feet as measured from the ground surface on the outside of the enclosure;

(B) have no openings in the enclosure, either through or under it, which would allow passage of a 4-inch sphere;

(C) have no horizontal mid-rail and be designed and constructed so that it cannot be readily climbed;

(D) have all doors and gates in the enclosure directly and continuously supervised by staff at the pool during hours of operation or locked to prevent unauthorized entry; and

(E) have no windows in the enclosure lower than 6 feet from the ground as measured from outside of the enclosure that can be opened.

(4) Gates and doors of Class A, Class B, and resident youth camp pool and spa enclosures must open outward away from the pool or spa, be capable of being locked, and must be locked if the pool or spa is not open for use. The gate or door must be locked if the pool or spa is closed for repairs, hazards, weather related hazards, adding chemicals by hand, or any other condition that warrants closure of the pool or spa.

(c) Enclosures for pools and spas subject to Texas Health and Safety Code, Chapter 757. A pool or spa that is in a multiunit rental complex or owned, controlled, or maintained by a property owners association and subject to Texas Health and Safety Code, Chapter 757, must have an enclosure as required in Chapter 757.

(d) Enclosures for all other Class C and day camp pools and spas. A Class C or day camp pool or spa not subject to Texas Health and Safety Code, Chapter 757 must have an enclosure that complies with this subsection and, if applicable, subsection (h) of this section.

(1) The pool yard or spa yard enclosure must consist of one or a combination of a fence, portion of a building, wall, or other durable enclosure that meets the requirements of this section. The enclosure must comply with the following:

(A) The enclosure must have a minimum perpendicular height of at least 48 inches as measured from the ground surface on the outside of the enclosure.

(B) An enclosure with horizontal and vertical members constructed or replaced on or after January 1, 2021, must have no horizontal mid-rail and be constructed so that it cannot be easily climbed. The distance between horizontal members of the fence that is 48 inches in height must not be less than 45 inches.

(C) Openings in, under, or through all enclosures at Class C and day camp pools and spas must not allow the passage of a 4-inch diameter sphere.

(D) Chain link fencing material is prohibited for Class C pools and spas

constructed on or after October 1, 1999. Pool and spa fences at Class C pools and spas constructed before October 1, 1999, that replace a chain link fence are prohibited from using chain link fencing material.

(E) Windows that are capable of being opened are not allowed as a part of a pool or spa enclosure unless those windows are above the required enclosure height as measured from the ground level outside of the pool enclosure, and have a maximum opening of 4 inches, or are provided with a non-removable screen.

(F) Doors or gates of a building that are capable of being opened are not allowed as part of an enclosure unless:

(i) the doors or gates between the building and pool yard or spa yard are for entry into a storage room, restroom, shower room, dressing room, or mechanical room adjacent to the pool or spa;

(ii) the room does not have any door or gate openings to the outside of the pool yard or spa yard enclosure; or

(iii) the pool yard or spa yard is indoor and complies with the requirements of subsection (h) of this section.

(2) Gates and doors of a pool or spa enclosure subject to this subsection must:

(A) be equipped with self-closing and self-latching devices meeting the definition in §265.182(62) of this subchapter (relating to Definitions);

(B) be designed to close and to keep the gate or door securely closed and latched whenever the gate or door is not in use;

(C) open outward away from the pool or spa;

(D) be capable of being locked and be locked if the pool or spa is not open for use; and

(E) be locked if the pool or spa is closed for repairs, hazards, weather-related hazards, adding chemicals by hand, or any other condition that warrants closure of the pool or spa.

(3) Self-closing and self-latching devices on gates and doors of a pool or spa constructed on or after January 1, 2021, must:

(A) have hand-activated door- or gate-opening hardware located at least 3-1/2 feet above the deck or walkway; or

(B) have hand-activated door- or gate-opening hardware located on the pool yard side of the gate that is at least 3 inches below the top of the gate;

(C) have a gate or enclosure with no opening greater than 1/2 inch in any direction within 18 inches from the latch including the space between the gate and the gate post to which the gate latches; and

(D) have a gate latch that may be located 42 inches or higher above the ground if the gate cannot be opened except by key, card, or combination on both sides of the gate.

(e) Entry into pool yard or spa yard. Pool yard and spa yard enclosures must be constructed so that all persons will be required to pass through an enclosure gate or door to gain access to the pool or spa. All gates and doors exiting a pool or spa yard must open into a public area or walkway accessible by all users of the pool or spa.

(f) Propping open gates prohibited. No gate or door into a pool yard or spa yard may be propped open or remain propped open unless an agent, employee, or contractor of the owner is present and doing construction, maintenance, or repair work in the pool yard or spa yard or on its enclosure that reasonably requires the gate to be propped open.

(g) Service gates or doors. Service gates or doors at a Class A, Class B, or Class C facility used only by service personnel are not required to be self-closing and self-latching. Service gates and doors must not be used as a user entry or exit and must be kept securely closed and locked when not in actual use by service personnel entering or exiting the pool or spa yard. A service gate or door may include:

(1) a gate or door used by chemical delivery services, facility maintenance services, and lawn and landscaping services; or

(2) a door or service window used solely by food service staff from a food preparation area, bar, or snack bar.

(h) Enclosures for pools and spas in a building. For pools and spas that are in a building, the interior or exterior building walls may be designated as the enclosure.

(1) Entry and exit gates or doors into the pool or spa located in a building must comply with the requirements for entry and exit gates and doors for Class A, Class B, or Class C pool and spa gates and doors in subsections (b), (c), and (d) of this section, as applicable.

(2) Elevator doors are not to be used as an entry or exit into the pool yard or spa yard when the pool or spa is inside a building or accessed from the interior of a building.

(3) Where separate indoor and outdoor pools and spas are located at the same site, a door or gate may be provided between them if they comply with all the requirements in subsections (b), (c), and (d) of this section for Class A, Class B, and Class C pool and spa gates and doors, as applicable, except that if the gate or door between the indoor and outdoor pool or spa does not provide an exit from the pool or spa yard, that gate or door may open inward into the outdoor pool or spa yard.

§265.193. Water Quality at Pools and Spas.

(a) Environmental Protection Agency (EPA) registration. A sanitizer, disinfectant, or other chemical used to disinfect or sanitize the pool or spa water must be EPA-registered for use in pools and spas under the Federal Insecticide, Fungicide, and Rodenticide Act.

(b) Algae. Pools and spas must be treated to eliminate algae in order to prevent creation of a slip hazard, to prevent the water from becoming cloudy reducing visibility in the pool or spa, and to prevent uncontrolled growth of algae that could harbor pathogens.

(c) Required chemical levels. Water quality for a pool or spa must meet the following criteria when the pool or spa is open for use. The water quality parameters in Figure: 25 TAC §265.193(c) apply to both pools and spas unless otherwise indicated.

Figure: 25 TAC §265.193(c)

Required Chemical Levels

Disinfectant Level	Minimum	Ideal	Maximum
Pool Free Available Chlorine	1.0 ppm	2.0 – 3.0 ppm	8.0 ppm
Spa Free Available Chlorine	2.0 ppm	3.0 ppm	8.0 ppm
Pool Bromine	3.0 ppm	4.0 – 6.0 ppm	10.0 ppm
Spa Bromine	4.0 ppm	5.0 ppm	10.0 ppm
Combined Chlorine	None	None	0.4 ppm
pH	Not less than 7.0	7.2 – 7.6	7.8
Cyanuric Acid	None	30 – 50 ppm	100 ppm
ORP	600 mV	650 – 750 mV	900 mV
Alkalinity	60 ppm	60 ppm – 180 ppm	>180 ppm
Calcium Hardness in Pools	150 ppm	>150 – 400 ppm	1000 ppm
Calcium Hardness in Spas	100 ppm	150 – 400 ppm	800 ppm

(d) Cyanuric acid. Cyanuric acid and stabilized chlorine such as dichlor, must not be used in any indoor pool or spa or in therapy pools.

(e) Water clarity. Water clarity must be sufficient such that an 8-inch black disk or Secchi disk on the floor at the deepest part of the pool can be clearly and

immediately seen by an observer on the water surface above the disk or by someone standing on the deck closest to the disk.

(f) Reliable means of water testing required. A reliable means of testing for pH, free and total (combined) chlorine, bromine, cyanuric acid, alkalinity, and calcium hardness to minimum and maximum levels and levels in between, must be provided and available for the pool operator at the pool or spa when the pool or spa is open for use.

(g) DPD chemical test. Free available chlorine levels and bromine levels must be determined using the DPD testing method.

(h) ORP reading frequency. ORP readings must be recorded at the same time required sanitizer and pH tests are performed where in-line ORP meters are used. The date and the mV level must be recorded in the required pool or spa logs required in this section.

(i) Storage of test kits and reagents. Test kits and reagents must be stored according to the manufacturer's instructions and protected from extreme heat and cold and from exposure to water, chemicals, petroleum products, or any other element or environment that could adversely affect the efficacy of water quality test results.

(j) Accuracy of test reagents. Testing reagents must be changed at frequencies recommended by the manufacturer to ensure accuracy of the tests.

(k) Chemical balance. Water in the pool or spa must be chemically balanced. Testing methods to determine the chemical balance of the water in the pool or spa, such as the Langelier Saturation Index, must be conducted at least once every 10 days while the pool or spa is open. The date of the test and the results of the testing and any adjustments made to the pool or spa to correct water quality must be recorded in the required pool or spa logs required in this section. Logs must be made available upon request. If logs are not kept on-site, logs must be provided to DSHS or local regulatory authority within five business days of the request.

(l) Water monitoring records of public pools and spas. A record of all pool and spa water chemical testing must be recorded in a pool or spa log, either electronically or manually in a logbook, and must be made available upon request. If logs are not kept on-site, logs must be provided to DSHS or local regulatory authority within five business days of the request. Records shall be maintained for a minimum of three years and must include:

(1) if multiple pools or spas on-site, identification of the pool or spa tested;

(2) date and time of testing;

(3) chemical levels as required in Figure: 25 TAC §265.193(c) in accordance with the testing schedule requirements in subsection (o) of this section;

(4) mV of ORP meter where applicable; and

(5) any action taken to correct chemical readings including addition of sanitizer, algaecide, or chemical to correct pH and tests to ensure chemical levels return to required levels, closure of the pool or spa, formed stool or diarrhea in a pool or spa and remedial actions taken as a result, or any other significant action taken which impacts pool and spa water quality.

(m) Skimmers. Skimmers must not be used for dispensing chemicals into the pool or spa.

(n) Off-season circulation system operation. When an outdoor pool or spa is not in use for an extended period of time (such as off-season), clarity must be maintained. Circulation rates must provide acceptable water clarity as required in this section.

(o) Testing frequency and record keeping when pools and spas are open for use.

(1) When Class A and Class B pools and spas are open for use:

(A) Tests for disinfectant levels and pH must be made and recorded in pool or spa logs every two hours.

(B) If a system is used to automatically control disinfectant and pH, tests for disinfectant level and pH must be performed and the results recorded in the pool or spa logs at least three times per day and a reading of the automatic control device must also be made and recorded in the pool or spa logs.

(C) Where cyanuric acid is used either in stabilized chlorine or used as needed, tests for cyanuric acid levels must be performed once each week and the results recorded in the pool or spa log.

(2) Class C pools and spas that have on-site staff primarily responsible for pool and spa operations, such as lifeguards, must be tested for disinfectant levels and pH a minimum of three times a day. Results of the testing must be recorded in pool or spa logs.

(A) If a system is used to automatically control disinfectant and pH, testing for disinfectant level and pH must be performed and the results recorded a minimum of once a day and a reading of the automatic control device must also be made and the results recorded in the pool or spa log.

(B) Where cyanuric acid is used either in stabilized chlorine or as needed, tests for levels of cyanuric acid must be performed once each week and the results recorded in the pool or spa log.

(3) Class C pools and spas that do not have on-site staff primarily responsible for pool and spa operations, such as lifeguards, must be tested for disinfectant levels and pH a minimum of one time a day and the results must be recorded in the pool or spa log.

(A) If a system is used to control disinfectant and pH electronically, and the system has the ability to record and transmit the mV level or free chlorine level and

pH to the trained and certified operator once a day, sanitizer level and pH must be measured once each week using a test kit and recorded in the pool or spa log.

(B) A reading of the automatic control device must also be recorded at the same time the sanitizer level and pH are measured using the test kit and recorded in the pool or spa log.

(C) Where cyanuric acid is used either in stabilized chlorine or as needed, tests for levels of cyanuric acid must also be performed once each week and the results recorded in the pool or spa log.

(4) Other required tests for pools and spas. Tests for alkalinity, calcium hardness, and chemical balance must be performed at least once every 10 days, or more often, if necessary, to maintain required water quality parameters in subsection (c) of this section and water clarity requirements in subsection (e) of this section. Results of the tests must be recorded in the pool or spa log.

(5) Records of all testing of the pool and spa water must be maintained for at least three years and be available or made available upon request by DSHS or local regulatory authority. If records are stored off-site, they must be provided within five business days.

(p) Cyanuric acid levels must not exceed 100 ppm. Whenever cyanuric acid levels exceed 100 ppm the following is required.

(1) Sanitizer level must be raised to 2.0 ppm free available chlorine and maintained at that level until the cyanuric acid level drops to less than 100 ppm.

(2) Sanitizer level, pH, and cyanuric acid levels must be measured and recorded at least once a day in the pool or spa log until the cyanuric acid level drops below 100 ppm.

(3) Records of cyanuric acid levels exceeding 100 ppm and actions taken to return those levels to at or below the allowable maximum must be recorded in the pool or spa log.

(q) Clarifiers, flocculants, and defoamers.

(1) Clarifiers, flocculants, and defoamers must be used per manufacturer's instructions and must not create a hazardous condition, compromise disinfectant efficacy, or interfere with other water quality measures in Figure: 25 TAC §265.193(c).

(2) Clarifiers, flocculants, defoamers, and any other chemical used in a pool or spa must be certified, listed, and labeled to either NSF Standard 50 or NSF Standard 60.

(r) Chemical feed equipment. All chemical feed equipment must be maintained in good working condition at all times.

§265.194. Operation and Management of Pools and Spas.

(a) Operational standard for all pools and spas. Pools and spas must be required to meet the operational standard that is most applicable to their respective use. For example, a pool or spa that is being operated as a Class C pool or spa but is generally or for specific occasions made available to the public, with or without a fee, must meet Class B operational standards.

(b) Required operator certification. All Class A, Class B, and Class C pools and spas must be maintained under the supervision and direction of a properly trained and certified operator.

(1) The operator is not required to be on-site when the pool or spa is open.

(2) The operator may be responsible for multiple pools and spas.

(3) The trained and certified operator's name and contact information must be made available to on-site staff, such as lifeguards, and to property management companies or property managers, and must be made available at the request of DSHS or a local regulatory authority.

(c) Operator responsibilities. The trained operator must ensure that the staff is properly trained in day-to-day operations of the pool and spa circulation system, as defined in the International Swimming Pool and Spa Code, and that the circulation system is being maintained in good operating condition in accordance with manufacturer's instructions.

(d) Operator training and certification. Operator training and certification can be obtained by completion of one of the following courses or the equivalent:

(1) the NRPA, "Aquatic Facility Operator;"

(2) the PHTA, "Certified Pool Operator;"

(3) the ASPSA, "Licensed Aquatic Facility Technician;" or

(4) an equivalent course which requires testing and provides certification and that is approved by the local regulatory authority.

(e) Documentation required for pools and spas.

(1) Documentation for all pool and spa suction outlets confirming compliance with ANSI/APSP-16 or any successor standard, whether the suction outlet is manufactured or field fabricated, must be kept on-site at all times the pool or spa is open for use or must be made available within five business days upon request by a regulatory official.

(2) Documentation of compliance with ASME/ANSI A112.19.17, ASTM F 2387, or any successor United States Consumer Product Safety Commission approved standard for manufactured pool and spa Safety Vacuum Release Systems and Automatic pump shut-off systems must be kept on-site at all times the pool or spa

is open for use or must be made available within five business days upon request by a regulatory official.

(f) Proper use and protection from chemicals in pools and spas. Personnel in charge of maintaining a pool or spa, whether it is the trained and certified operator or someone assigned to maintain a pool or spa when the trained and certified operator is not on-site, must be properly trained in accordance with §265.193 of this subchapter (relating to Water Quality at Pools and Spas).

(1) The use of chemicals at pools and spas must be according to the chemical manufacturer's directions.

(2) No chemical may be used in a way that violates the manufacturer's instructions for the chemical feed system or NSF 50 certification of that chemical feed system.

(g) Pool and spa equipment access. Pool and spa circulation equipment, mechanical spaces, and chemical storage spaces, whether indoors or out-of-doors, must be inaccessible to pool and spa users or other unauthorized persons. A warning sign against unauthorized entry must be posted on the entry door or gate to the pool and spa equipment room, building, or area.

(h) Water clarity standards for pools and spas. When the pool or spa is open and available for use the water must be of sufficient clarity that the bottom of the pool or spa is clearly visible while the water is static. Visual occlusion by sediment or other matter must be checked before opening and periodically, as necessary, while the pool or spa is in use. The pool or spa must be open for use only if the bottom and the submerged suction outlets, when present, are clearly visible.

(i) Off-season water quality. When an outdoor pool or spa is not in use for an extended period of time, such as off-season, clarity must be maintained, and algae growth must be prevented; however, other water quality parameters as required in §265.193 of this subchapter do not need to be maintained. Other methods may be used to maintain pools and spas during extended periods of non-use if approved by local regulatory officials in writing and water clarity is maintained.

(j) Pool and spa closure. When a pool or spa is not in use, such as after seasonal operation, while under construction, renovation, or for any reason, entry to the pool yard or spa yard by users or other unauthorized persons must not be allowed. A sign must be posted on the entry gates indicating the pool and spa are closed. The pool and spa and facility, when closed, must not give off objectionable odors, become a breeding site for insects, or create any other nuisance conditions or hazards.

(k) Domestic animals prohibited at pools and spas. Domestic animals and other pets must not be allowed within a pool or spa enclosure area or in the pool or spa except as required by 28 CFR §36.302(c) and, if applicable, 24 CFR §100.204. Animals permitted under 28 CFR §36.302(c) and 24 CFR §100.204 must be allowed on the deck and within the pool and spa yard, but not in the pool or spa.

(l) Wave pools constructed or renovated on or after the effective date of this subchapter. The wave pools must have a minimum of two emergency shutoff switches capable of immediately stopping wave generation, one on each side of the wave pool, clearly marked as emergency shutoffs and readily accessible to lifeguards.

(m) Surf pools constructed or renovated on or after the effective date of this subchapter. The surf pools must have a minimum of two emergency shutoff switches capable of immediately stopping wave generation, one on each side of the surf pool, clearly marked as emergency shutoffs and readily accessible to lifeguards.

(n) Actual water level at pools and spas. The actual water level in pools and spas must be maintained within the designed operating water level range of the rim, gutter, or skimmer system. When the water level is below the operating water level range of the pool or spa rim, gutter, or skimmer system, the pool or spa must be closed.

(o) Use of personal floatation devices (PFD). No person may be prohibited from the use of a USCG-approved PFD in a pool or spa.

(p) Food and beverages. Food and beverages may be consumed in the pool or spa only if it is privately owned and operated. Consumption of food and beverages in a pool or spa that is not privately owned and operated is prohibited.

(q) Glass containers prohibited. Food and beverages in the pool or spa or in the pool yard or spa yard must be in non-breakable containers. Glass containers and glass furniture must not be allowed on a deck, in the pool or spa, or anywhere within the pool yard or spa yard.

(r) Covered trash receptacles required. Covered trash receptacles must be provided where food and beverages are allowed or served.

(s) Standing water on decks. Decks must not have standing water and deck drains must be cleaned and maintained to prevent water accumulating on a pool or spa deck.

(t) Slime and biofilm. Slime and biofilm layers must be removed from all accessible pool and spa surfaces including steps and ladders, sidewall tile, depth markers, and from all aquatic features such as slides, climbing walls, and diving boards.

§265.195. Additional Requirements for Aquatic Activity Devices and Specific Pools.

(a) Slide flumes. Slide flumes constructed on or after the effective date of this subchapter must be easily cleanable, have proper drainage in all valleys and dips, and have safety measures that ensure a rider cannot fall or be ejected from the flume.

(b) Wave pools.

(1) Wave pools must be fitted with a rope and float line located to restrict access

to the caisson wall if required by the wave pool equipment manufacturer. Safety rope and float lines typically required at the shallow to deep water transition do not apply to wave pools.

(2) A minimum of two emergency shutoff switches to disable the wave action must be provided, one on each side of the wave pool.

(3) Caisson barriers must have no openings that would allow passage of a 4-inch sphere and must be provided for all wave pools. Wave pools using forced air to generate waves must not be required to have caisson barriers unless recommended by the manufacturer.

(4) Safety rope and float lines required at the shallow to deep water transition do not apply to surf pools.

(c) Leisure rivers. Leisure rivers constructed on or after the effective date of this subchapter must comply with the following:

(1) Obstructions such as landscaping, walls, or bridges are allowed provided they do not impact lifeguarding, sight lines, or rescue operations.

(2) Depth markers at leisure rivers are required on the sidewalls on both sides of all entry and exits, but if the depth is consistent, they are not required in the landscape, where there is no deck, or on the sidewalls in the main channel of the leisure river.

(d) Movable floor pools.

(1) The use of starting platforms in the area of a movable floor is prohibited when the water depth is shallower than 5 feet.

(2) Use of the moveable floor portion of the pool must not be open to users when the floor is being raised or lowered.

(3) Pools or spas with movable floors must have a sign indicating movable floor and varied water depth. The posted water depth must be the water level to the floor of the pool or spa measured vertically 3 feet from the wall of the pool or spa.

(4) A sign must be posted to inform the user that the pool or spa has a varied depth and refer to the sign showing the current depth.

(e) Surf pools.

(1) Surf pools must be fitted with a float line located to restrict access to the caisson wall if required by the surf pool equipment manufacturer.

(2) Wave caisson barriers must be provided for all surf pools and may not have an opening that would allow passage of a 4-inch sphere. Surf pools using forced air to generate waves may not have caisson barriers unless recommended by the manufacturer.

(3) Safety rope and float lines required at the shallow to deep water transition

do not apply to surf pools.

(4) In addition to the requirements for lifeguards in §265.191 of this subchapter (relating to Lifeguard Personnel Requirements and Standards at Pools), lifeguards must be provided with any equipment necessary to reach the deepest area of the surf pool during an emergency. The equipment must be accessible to all lifeguards, clearly labeled "For Lifeguard Use Only," and be available when the surf pool is open and used for surfing.

(5) No surfer may enter the surf pool unless:

(A) tethered to the surfboard;

(B) wearing a USCG-approved PFD; or

(C) a lifeguard is in the surf pool in the surfing area directly supervising surfing activity.

(6) Non-surfing users may not be allowed to enter the wave areas of the surf pool over 5 feet of depth while waves are being generated unless they are wearing a USCG-approved PFD.

(f) Islands in Pools and Spas Constructed on or After the Effective Date of This Subchapter.

(1) An island not designed or intended for walking on by pool or spa users must have signs stating "No Entry" in letters a minimum of 2 inches in height.

(2) An island must have a demarcation tile line on the perimeter of the island that is a minimum of 4 inches in height and must be positioned in the top 4-1/2 inches of the island wall just under the coping.

§265.196. Request for Alternate Method of Disinfectant.

(a) Application. Pursuant to Texas Health and Safety Code, §341.064(b-1), an owner or operator may apply to use an alternate method of disinfectant.

(b) Submission. A completed application for use of an alternate method of disinfectant must be submitted to DSHS's Consumer Protection Division at least 180 days before the opening of the pool or spa. The application must include:

(1) the type and level of primary disinfectant;

(2) the type and level, where applicable, of any supplemental method of water treatment;

(3) the method and equipment used for storing, delivering, and measuring primary disinfectant levels and supplemental water treatment levels;

(4) data supporting the effectiveness of the primary disinfectant and supplemental method of water treatment in maintaining required water quality;

(5) descriptions of any specialized equipment, application methods, or other water treatment methods that may differ from the requirements in §265.193 of this subchapter (relating to Water Quality at Pools and Spas);

(6) a proposed testing schedule for determining levels of biological and chemical levels as specified by DSHS to ensure the health and safety of the public;

(7) a detailed drawing or map of the pool that indicates swimming areas and non-swimming areas; and

(8) any additional information DSHS requires to make its decision.

(c) Decision. DSHS approves or rejects a request to use an alternate method of disinfectant no later than 90 days after the completed application is submitted.

(d) Additional information. If DSHS requires additional information to make its decision, the application is not considered complete for purposes of subsections (b) and (c) of this section until DSHS receives the additional information as requested.

§265.197. Compliance, Inspections, and Investigations.

(a) DSHS or the local regulatory authority has the right to enter at all reasonable times any area or environment, including a building, storage, equipment room, bathhouse, or office to inspect and investigate for compliance with this subchapter, to review records, to question any person, or to locate, identify, and assess the condition of the pool or spa.

(b) Advance notice or permission for entry is not required.

(c) DSHS or the local regulatory authority must not be impeded or refused entry during its official duties by reason of any company policy.

(d) It is a violation of this subchapter for a person to interfere with, deny, or delay an inspection or investigation conducted by DSHS or a local regulatory authority.

§265.198. Enforcement.

(a) If a person violates Texas Health and Safety Code, §341.064 or §341.0645 or this subchapter, DSHS or the local regulatory authority may, in accordance with Texas Health and Safety Code, §341.092, institute a civil suit in district court for the assessment of civil penalties, injunctive relief, or both.

(b) A person who violates Texas Health Safety Code, §341.064 or §341.0645, or this subchapter may also be subject to a criminal penalty under Texas Health and Safety Code, §341.091.

(c) If a pool or spa closes, either voluntarily or by court order, public access to the pool or spa must be restricted and a notice posted on the entry gates or doors.

Texas Administrative Code

Title 25 Health Services
Part 1 Department of State Health Services
Chapter 265 General Sanitation
Subchapter M Public Interactive Water Features and Fountains
§265.301 – 265.308

§265.301. General Provisions.

(a) Purpose of the rules. These rules implement Texas Health and Safety Code, §341.0695.

(b) Scope of rules. These rules address minimum sanitation requirements for public interactive water features and fountains (PIWFs). These standards are based in part on the American National Standards Institute and International Aquatic Foundation Standards for Aquatic Recreation Facilities (ANSI/IAF-9 2005) as amended, the National Swimming Pool Foundation's 2008 "Aquatic Play Feature Handbook" as amended, the Centers for Disease Control and Prevention "Designing Public Swimming Facilities Guidelines," and the Centers for Disease Control and Prevention "Operating Public Swimming Pools Guidelines" both available at http://www.cdc.gov/healthyswimming/.

(1) These rules apply to all PIWFs whether the PIWF shares or does not share a water supply, disinfection system, filtration system, circulation system, or any other treatment system that allows water to co-mingle with any other water feature or a pool.

(2) A PIWF that is supplied entirely by drinking water that is not recirculated is not subject to §265.303(d) and §265.303(f) of this title (relating to Operation and Maintenance of Public Interactive Water Features and Fountains); §265.305 (relating to Circulation and Disinfectant Systems for Public Interactive Water Features and Fountains), and §265.306 of this title (relating to Water Quality at Public Interactive Water Features and Fountains).

(3) These rules do not apply to a PIWF that uses freshwater originating from a natural watercourse for recreational purposes and that releases the freshwater back into the same natural water course.

(4) A PIWF with water reservoirs or basins that are accessible to users may be subject to the suction device requirements of Chapter 265, Subchapter L of this title (relating to Standards for Public Swimming Pools and Spas).

(c) PIWF standards. Where a local regulatory authority has jurisdiction for the regulation of PIWFs, such authorities may adopt standards that vary from these standards; however, such standards shall be the same as, equivalent to, or more stringent than these standards.

§265.302. Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Act--Refers to Health and Safety Code, §341.0695, relating to Interactive Water Features and Fountains.

(2) American Society of Sanitary Engineering (ASSE)--International Office, 901 Canterbury, Suite A, Westlake, Ohio 44145, telephone (440) 835-3040, website: www.asse-plumbing.org.

(3) ANSI--American National Standards Institute, 25 West 43rd Street (4th Floor), New York, New York 10036, telephone (212) 642-4900, website: www.ansi.org.

(4) ANSI/IAF-9 2005--American National Standards Institute and International Aquatic Foundation Standards for Aquatic Recreation Facilities.

(5) AquaTech--Starfish Aquatics Institute, Human Kinetics Aquatic Education Center, P.O. Box 5076, Champaign, Illinois, 61825-5076, telephone (800) 747-4457, website: www.aquaticeducationcenter.com.

(6) APSP--Association of Pool and Spa Professionals, 2111 Eisenhower Avenue, Suite 500, Alexandria, Virginia 22314-4695, telephone (703) 838-0083, website: www.apsp.org.

(7) ASPSA--American Swimming Pool and Spa Association, 1108 Little River Drive, Elizabeth City, North Carolina 27909, telephone (252) 331-2301, website: www.swimmingpooloperator.com.

(8) Automatic chemical feeder--An automatic device for adding chemical to water in a public interactive water feature or fountain (PIWF). An automatic chemical feeder has valves controlled by electronic equipment that use pumps to dispense chemicals based on signals from probes continuously monitoring the water's properties.

(9) Available chlorine--Rating of chlorine-containing products for total oxidizing power (See definition number (30) "Free available chlorine.")

(10) Backflow prevention device--A device that is designed to prevent a physical connection between a potable water system and a non-potable source such as a pool, spa, or PIWF, or to prevent a physical connection between a pool, spa, or PIWF and a sanitary sewer or wastewater disposal system. (See definition number (20) "Cross-connection control device.")

(11) Bacteria--Single-celled microorganisms of various forms, some of which cause infections or disease.

(12) Bromine--A chemical element (Br_2) that exists as a liquid in its elemental form or as part of a chemical compound that is a biocide agent used to disinfect water in a pool, spa, or PIWF.

(13) CDC--Centers for Disease Control and Prevention, 1600 Clifton Road, Atlanta, Georgia 30333, telephone (800) 232-4636, website: www.cdc.gov.

(14) Chlorine--A chemical element (Cl_2) that exists as a gas in its elemental form or as part of a chemical compound that is an oxidant. Chlorine is a biocide agent used to disinfect water in a pool, spa, or PIWF.

(15) Chloramine--A compound formed when chlorine combines with nitrogen or ammonia that, when found in significant amounts in the water of a PIWF, may cause eye and skin irritation and may have an objectionable odor.

(16) Circulation equipment--The components that are part of a circulation system for a PIWF. Circulation equipment may include but is not limited to, categories of pumps; treatment tanks; hair and lint strainers; filters; valves; gauges; meters; heaters; inlet/outlet fittings; and chemical feeding devices. The components have separate functions, but when connected to each other by piping, perform as a coordinated system for purposes of maintaining PIWF water in a clear, sanitary, and desirable condition for use.

(17) Circulation system--An arrangement of equipment or components, connected by piping to a PIWF in a closed circuit. The function of a circulation system is to direct water from the PIWF, causing it to flow through the various system components for purposes of clarifying, heating, purifying, and returning the water back to the PIWF.

(18) Coliform bacteria--Bacteria found in the intestines and fecal matter of warm-blooded animals.

(19) Combined chlorine--The portion of total chlorine in a water-chemical combination with ammonia, nitrogen, and/or organic compounds, mostly comprised of chloramines. Combined chlorine plus free available chlorine equals total chlorine.

(20) Cross-connection control device--A device that is designed to prevent a physical connection between a potable water system and a non-potable source such as a pool, spa, or PIWF, or to prevent a physical connection between a pool, spa, or PIWF and a sanitary sewer or wastewater disposal system. (See definition number (10) "Backflow prevention device.")

(21) Cryptosporidiosis--A diarrheal disease caused by microscopic parasites of the genus *Cryptosporidium*. Water is the most common method of transmission and *Cryptosporidium* is one of the most frequent causes of waterborne illness among humans in the United States.

(22) Cyanuric acid--A chemical that reduces the loss of chlorine in water due to the ultraviolet rays of the sun. Also known by the names stabilizer, isocyanuric acid, conditioner and triazinetrione.

(23) Date of construction--The date a building permit for construction of a PIWF is issued by a municipality or county. If no building permit is required, the date excavation or electrical service to the PIWF begins, whichever is first.

(24) Department--Department of State Health Services, Environmental and Consumer Safety Unit, Policy, Standards, and Quality Assurance, P.O. Box 149347, MC 1987, Austin, Texas 78714-9347, telephone (512) 834-6788, website: www.dshs.state.tx.us.

(25) Disinfectant--Energy or chemicals used to kill undesirable or pathogenic (disease causing) organisms at a level adequate to make the desired kill.

(26) Disinfection equipment--Equipment designed to apply or deliver a disinfectant (such as chlorine) at a controlled rate.

(27) DPD--A chemical testing reagent (N,N-Diethyl-P-Phenylenediamine) used to measure the levels of available chlorine or bromine in water by yielding a series of colors ranging from light pink to dark red.

(28) Extensively remodeled--Replacement of facility components or modification of the PIWF so that the design, configuration, capacity, or operation is 20% or more different from the original design, configuration, capacity, or operation. This term does not include the normal maintenance and repair of a PIWF or a water circulation system or the partial replacement of circulation system equipment if the size, type, or operation of the equipment is not substantially different from the original equipment. Replacement of 30% or more of the circulation system shall fall within the meaning of extensively remodeled.

(29) Filter--A device that removes undissolved particles from water by recirculating the water through a porous substance (filter media or element).

(30) Free available chlorine--That portion of the total chlorine remaining in the chlorinated water that is not combined with ammonia or nitrogen compounds and that will react chemically with undesirable or pathogenic organisms. Free chlorine is also known as free available chlorine. Combined chlorine plus free available chlorine equals total chlorine.

(31) Free residual chlorine--For purposes of this rule free residual chlorine means free available chlorine. (See definition number (30) "Free available chlorine.")

(32) Incidental water contact--Contact with water that is accidental and/or that occurs merely by chance. For purposes of this subchapter, incidental water contact at a water feature or attraction is contact that occurs primarily when users do not expect to become completely wetted, immersed, or submerged in water and the water feature or attraction is not designed to completely wet users or to allow for immersion or submersion in water, and is not used by users who become completely wetted, immersed, or submerged in water when using the water feature or attraction.

(33) Labeled--Equipment or material to which has been attached a label, symbol, or other identifying mark of an organization that is acceptable to the authority having jurisdiction and concerned with product evaluation that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards of performance in a specified manner.

(34) Local regulatory authority--The local enforcement body or authorized representative having jurisdiction over PIWFs and associated facilities.

(35) mJ--Millijoule, a unit of work or energy.

(36) mJ/cm^2--Millijoules per centimeter squared.

(37) NRPA--National Recreation and Parks Association, 22377 Belmont Ridge Road, Ashburn, Virginia 20148-4501, telephone 1-800-626-6772, website: www.nrpa.org.

(38) NSF--National Sanitation Foundation International, P.O. Box 130140, 789 N. Dixboro Drive, Ann Arbor, Michigan 48113-0140, telephone (800) 673-6275, website www.nsf.org.

(39) NSF/ANSI-50 Standard--National Sanitation Foundation International/American National Standard Institute Standard 50, Equipment for Swimming Pools, Spas, Hot Tubs and other Recreational Water Facilities.

(40) NSPF--National Swimming Pool Foundation, 4775 Granby Circle, Colorado Springs, Colorado 80919-3131, telephone (719) 540-9119, website: www.nspf.com.

(41) ONPG-MUG--Ortho-nitrophenyl-beta-D-galactopyranoside-4-methylumbelli-feryl-beta-D-glucuronide, an enzyme substrate assay used for measuring total coliform and *E. coli* in water as described in the Code of Federal Regulations, Title 40, Part 141.

(42) Owner or operator**--**The owner of the property upon which the PIWF is located, or the operator, business manager, complex manager, property owners association manager, rental agent, lessee, licensee, concessionaire, or other individual who is in charge of the day to day operations or maintenance of the property. The owner or operator is responsible to ensure that the PIWF complies with state and local standards.

(43) Ozone (O_3)--A gas composed of oxygen that is generated on site and used to oxidize organic matter in water.

(44) Ozone generator--A device that produces ozone, usually by exposing air or oxygen to a corona discharge or ultraviolet light.

(45) Parts per million (ppm)--A unit measurement in chemical testing that indicates the parts by weight in relation to one million parts by weight of water. For the purposes of PIWF water chemistry, ppm is considered to be essentially identical to the term milligrams per liter (mg/L).

(46) pH--A value expressing the relative acidic or basic tendencies of a substance, such as water, as indicated by the hydrogen ion concentration. The pH is expressed as a number on the scale of zero to 14, less than one being most acidic, 1 to 6.9 being acidic, 7 being neutral, 7.1 to 14 being basic, and 14 being most basic.

(47) Pool--For purposes of this subchapter, the term shall have the meaning assigned to it in Subchapter L, §265.182 of this title (relating to Definitions).

(48) Potable water--Water that meets all applicable standards for an approved drinking water source of the Texas Commission on Environmental Quality (TCEQ), 30 Texas Administrative Code (TAC), Chapter 290, Public Drinking Water, Subchapter D, Rules and Regulations for Public Water Systems, as amended, and 30 TAC Chapter 290, Public Drinking Water, Subchapter F, Drinking Water Standards Governing Drinking Water Quality And Reporting Requirements For Public Water Systems, as amended, or the equivalent

(49) Public interactive water feature and fountain (PIWF)--Any indoor or outdoor installation maintained for public recreation that includes water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons in various arrays for the purpose of wetting the persons playing in the spray streams. PIWFs:

(A) may be stand-alone PIWFs or may share a water supply, disinfection system, filtration system, circulation system, or other treatment system that allows water to co-mingle with a pool;

(B) may be publicly or privately owned;

(C) may be operated by an owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for use;

(D) include, but are not limited to, interactive water features or fountains that are open exclusively to members of an organization and their guests, residents of a multi-unit apartment building or apartment complex, residential real estate development, or other multi-family residential area, schools, day care facilities, youth camp, or hotel or other public accommodations facility;

(E) do not include interactive water features or fountains located on private property under the control of the property owner or the owner's tenant serving a single-family residence or duplex and that are intended for use by not more than two resident families and their guests; and

(F) are not fountains, installations, amusement rides, or other attractions, whether decorative or interactive, in which only incidental water contact occurs.

(50) Pump--A mechanical device, usually powered by an electric motor that causes hydraulic flow and pressure for the purpose of filtration, heating, and circulation of the PIWF water.

(51) Recreational water park--A property or any portion thereof upon which one or more PIWFs are located.

(52) Regulatory authority--Any federal, state, or local enforcement body or authorized representative having jurisdiction over PIWFs.

(53) Shall--Indicator of the mandatory provisions of these rules.

(54) Stabilizer--A chemical that reduces the loss of chlorine in water due to the ultraviolet rays of the sun. Also known by the names cyanuric acid, isocyanuric acid, conditioner, and triazinetrione.

(55) Stand-alone PIWF--A PIWF that does not share a water supply, disinfection system, filtration system, circulation system, or any other treatment system that allows water to co-mingle with a pool as defined in Subchapter L, §265.182 of this title. This does include a PIWF that shares a water supply, disinfection system, filtration system, circulation system, or any other treatment system that allows water to co-mingle with any other water feature other than a pool as defined in Subchapter L, §265.182 of this title.

(56) TCEQ--Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-1000, website: www.tceq.state.tx.us.

(57) Total chlorine--The sum of both the free available chlorine and combined chlorine.

(58) Treatment tank--The vessel, chamber, or tank used to collect the water that has been sprayed, dumped, or otherwise used at the PIWF and returned through the drains.

(59) Turnover rate--The period of time (usually in hours) required to circulate a volume of water equal to the total pool and PIWF water volume, or in the case of a stand-alone PIWF, the PIWF water volume, through the filtration equipment.

(60) Ultraviolet light (UV)--Electromagnetic radiation that is invisible to the human eye with wavelengths on the border of x-rays, about 4 nanometers, to just beyond violet in the visible spectrum, about 380 nanometers.

(61) United States Environmental Protection Agency (EPA)--Ariel Rios Building, 12000 Pennsylvania Avenue, N.W., Washington, DC 20450, telephone (202) 272-0167, website: www.epa.gov.

(62) Water quality testing device or kit--A product designed to measure the level of a specific chemical in the water of a PIWF. A water quality testing device or kit includes a method to provide a visual indication of chemical level, and may include one or more testing reagents and accessory items.

§265.303. Operation and Maintenance of Public Interactive Water Features and Fountains.

(a) Public interactive water feature and fountain (PIWF) operation requirements. PIWFs shall be operated and maintained under the supervision and direction of a properly trained and certified operator who is responsible for sanitation and proper maintenance of the PIWF, and who is responsible for maintaining all physical and mechanical equipment and records. Training and certification shall be obtained by completion of one of the following courses or its equivalent:

(1) the NRPA, "Aquatic Facility Operator" (A.F.O.);

(2) the NSPF, "Certified Pool Operator" (C.P.O.);

(3) the ASPSA, "Licensed Aquatic Facility Technician" (L.A.F.T.); or

(4) AquaTech Pool and Aquatic Facility Operator.

(b) Operator credentials. The operator of the PIWF who is responsible for the sanitation and proper maintenance of the PIWF shall provide evidence of current certification as specified in subsection (a) of this section during inspection by the regulatory authority.

(c) Sanitation of PIWFs. The owner, manager, operator, or other attendant in charge of a PIWF shall maintain the water feature or fountain in a sanitary condition.

(1) The PIWF treatment tank shall be completely drained and cleaned at a frequency necessary to maintain water quality and sanitary conditions.

(2) Any dirt, trash, refuse, animal waste, or debris on the surface of a zero depth PIWF shall be removed from the surface and the surfaces shall be flushed and sanitized with a United States Environmental Protection Agency approved disinfectant as often as is needed to prevent contamination of the water in the PIWF.

(3) The surfaces of zero depth PIWFs and the decks of all PIWFs shall be kept clean and free of pooled water to prevent the growth of algae and bacteria.

(d) Signs for PIWFs. Warning and notification signs shall be posted at the entrance of all PIWFs, or where the signs are clearly visible to users entering the PIWF area before contact with PIWF water occurs, when the PIWF is open or in use. Signs shall be securely mounted, clearly visible, and easily read with letters in a contrasting color to the background. The required signage can be combined into a single sign. The signage shall provide the following notifications and warnings in letters at least 2 inches in height:

(1) "Non-Service Animals Prohibited";

(2) "Changing Diapers Within 6 Feet Of The Water Feature is Prohibited;"

(3) "Use Of The Water Feature If Ill With A Contagious Disease is Prohibited";

(4) "Do Not Drink Water From The Water Feature"; and

(5) "Use Of The Water Feature When Ill With Diarrhea is Prohibited."

(e) PIWFs without an on-site owner or operator. At PIWFs without an on-site owner or operator a sign shall be posted that provides a contact number to be used in the event of a malfunction, unsanitary condition, or any other non-emergency problem requiring correction at the PIWF. Letters and numbers on the posted sign shall be a minimum of 2 inches in height and the sign shall be clearly visible.

(f) Records for PIWFs. The following records pertaining to the operation, maintenance, cleaning, sanitation, and chemical levels shall be kept for a minimum of 2 years and, when kept on site, shall be made available during inspection by the regulatory authority. If the records are kept in a separate location off site they shall be provided to the regulatory authority within 5 working days following the inspection:

(1) daily chemical log;

(2) chlorine, bromine, cyanuric acid, and pH test results;

(3) routine maintenance schedule and activities;

(4) preventative maintenance schedule and activities;

(5) documentation that circulation equipment meets the NSF/ANSI-50 Standard, if applicable;

(6) copy of manufacturer's instructions for operation of the disinfection equipment, chemical control equipment, and chemical feed system;

(7) documentation of the facility's method for determining turnover rates as described in §265.305(c) of this title (relating to Circulation and Disinfectant Systems for Public Interactive Water Features and Fountains (PIWFs));

(8) documentation that the turnover rates meet the requirements as described in §265.305(c) of this title;

(9) documentation of any *Cryptosporidium* testing required by this subchapter;

(10) documentation of supplemental water treatment conducted as required in §265.308(f) of this title (relating to Closure of a Public Interactive Water Feature and Fountain); and

(11) documentation of the date of construction of the PIWF.

§265.304. Water Supply and Wastewater Disposal.

(a) Water supply. The initial water supply of a public interactive water feature or fountain (PIWF) shall be potable water.

(b) Water distribution system. All portions of the water distribution system serving a PIWF shall be protected against backflow and back siphonage. For purposes of these rules, this means a high hazard preventer such as a reduced-pressure-principle blackflow preventer meeting the requirements of American Society of Sanitary Engineering ASSE Standard 1013 2009, as amended, and approved for use in potable water systems possibly subjected to backsiphonage or high backpressure. An air-gap designed to ASME Standard A112.1.2 is an acceptable high-hazard backflow preventer. No direct mechanical connection shall be made between the chlorinating equipment or system of piping for the PIWF and a sanitary sewer system, septic system, or other wastewater disposal system.

(c) Hose bibs. Hose bibs shall be protected with a vacuum beaker.

(d) Backwash water. Filter backwash water or drainage water from a PIWF shall be discharged or disposed of as wastewater in accordance with the requirements of the Texas Commission on Environmental Quality or local regulatory authority.

§265.305. Circulation and Disinfectant Systems for Public Interactive Water Features and Fountains.

(a) General circulation requirements. The circulation system consisting of pumps, piping, filters, return inlets, water conditioning equipment, disinfection equipment, surge chamber, treatment tank and other ancillary equipment shall provide adequate circulation of water and be designed to accommodate 100% of the turnover flow rate and maintain the distribution of disinfectant through all parts of the public interactive water feature or fountain (PIWF).

(b) Circulation equipment. Where circulation equipment falls within the scope of NSF and ANSI Standard 50 (NSF/ANSI-50 Standard), such equipment shall meet the standard. Conformity with NSF/ANSI-50 as evidenced by the listing or labeling of such equipment by a testing laboratory or by separate documentation is required.

(c) Turnover rate. The turnover rate for the circulation of water in a PIWF that is combined or circulated with water from a pool shall be the same as the pool. The turnover rate for circulation of water in a stand-alone PIWF shall meet the following requirements.

(1) If the PIWF was constructed prior to May 1, 2010, the turnover rate shall meet the minimum design turnover rate for that PIWF.

(2) If the PIWF is constructed or extensively remodeled on or after May 1, 2010 the minimum turnover rate shall be at least once every hour.

(d) Treatment tank. The treatment tank shall:

(1) be designed to provide ready access for cleaning and inspections, and be capable of complete draining;

(2) have an automatic water level controller; and

(3) have any makeup water introduced into the treatment tank through an air gap or by another method which will prevent back flow and back-siphonage.

§265.306. Water Quality at Public Interactive Water Features and Fountains.

(a) Public interactive water features and fountains (PIWF) constructed prior to May 1, 2010, shall be equipped with equipment capable of maintaining chemical levels as required in subsection (c) of this section, referring to disinfection and cyanuric acid levels, and subsection (d) of this section, referring to pH, at all times the PIWF is open.

(b) PIWFs constructed or extensively remodeled on or after May 1, 2010, shall be equipped with automatic disinfectant and pH feed equipment that provides continuous and effective disinfection and maintains the required pH at all times the PIWF is open. Disinfection, pH, and any other chemical control equipment shall:

(1) be capable of automatically adjusting chemical feed based on demand;

(2) be installed, maintained, operated, and repaired in accordance with manufacturer's instructions;

(3) be provided with make-up water supply lines to chemical feeder solution containers that have an air gap or other acceptable cross-connection control;

(4) be designed to prevent siphoning from the recirculation system to the solution container and to prevent siphoning of the chemical solution into the PIWF; and

(5) incorporate failure-proof features so that the chemical cannot feed into the PIWF, the piping system, or the water supply system if equipment or power fails, or if there is not adequate return flow to properly disperse the chemical.

(c) Disinfectant and cyanuric acid levels shall meet the following criteria at any time a PIWF is open or in use:

Figure: 25 TAC §265.306(c)

Disinfectant and Cyanuric Acid Levels	Minimum	Ideal	Maximum
Free Available Chlorine	1.0 ppm	3.0 – 5.0 ppm	8.0 ppm
Bromine	2.5 ppm	5.5 – 7.5 ppm	12.0 ppm
Combined Chlorine: Out-of-Door Facilities Only	0.0 ppm	0.0 ppm	1.5 ppm
Combined Chlorine: Indoor Facilities Only	0.0 ppm	0.0 ppm	0.5 ppm
Cyanuric Acid (Stabilizer) – Out-of-Door Facilities Only	0.0 ppm	20 ppm	50 ppm
Cyanuric Acid (Stabilizer) – Indoor Facilities	0.0 ppm	0.0 ppm	0.0 ppm

(d) The pH shall meet the following criteria at any time a PIWF is open or in use:

Figure: 25 TAC §265.306(d)

pH Levels	Minimum	Ideal	Maximum
pH	Not less than 7.0	7.4 – 7.6	7.8

(e) Forms of chlorine containing stabilizer (cyanuric acid) shall not be used in indoor PIWFs.

(f) Chemicals used in a PIWF shall:

(1) be registered and labeled for use in recreational aquatic facilities, such as pools and spas, by the United States Environmental Protection Agency (EPA);

(2) be used according to the chemical manufacturer's instructions for the chemical feed system in use; and

(3) comply with the NSF/ANSI-50 Standard certification for the chemical feed system.

(g) In addition to maintaining sanitizer, cyanuric acid, and pH levels as required in this section, and except as provided in subsections (j) and (l) of this section, PIWFs shall be equipped with a supplemental water treatment system that will protect the public against infection by the parasite, *Cryptosporidium*.

(1) Supplemental water treatment systems for a PIWF include:

(A) UV light disinfection installed after filtration;

(B) ozone;

(C) a NSF/ANSI-50 product, combination of products, or process to control *Cryptosporidium*; or

(D) weekly hyperchlorination following the Center for Disease Control's Recommendations for Aquatics Operators of Treated Venues "Hyperchlorination to Kill *Cryptosporidium*" available on the CDC's website: www.cdc.gov/healthyswimming/; or

(E) an equivalent product, process, or system approved by the department.

(2) Except as provided in subsections (j) and (l) of this section, water from a PIWF shall not be combined or circulated with water of other water features or pools unless:

(A) all of the water either into or from the PIWF is treated with a supplemental water treatment system prior to combining or circulating with water from other water features or pools; or

(B) all of the water in the other water features or pools that is combined or circulated with water from the PIWF is treated with a supplemental water treatment system.

(h) UV light disinfection systems shall:

(1) conform to the NSF/ANSI-50 Standard relating to Equipment for Pools, Spas, Hot Tubs, and Other Recreational Water Facilities;

(2) provide a validated dosage confirmed by a third party validation which results in a 3 log kill of *Cryptosporidium*;

(3) provide a validated dosage equivalent to 40mJ/cm^2 or greater at the end of lamp life;

(4) include an automatic audible alarm to warn of a UV light disinfection unit malfunction or impending shutdown;

(5) be equipped with an automatic mechanism for shutting off the power to the UV light source whenever the protective UV unit cover is removed; and

(6) be installed in an enclosure designed to protect the operator against electrical shock or excessive radiation and that provides protection from UV exposure.

(i) Ozone disinfection systems shall meet the standards in the EPA Guidance Manual for Alternative Disinfectants and Oxidants, EPA Publication 815-R-99-014, April 1999, as amended, available at: http://www.epa.gov/safewater/mdbp/alternative_disinfectants_guidance.pdf.

(j) Operators of stand-alone PIWFs constructed prior to May 1, 2010, in addition to maintaining sanitizer, cyanuric acid, and pH levels as required in this section shall:

(1) implement a supplemental water treatment system that will protect the public against infection by the parasite, *Cryptosporidium*; or

(2) test the water of the PIWF for *Cryptosporidium* every 14 days during operation.

(k) Operators of stand-alone PIWFs constructed or extensively remodeled after May 1, 2010 shall, in addition to maintaining sanitizer, cyanuric acid, and pH levels as required in this section, implement a supplemental water treatment system that will protect the public against infection by the parasite, *Cryptosporidium*.

(l) Operators of all PIWFs constructed prior to May 1, 2010, and that share a water supply, disinfection system, filtration system, circulation system or any other treatment system that allows water to co-mingle with a pool, in addition to maintaining sanitizer, cyanuric acid, and pH levels as required in this section shall:

(1) implement a supplemental water treatment system that will protect the public against infection by the parasite, *Cryptosporidium*; or

(2) test the water of the PIWF for *Cryptosporidium* every 30 days during operation.

(m) Operators of all PIWFs constructed or extensively remodeled after May 1, 2010, and that share a water supply, disinfection system, filtration system, circulation system, or any other treatment system that allows water to co-mingle with a pool, shall in addition to maintaining sanitizer, cyanuric acid, and pH levels as required in this section implement a supplemental water treatment system that will protect the public against infection by the parasite, *Cryptosporidium*.

(n) A water quality testing device or kit capable of accurately testing for and measuring pH, free and total chlorine, bromine, and cyanuric acid within the chemical ranges as required in this section shall be provided by the PIWF owner or operator.

(1) Free available chlorine and bromine levels shall be determined by use of the DPD method or its equivalent.

(2) Test reagents shall be properly stored and replaced at frequencies recommended by the manufacturer to assure accuracy of the tests.

(3) The water quality testing device or kit shall conform to the NSF/ANSI-50 Standard relating to Equipment for Pools, Spas, Hot Tubs, and Other Recreational Water Facilities.

(o) When a PIWF is open for use, tests for chlorine or bromine levels and pH shall be conducted to comply with the following:

(1) If the PIWF is equipped with automatic disinfectant and pH feed equipment that provides continuous and effective disinfection and maintains the required pH, and that system continually monitors and automatically controls chlorine or bromine levels and pH, testing for chlorine or bromine and pH of the PIWF water shall be conducted at least once during each day the PIWF is in operation.

(2) If the PIWF is not equipped with automatic disinfectant and pH feed equipment that provides continuous and effective disinfection and maintains the required pH and that continually monitors and automatically controls chlorine or bromine levels and pH, testing for chlorine or bromine and pH of the PIWF water shall be conducted at least twice a day, once immediately prior to opening the PIWF and once midway through the period of time it is open for use, during each day the PIWF is in operation.

(3) Tests for cyanuric acid levels shall be conducted at least once every 7 days of operation when chlorine containing stabilizer is in use.

(p) Records of all testing performed at a PIWF shall be kept for 2 years and, if kept on site, shall be made available during inspection by the regulatory authority. If the records are kept in a separate location off site they shall be provided to the regulatory authority within 5 working days following the inspection.

(q) If the water of a PIWF is sampled and tested for bacterial content the sample shall not:

(1) exceed 200 bacteria per milliliter as determined by heterotrophic plate count; or

(2) indicate the presence of total coliform organisms in a 100 milliliter sample by any of the following methods:

(A) multiple tube;

(B) membrane filter; or

(C) the Minimal Medium ONPG-MUG test described in the Code of Federal Regulations, Title 40, Part 141.

§265.307. Inspections and Permitting of Public Interactive Water Features and Fountains.

(a) A county, municipality, or the department may:

(1) require that the owner or operator of a public interactive water feature or fountain (PIWF) obtain a permit for operation of the water feature or fountain;

(2) inspect a PIWF for compliance with this subchapter; and

(3) require that the PIWF is tested for *Cryptosporidium* when the illness Cryptosporidiosis is diagnosed in an individual that has used that PIWF.

(b) A department or local regulatory representative, upon presenting credentials, shall have the right to enter at all reasonable times any area or environment, including but not limited to the PIWF facility, building, storage area, equipment room, or office area to investigate for compliance with these sections, to review records, to question any person, or to locate, to identify, and to assess the condition of the PIWF facility

(c) Advance notice or permission for inspections or investigations by the department or local regulatory authority is not required.

(d) A department or local regulatory representative shall not be impeded or refused entry in the course of the representative's official duties by reason of any state or federal law or company policy. It is a violation of the Act for a person to interfere with, deny, or delay an inspection or investigation conducted by a department or local regulatory representative.

(e) A county, municipality or the department may impose and collect a reasonable fee in connection with a permit or inspection requirement.

(f) If a county or municipality imposes and collects a fee for a permit or inspection of a PIWF the following conditions shall be met:

(1) the auditor for the county or municipality shall review the program every 2 years to ensure that the fees imposed do not exceed the cost of the program; and

(2) the county or municipality shall refund the permit holders any revenue determined by the auditor to exceed the cost of the program.

§265.308. Closure of a Public Interactive Water Feature and Fountain.

(a) A county, a municipality, or the department may by order close, for the period specified in the order, a public interactive water feature or fountain (PIWF),

(1) the operation of the PIWF violates this subchapter;

(2) the operation of the PIWF violates a permitting or inspection requirement imposed under the Act, this subchapter, or as authorized by the Act or this subchapter; or

(3) the water in the PIWF tests positive for the presence of *Cryptosporidium*.

(b) The closure order is effective immediately with or without notice and without a hearing to the PIWF owner or operator.

(c) If the order is issued under this section without a hearing, the department shall conduct a hearing no later than the 10th calendar day after the closure order to affirm, modify, or set aside the order.

(d) The hearing and appeal are governed by the department's rules in 25 Texas Administrative Code, Chapter 1, Subchapter B, regarding Formal Hearing Procedures, and Government Code, Chapter 2001.

(e) A PIWF shall be considered closed when the following conditions are met:

(1) a notice is posted at the public entrance of the PIWF notifying the public that the PIWF is closed; and

(2) water is shut off to all features of the PIWF.

(f) When water from a PIWF tests positive for the presence of *Cryptosporidium* the owner or operator shall close the PIWF and notify the appropriate regulatory authority. The PIWF shall not reopen until:

(1) the PIWF is hyperchlorinated following the Center for Disease Control's (CDC) Recommendations for Aquatics Operators of Treated Venues "Hyperchlorination to Kill *Cryptosporidium*" available on the CDC's website: www.cdc.gov/healthyswimming/; and

(2) documentation verifying that proper hyperchlorination procedure was followed by methodology the same as or equivalent to the CDC's "Water Contamination Response Log" available at: www.cdc.gov/healthyswimming/ is supplied to the appropriate regulatory authority.

Link to International Swimming Pool and Spa Code (ISPSC) 2021

https://codes.iccsafe.org/content/ISPSC2021P3/preface

Not included in the new rules: Sections 102.7.1, 103, 104, 105, 106, 107, 108, 109.2, 109.3, 110, 111, 112, 113, and 114 in Chapter 1, Scope and Administration; Definitions in Section 202 in Chapter 2: Code Official, Deep Area, Design Professional, and Jurisdiction; Section 412.2 in Chapter 4, Public Swimming Pools; Section 508.3 in Chapter 5, Public Spas and Public Exercise Spas; Section 603.3 in Chapter 6, Aquatic Recreation Facilities; Chapter 7, Onground Storable Residential Swimming Pools; Chapter 8, Permanent Inground Residential Swimming Pools; Chapter 9, Permanent Residential Spas and Permanent Residential Exercise Spas; and Chapter 10, Portable Residential Spas and Portable Residential Exercise Spas

VIRGINIA GRAEME BAKER POOL AND SPA SAFETY ACT (as amended) TITLE XIV—POOL AND SPA SAFETY

Sec. 1402. Findings. (15 U.S.C. 8001)

Congress finds the following:

(1) Of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States.

(2) In 2004, 761 children aged 14 and under died as a result of unintentional drowning.

(3) Adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning.

(4) Research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

Sec. 1403. Definitions. (15 U.S.C. 8002)

In this chapter:

(1) ASME/ANSI

The term "ASME/ANSI" as applied to a safety standard means such a standard that is accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) Barrier

The term "barrier" includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

(3) Commission

The term "Commission" means the Consumer Product Safety Commission. **(4) Main drain**

The term "main drain" means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a recirculating pump.

(5) Safety vacuum release system

The term "safety vacuum release system" means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(6) Swimming pool; spa

The term "swimming pool" or "spa" means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above ground structures, and includes hot tubs, spas, portable spas, and non portable wading pools.

(7) Unblockable drain

The term "unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

(8) State

The term "State" has the meaning given such term in section 2052(10) [1] of this title, and includes the Northern Mariana Islands. For purposes of eligibility for the grants authorized under section 8004 of this title, such term shall also include any political subdivision of a State.

Sec. 1404. Federal swimming pool and spa drain cover standard. (15 U.S.C. 8003)

(a) Consumer product safety rule

The requirements described in subsection (b) shall be treated as a consumer product safety rule issued by the Consumer Product Safety Commission under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(b) Drain cover standard

Effective 1 year after December 19, 2007, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating such swimming pool or drain cover. If a successor standard is proposed, the American Society of Mechanical Engineers shall notify the Commission of the proposed revision. If the Commission determines that the proposed revision is in the public interest, it shall incorporate the revision into the standard after providing 30 days notice to the public.

(c) Public pools

(1) Required equipment

(A) In general

Beginning 1 year after December 19, 2007—

(i) each public pool and spa in the United States shall be equipped with anti-entrapment devices or systems that comply with the ASME/ANSI A112.19.8 performance standard, or any successor standard; and

(ii) each public pool and spa in the United States with a single main

drain other than an unblockable drain shall be equipped, at a minimum, with 1 or more of the following devices or systems designed to prevent entrapment by pool or spa drains that meets the requirements of subparagraph (B):

(I) Safety vacuum release system

A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(II) Suction-limiting vent system

A suction-limiting vent system with a tamper-resistant atmospheric opening.

(III) Gravity drainage system

A gravity drainage system that utilizes a collector tank.

(IV) Automatic pump shut-off system

An automatic pump shut-off system.

(V) Drain disablement

A device or system that disables the drain.

(VI) Other systems

Any other system determined by the Commission to be equally effective as, or better than, the systems described in subclauses (I) through (V) of this clause at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(B) Applicable standards

Any device or system described in subparagraph (A)(ii) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

(2) Public pool and spa defined

In this subsection, the term "public pool and spa" means a swimming pool or spa that is—

(A) open to the public generally, whether for a fee or free of charge; (B) open exclusively to—

(i) members of an organization and their guests;

(ii) residents of a multi-unit apartment building, apartment complex, residential real estate development, or other multi-family residential area (other than a municipality, township, or other local government jurisdiction); or

(iii) patrons of a hotel or other public accommodations facility; or

(C) operated by the Federal Government (or by a concessionaire on

behalf of the Federal Government) for the benefit of members of the Armed Forces and their dependents or employees of any department or agency and their dependents.

(3) Enforcement

Violation of paragraph (1) shall be considered to be a violation of section 19(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(1)) and may also be enforced under section 17 of that Act (15 U.S.C. 2066).

Sec. 1405. State swimming pool safety grant program. (15 U.S.C. 8004)

(a) In general

Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) Eligibility

To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after December 19, 2007, it has enacted a statute, or amended an existing statute, and provides for the enforcement of,[1] a law that—

(A) except as provided in section 8005(a)(1)(A)(i) of this title, applies to all swimming pools constructed in the State after the date the State submits an application to the Commission for a grant under this section; and

(B) meets the minimum State law requirements of section 8005 of this title; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) Amount of grant

The Commission shall determine the amount of a grant awarded under this chapter, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this chapter in a preceding fiscal year.

(d) Use of grant funds

A State receiving a grant under this section shall use—

(1) at least 50 percent of amounts made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) Authorization of appropriations

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section through fiscal year 2016. Any amounts appropriated pursuant to this subsection that remain unexpended and unobligated at the end of fiscal year 2012 shall be retained by the Commission and credited to the appropriations account that funds enforcement of the Consumer Product Safety Act [15 U.S.C. 2051 et seq.].

Sec. 1406. Minimum State law requirements. (15 U.S.C. 8005)

(a) In general

(1) Safety standards

A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of the enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) Use of minimum State law requirements

The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 8004 of this title; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 8004 of this title.

(3) Requirements to reflect national performance standards and Commission guidelines

In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled "Safety Barrier Guidelines for Home Pools", the Commission's publication entitled "Guidelines for Entrapment Hazards: Making Pools and Spas Safer", and any other pool safety guidelines established by the Commission.

(b) Standards

Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) Basic access-related safety devices and equipment requirements to be considered

In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) Covers

A safety pool cover.

(2) Gates

A gate with direct access to the swimming pool or spa that is equipped with a self-closing, self-latching device.

(3) Doors

Any door with direct access to the swimming pool or spa that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) Pool alarm

A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) Entrapment, entanglement, and evisceration prevention standards to be required

(1) In general

In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) Safety vacuum release system

A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387, or any successor standard.

(B) Suction-limiting vent system

A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) Gravity drainage system

A gravity drainage system that utilizes a collector tank.

(D) Automatic pump shut-off system

An automatic pump shut-off system.

(E) Drain disablement

A device or system that disables the drain.

(F) Other systems

Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) Applicable standards

Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

Sec. 1407. Education program. (15 U.S.C. 8006)

(a) In general

The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and (3) a national media campaign to promote awareness of pool and spa safety.

(b) Authorization of appropriations

There are authorized to be appropriated to the Commission for each of the fiscal years 2008 through 2012 $5,000,000 to carry out the education program authorized by subsection (a).

Sec. 1408. CPSC report. (15 U.S.C. 8007)

Not later than 1 year after the last day of each fiscal year for which grants are made under section 8004 of this title, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by that section.

Sec. 1409. Applicability. (15 U.S.C. 8008)

This chapter [1] is applicable to the United States and its territories, including

American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

* This unofficial compilation was prepared by CPSC staff for the convenience of the reader.

TEXAS HEALTH AND SAFETY CODE

TITLE 9. SAFETY

SUBTITLE A. PUBLIC SAFETY

CHAPTER 757. POOL YARD ENCLOSURES

Sec. 757.001. DEFINITIONS. In this chapter:

(1) "Self-closing and self-latching device" means a device that causes a gate to automatically close without human or electrical power after it has been opened and to automatically latch without human or electrical power when the gate closes.

(2) "Doorknob lock" means a lock that is in a doorknob and that is operated from the exterior by a key, card, or combination and from the interior without a key, card, or combination.

(3) "Dwelling" or "rental dwelling" means one or more rooms rented to one or more tenants for use as a permanent residence under a lease. The term does not include a room rented to overnight guests.

(4) "French doors" means double doors, sometimes called double-hinged patio doors, that provide access from a dwelling interior to the exterior and in which each of the two doors are hinged and closable so that the edge of one door closes immediately adjacent to the edge of the other door with no partition between the doors. "French door" means either one of the two doors.

(5) "Keyed dead bolt" means a door lock that is not in the doorknob, that locks by a bolt in the doorjamb, that has a bolt with at least a one-inch throw if installed after September 1, 1993, and that is operated from the exterior by a key, card, or combination and operated from the interior by a knob or lever without a key, card, or combination. The term includes a doorknob lock that contains a bolt with at least a one-inch throw.

(6)(A) "Keyless bolting device" means a door lock not in the doorknob that locks:

(i) with a bolt with a one-inch throw into a strike plate screwed into the portion of the doorjamb surface that faces the edge of the door when the door is closed or into a metal doorjamb that serves as the strike plate, operable only by knob or lever from the door's interior and not in any manner from the door's exterior, and that is commonly known as a keyless dead bolt;

(ii) by a drop bolt system operated by placing a central metal plate over a metal doorjamb restraint which protrudes from the doorjamb and which is affixed to the doorjamb frame by means of three case-hardened screws at least three inches in length. One half of the central plate must overlap the interior surface of the door and the other half of the central plate must overlap the doorjamb when the plate is placed over the doorjamb restraint. The drop bolt system must prevent the door from being opened unless the central plate is lifted off of the doorjamb restraint by a person who is on the interior side of the door; or

(iii) by a metal bar or metal tube that is placed across the entire interior side of the door and secured in place at each end of the bar or tube by heavy-duty metal screw hooks. The screw hooks must be at least three inches in length and must be screwed into the door frame stud or wall stud on each side of the door. The bar or tube must be capable of being secured to both of the screw hooks and must be permanently attached in some way to the door frame stud or wall stud. When secured to the screw hooks, the bar or tube must prevent the door from being opened unless the bar or tube is removed by a person who is on the interior side of the door.

(B) The term does not include a chain latch, flip latch, surface-mounted slide bolt, mortise door bolt, surface-mounted barrel bolt, surface-mounted swing bar door guard, spring-loaded nightlatch, foot bolt, or other lock or latch.

(7) "Multiunit rental complex" means two or more dwelling units in one or more buildings that are under common ownership, managed by the same owner, managing agent, or management company, and located on the same lot or tract of land or adjacent lots or tracts of land. The term includes a condominium project. The term does not include:

(A) a facility primarily renting rooms to overnight guests; or

(B) a single-family home or adjacent single-family homes that are not part of a condominium project.

(8) "Pool" means a permanent swimming pool, permanent wading or reflection pool, or permanent hot tub or spa over 18 inches deep, located at ground level, above ground, below ground, or indoors.

(9) "Pool yard" means an area that contains a pool.

(10) "Pool yard enclosure" or "enclosure" means a fence, wall, or combination of fences, walls, gates, windows, or doors that completely surround a pool.

(11) "Property owners association" means an association of property owners for a residential subdivision, condominium, cooperative, town home project, or other project involving residential dwellings.

(12) "Sliding door handle latch" means a latch or lock that is near the handle on a sliding glass door, that is operated with or without a key, and that is designed to prevent the door from being opened.

(13) "Sliding door pin lock" means a pin or rod that is inserted from the interior side of a sliding glass door at the side opposite the door's handle and that is designed to prevent the door from being opened or lifted.

(14) "Sliding door security bar" means a bar or rod that can be placed at the bottom of or across the interior side of the fixed panel of a sliding glass door and that is designed to prevent the sliding panel of the door from being opened.

(15) "Tenant" means a person who is obligated to pay rent or other consideration and who is authorized to occupy a dwelling, to the exclusion of others, under a verbal or written lease or rental agreement.

(16) "Window latch" means a device on a window or window screen that prevents the window or window screen from being opened and that is operated without a key and only from the interior.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.002. APPLICATION. This chapter applies only to:

(1) a pool owned, controlled, or maintained by the owner of a multiunit rental complex or by a property owners association; and

(2) doors and windows of rental dwellings opening into the pool yard of a multiunit rental complex or condominium, cooperative, or town home project.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.003. ENCLOSURE FOR POOL YARD. (a) Except as otherwise provided by Section 757.005, the owner of a multiunit rental complex with a pool or a property owners association that owns, controls, or maintains a pool shall completely enclose the pool yard with a pool yard enclosure.

(b) The height of the pool yard enclosure must be at least 48 inches as measured from the ground on the side away from the pool.

(c) Openings under the pool yard enclosure may not allow a sphere four inches in diameter to pass under the pool yard enclosure.

(d) If the pool yard enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is at least 45 inches, the openings may not allow a sphere four inches in diameter to pass through the enclosure.

(e) If the pool yard enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the openings may not allow a sphere 1-3/4 inches in diameter to pass through the enclosure.

(f) The use of chain link fencing materials is prohibited entirely for a new pool yard enclosure that is constructed after January 1, 1994. The use of diagonal fencing members that are lower than 49 inches above the ground is prohibited for a new pool yard enclosure that is constructed after January 1, 1994.

(g) Decorative designs or cutouts on or in the pool yard enclosure may not contain any openings greater than 1-3/4 inches in any direction.

(h) Indentations or protrusions in a solid pool yard enclosure without any openings may not be greater than normal construction tolerances and tooled masonry joints on the side away from the pool.

(i) Permanent equipment or structures may not be constructed or placed in a manner that makes them readily available for climbing over the pool yard enclosure.

(j) The wall of a building may be part of the pool yard enclosure only if the doors and windows in the wall comply with Sections 757.006 and 757.007.

(k) The owner of a multiunit rental complex with a pool or a property owners association that owns, controls, or maintains a pool is not required to:

(1) build a pool yard enclosure at specified locations or distances from the pool other than distances for minimum walkways around the pool; or

(2) conform secondary pool yard enclosures, located inside or outside the primary pool yard enclosure, to the requirements of this chapter.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.004. GATES. (a) Except as otherwise provided by Section 757.005, a gate in a fence or wall enclosing a pool yard as required by Section 757.003 must:

(1) have a self-closing and self-latching device;

(2) have hardware enabling it to be locked, at the option of whoever controls the gate, by a padlock or a built-in lock operated by key, card, or combination; and

(3) open outward away from the pool yard.

(b) Except as otherwise provided by Subsection (c) and Section 757.005, a gate latch must be installed so that it is at least 60 inches above the ground, except that it may be installed lower if:

(1) the latch is installed on the pool yard side of the gate only and is at least three inches below the top of the gate; and

(2) the gate or enclosure has no opening greater than one-half inch in any direction within 18 inches from the latch, including the space between the gate and the gate post to which the gate latches.

(c) A gate latch may be located 42 inches or higher above the ground if the gate cannot be opened except by key, card, or combination on both sides of the gate.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.005. EXISTING POOL YARD ENCLOSURES. (a) If a pool yard enclosure is constructed or modified before January 1, 1994, and no municipal ordinance containing standards for pool yard enclosures were applicable at the time of construction or modification, the enclosure must comply with the requirements of Sections 757.003 and 757.004, except that:

(1) if the enclosure is constructed with chain link metal fencing material, the openings in the enclosure may not allow a sphere 2-1/4 inches in diameter to pass through the enclosure; or

(2) if the enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is at least 36 inches, the openings in the enclosure may not allow a sphere four inches in diameter to pass through the enclosure.

(b) If a pool yard enclosure is constructed or modified before January 1, 1994, and if the enclosure is in compliance with applicable municipal ordinances existing on January 1, 1994, and containing standards for pool yard enclosures, Sections 757.003, 757.004(a)(3), and 757.004(b) do not apply to the enclosure.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.006. DOOR. (a) A door, sliding glass door, or French door may not open directly into a pool yard if the date of electrical service for initial construction of the building or pool is on or after January 1, 1994.

(b) A door, sliding glass door, or French door may open directly into a pool yard if the date of electrical service for initial construction of the building or pool is before January 1, 1994, and the pool yard enclosure complies with Subsection (c), (d), or (e), as applicable.

(c) If a door of a building, other than a sliding glass door or screen door, opens into the pool yard, the door must have a:

(1) latch that automatically engages when the door is closed;

(2) spring-loaded door-hinge pin, automatic door closer, or similar device to cause the door to close automatically; and

(3) keyless bolting device that is installed not less than 36 inches or more than 48 inches above the interior floor.

(d) If French doors of a building open to the pool yard, one of the French doors must comply with Subsection (c)(1) and the other door must have:

(1) a keyed dead bolt or keyless bolting device capable of insertion into the doorjamb above the door, and a keyless bolting device capable of insertion into the floor or threshold; or

(2) a bolt with at least a 3/4-inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the doorjamb above the door and another bolt with at least a 3/4-inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the floor or threshold.

(e) If a sliding glass door of a building opens into the pool yard, the sliding glass door must have:

(1) a sliding door handle latch or sliding door security bar that is installed not more than 48 inches above the interior floor; and

(2) a sliding door pin lock that is installed not more than 48 inches above the interior floor.

(f) A door, sliding glass door, or French door that opens into a pool yard from an area of a building that is not used by residents and that has no access to an area outside the pool yard is not required to have a lock, latch, dead bolt, or keyless bolting device.

(g) A keyed dead bolt, keyless bolting device, sliding door pin lock, or sliding door security bar installed before September 1, 1993, may be installed not more than 54 inches from the floor.

(h) A keyed dead bolt or keyless dead bolt, as described by Section 757.001(6)(A)(i), installed in a dwelling on or after September 1, 1993, must have a bolt with a throw of not less than one inch.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.007. WINDOW AND WINDOW SCREENS. A wall of a building constructed before January 1, 1994, may not be used as part of a pool yard enclosure unless each window in the wall has a latch and unless each window screen on a window in the wall is affixed by a window screen latch, screws, or similar means. This section does not require the installation of window screens. A wall of a building constructed on or after January 1, 1994, may not be used as part of a pool yard enclosure unless each ground floor window in the wall is permanently closed and unable to be opened.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.008. BUILDING IN POOL YARD. Each door, sliding glass door, window, and window screen of each dwelling unit in a residential building located in the enclosed pool yard must comply with Sections 757.006 and 757.007.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.009. INSPECTION, REPAIR, AND MAINTENANCE. (a) An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or town home project with a pool or a property owners association that owns, controls, or maintains a pool shall exercise ordinary and reasonable care to inspect, maintain, repair, and keep in good working order the pool yard enclosures, gates, and self-closing and self-latching devices required by this chapter and within the control of the owner or property owners association.

(b) An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or town home project with a pool or a property owners association that owns, controls, or maintains a pool shall exercise ordinary and reasonable care to maintain, repair, and keep in good working order the window latches, sliding door handle latches, sliding door pin locks, and sliding door security bars required by this chapter and within the control of the owner or property owners association after request or notice from the tenant that those devices are malfunctioning or in need of repair or replacement. A request

or notice under this subsection may be given orally unless a written lease applicable to the tenant or written rules governing the property owners association require the request or notice to be in writing. The requirement in the lease or rules must be in capital letters and underlined or in 10-point boldfaced print.

(c) An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or town home project with a pool or a property owners association that owns, controls, or maintains a pool shall inspect the pool yard enclosures, gates, and self-closing and self-latching devices on gates no less than once every 31 days.

(d) An owner's or property owners association's duty of inspection, repair, and maintenance under this section may not be waived under any circumstances and may not be enlarged except by written agreement with a tenant or occupant of a multiunit rental complex or a member of a property owners association or as may be otherwise allowed by this chapter.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.010. COMPLIANCE WITH CHAPTER. (a) Except as provided by Subsection (b) and Section 757.011, a person who constructs or modifies a pool yard enclosure to conform with this chapter may not be required to construct the enclosure differently by a local governmental entity, common law, or any other law.

(b) An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or town home project with a pool or a property owners association that owns, controls, or maintains a pool may, at the person's option, exceed the standards of this chapter or those adopted under Section 757.011. A tenant or occupant in a multiunit rental complex and a member of a property owners association may, by express written agreement, require the owner of the complex or the association to exceed those standards.

(c) A municipality may continue to require greater overall height requirements for pool yard enclosures if the requirements exist under the municipality's ordinances on January 1, 1994.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1509, eff. April 2, 2015.

Sec. 757.011. RULEMAKING AUTHORITY. The executive commissioner of the Health and Human Services Commission may adopt rules requiring standards for design and construction of pool yard enclosures that exceed the requirements of this chapter and that apply to all pools and pool yards subject to this chapter. An owner of a multiunit rental complex or a rental dwelling in a condominium, cooperative, or town home project with a pool or a property owners association that owns, controls, or maintains a pool shall comply with and shall be liable for failure to comply with those rules to the same extent as if they were part of this chapter.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1510, eff. April 2, 2015.

Sec. 757.012. ENFORCEMENT. (a) A tenant of an owner of a multiunit rental complex, a member of a property owners association, a governmental entity, or any other person or the person's representative may maintain an action against the owner or property owners association for failure to comply with the requirements of this chapter. In that action, the person may obtain:

(1) a court order directing the owner or property owners association to comply with this chapter;

(2) a judgment against the owner or property owners association for actual damages resulting from the failure to comply with the requirements of this chapter;

(3) a judgment against the owner or property owners association for punitive damages resulting from the failure to comply with the requirements of this chapter if the actual damages to the person were caused by the owner's or property owners association's intentional, malicious, or grossly negligent actions;

(4) a judgment against the owner or property owners association for actual damages, and if appropriate, punitive damages, where the owner or association was in compliance with this chapter at the time of the pool-related damaging event but was consciously indifferent to access being repeatedly gained to the pool yard by unauthorized persons; or

(5) a judgment against the owner or property owners association for a civil penalty of not more than $5,000 if the owner or property owners association fails to comply with this chapter within a reasonable time after written notice by a tenant of the multiunit rental complex or a member of the property owners association.

(b) A court may award reasonable attorney fees and costs to the prevailing party in an action brought under Subsection (a)(5).

(c) The attorney general, a local health department, a municipality, or a county having jurisdiction may enforce this chapter by any lawful means, including inspections, permits, fees, civil fines, criminal prosecutions, injunctions, and, after required notice, governmental construction or repair of pool yard enclosures that do not exist or that do not comply with this chapter.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.013. TENANT'S REQUEST FOR REPAIRS. A tenant in a multiunit rental complex with a pool may verbally request repair of a keyed dead bolt, keyless bolting device, sliding door latch, sliding door pin lock, sliding door security bar, window latch, or window screen latch unless a provision of a written lease executed by the tenant requires that the request be made in writing and the provision is in capital letters and underlined or in 10-point boldfaced print. A request for repair may be given to the owner or the owner's managing agent.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.014. APPLICATION TO OTHER BODIES OF WATER AND RELATED FACILITIES. The owner of a multiunit rental complex or a property owners association is not required to enclose a body of water or construct barriers between the owner's or property owners association's property and a body of water such as an ocean, bay, lake, pond, bayou, river, creek, stream, spring, reservoir, stock tank, culvert, drainage ditch, detention pond, or other flood or drainage facility.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.015. EFFECT ON OTHER LAWS. (a) The duties established by this chapter for an owner of a multiunit dwelling project, an owner of a dwelling in a condominium, cooperative, or town home project, and a property owners association supersede those established by common law, the Property Code, the Health and Safety Code, the Local Government Code other than Section 214.101, and local ordinances relating to duties to inspect, install, repair, or maintain:

(1) pool yard enclosures;

(2) pool yard enclosure gates and gate latches, including self-closing and self-latching devices;

(3) keyed dead bolts, keyless bolting devices, sliding door handle latches, sliding door security bars, self-latching and self-closing devices, and sliding door pin locks on doors that open into a pool yard area and that are owned and controlled by the owner or property owners association; and

(4) latches on windows that open into a pool yard area and that are owned and controlled by the owner or property owners association.

(b) This chapter does not affect any duties of a rental dwelling owner, lessor, sublessor, management company, or managing agent under Subchapter D, Chapter 92, Property Code.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.016. NONEXCLUSIVE REMEDIES. The remedies contained in this chapter are not exclusive and are not intended to affect existing remedies allowed by law or other procedure.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

Sec. 757.017. INTERPRETATION AND APPLICATION. The provisions of this chapter shall be liberally construed to promote its underlying purpose which is to prevent swimming pool deaths and injuries in this state.

Added by Acts 1993, 73rd Leg., ch. 517, Sec. 2, eff. Jan. 1, 1994.

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PART 1207 - SAFETY STANDARD FOR SWIMMING POOL SLIDES

Authority: Secs. 2, 7, 9, 14, 30, Pub. L. 92-573; 86 Stat. 1207, 1212, 1215, 1220, 1236; (15 U.S.C. 2051, 2056, 2058, 2063, 2079).

Source: 41 FR 2751, Jan. 19, 1976, unless otherwise noted.

§ 1207.1 Scope, purpose, and findings.

(a) *Scope and purpose.* This part 1207 sets forth the consumer product safety standard issued by the Consumer Product Safety Commission for the manufacture and construction of slides for use in swimming pools. The requirements of this standard are designed to reduce or eliminate the unreasonable risks of death or injury associated with swimming pool slides. This standard also makes certain recommendations regarding the installation, maintenance, and intended use of swimming pool slides that supplement its mandatory requirements. This standard is applicable to all swimming pool slides manufactured after July 17, 1976. Paragraph (b) of this section sets forth the findings which the Commission is required to make by section 9(c) of the Consumer Product Safety Act (15 U.S.C. 2058(c)).

(b) *Findings.*[1]

(1) The Commission finds that unreasonable risks of death or injury from accidents are associated with swimming pool slides. These risks are

(i) quadriplegia and paraplegia resulting from users (primarily adults using the swimming pool slide for the first time) sliding down the slide in a head first position and striking the bottom of the pool,

(ii) leg fractures resulting from feet first entry,

(iii) impact of sliders with other people in the pool, and

(iv) falls from the slide ladder.

(2) The Commission finds that the types or classes of products that are subject to this standard are those swimming pool slides manufactured, constructed, or imported for use in connection with all swimming pools, whether in-ground, on-ground, or above-ground, regardless of the materials

of manufacture or structural characteristics of the slides. It is estimated that 350,000 of these slides are currently in service and that each year the number of slides in use may increase by 5 to 10 percent.

(3) The Commission finds that the public uses swimming pool slides in recreation at both public and private swimming pools, and it is estimated that 75% of these slides are located at residential pools. It is anticipated that public demand for the products will decline slightly for a time following issuance of this standard as a result of consumer awareness of hazards associated with the product caused by the mandatory signs placed on the slides and as a result of recommendations regarding the installation and intended use of the products. The decline in demand is expected to be short-term. It is anticipated that the utility of the slides as a recreational device will be increased to the extent that injury or death associated with the use of the product is eliminated or reduced.

(4) The Commission also finds that manufacturing cost increases as a direct result of this standard and promotional cost increases as an indirect result of this standard are expected to be modest for the industry as a whole. Any resulting increase in the cost of slides to consumers attributable directly or indirectly to the requirements of this standard will be small. No adverse effect on the availability of the product to consumers is expected.

(5) The Commission has considered other means of achieving the objective of the standard, but has found none that would have fewer adverse effects on competition or that would cause less disruption or dislocation of manufacturing and other commercial practices, consistent with the public health and safety.

(6) The Commission also finds that this standard, including its effective date, is reasonably necessary to eliminate or reduce the unreasonable risks of injury associated with swimming pool slides and that promulgation of the standard is in the public interest.

[41 FR 2751, Jan. 19, 1976; 41 FR 9307, Mar. 4, 1976, as amended at 41 FR 23187, June 9, 1976; 43 FR 58813, Dec. 18, 1978]

FOOTNOTES - 1207.1

[1] The Commission's findings apply to the swimming pool slide standard that it published on January 19, 1976 (42 FR 2751). On March 3, 1978 the U.S. Court of Appeals for the Fifth Circuit set aside portions of that standard (*Aqua Slide 'N' Drive Corporation* v. *CPSC,* 569 F.2d 831 (5th Cir. 1978)). On December 18, 1978, the Commission published revisions to the standard which reflect the court's decision. However, the findings have not been revised and they are therefore not fully applicable to the revised swimming pool slide requirements. For example, the revised standard does not address the risk of quadriplegia and paraplegia (except insofar as the standard specifies a low angle of attack of the slider into the water) because the court set aside the provisions concerning installation instructions and warning signs.

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§ 1207.2 Effective date.

This part 1207 shall become effective July 17, 1976. All swimming pool slides manufactured after that date must meet the requirements of this part 1207.

[41 FR 23187, June 9, 1976]

§ 1207.3 Definitions.

(a) As used in this part 1207:

(1) ***Aboveground pool slide ladder*** means a slide ladder that is not anchored in the ground or support deck and that can be removed from the slide or hinged and locked so that unauthorized or unsupervised use of the slide is prevented.

(2) ***Abrasion hazard*** means a sharp or rough surface of a swimming pool slide that would scrape the skin upon casual contact.

(3) ***Assembled product*** means all parts, components, and fasteners as defined in and assembled according to the manufacturer's assembly and installation instructions.

(4) ***Bracing*** means members providing structural support to the assembled, installed slide.

(5) ***Casual contact*** means contact of any body part with the slide occurring by chance or nonchalant encounters.

(6) ***Center of gravity*** means the point that represents the mean position of the concentrated mass of a body.

(7) ***Curved slide*** means a slide whose runway curves out of the vertical plane at any point along the slide path.

(8) ***Cutting hazard*** means a slide surface that would cut the skin under casual contact.

(9) ***Designated waterline*** means the horizontal line through whichever of the following is applicable:

(i) The midpoint of the operating range of the skimmers, or

(ii) on pools with overflow systems, the height of the overflow rim.

(10) ***Edge guards*** means shields designed to cover sharp edges on slides.

(11) [Reserved]

(12) ***Freestanding slide*** means a slide designed for aboveground pools that is not fastened to the pool deck or the ground. This slide may have attachments to the aboveground pool to prevent misalignment.

(13) ***Friction*** means the force tending to reduce the velocity of the slider on the slide.

(14) [Reserved]

(15) ***Intended use*** means behavior on swimming pool slides as disclosed by the manufacturer, as specified in this part 1207, or to which the slide may be subjected by a reasonable user (including reasonably foreseeable misuse).

(16) ***Ladder angle*** means the angle of the ladder measured from a plumbline.

(17) ***Ladder platform*** means a platform built into the slide ladder.

(18) ***Operational strength*** means the strength of the slide and/or its components after installation according to the manufacturer's instructions.

(19) ***Performance test*** means a test to measure the functional or structural characteristics of the slide and may include:

(i) Observations and measurements of the slide's functioning in the “intended use” mode, installed according to the manufacturer's installation instructions, and/or

(ii) Observations and measurements of the slide's response to dynamic and static loads.

(20) [Reserved]

(21) ***Pinching hazard*** means any configuration of slide components that would pinch or entrap the fingers or toes of a child or an adult.

(22) ***Puncture hazard*** means any slide surface or protrusion that would puncture a child's skin under casual contact.

(23) ***Runway*** means the surface on which the user slides in the intended use of a slide.

(24) ***Runway rail*** means a raised edge or guard that keeps the slider on the runway.

(25) ***Runway length*** means the length of the runway measured along its centerline.

(26) ***Slide width*** means the width of the slide runway measured between the inside of the left and right runway rails.

(27) ***Straight slide*** means a slide whose runway curves only in the vertical plane.

(28) ***Swimming pool slide*** means any device used to enter a swimming pool by sliding down an inclined plane.

(29) ***Tamperproof*** means that tools are required to alter or remove portions of the slide such as guards, treads, etc.

(30) ***Trajectory*** means the path of a slider's center of gravity from start to finish.

(31) [Reserved]

(32) ***Tread contact surface*** means foot contact surfaces of ladder, step, stair, or ramp.

[41 FR 2751, Jan. 19, 1976, as amended at 43 FR 58813, Dec. 18, 1978]

§ 1207.4 Recommended standards for materials of manufacture.

(a) ***General.*** The materials used in swimming pool slides should be compatible with man and compatible with the environment in which they are installed. These materials should be capable of fulfilling the design requirements prescribed by § 1207.5.

(b) ***Effects of environment.*** The choice of materials for swimming pool slides should be such that the operational strength of the entire slide assembly, as defined by the performance tests in § 1207.5, should not be adversely affected by exposure to rain, snow, ice, sunlight, local, normal temperature extremes, local normal wind variations, expected local air pollution products, and the mechanical, electrical, and chemical environment in and around swimming pools. For purposes of this part 1207, "local normal" temperature extremes and wind variations are defined as the average annual record limits for the past 10 years at any slide installation point in the U.S.A. where such statistical information exists (see reference (a) in § 1207.11)

(c) ***Materials selection.*** The selection of all materials for swimming pool slides should be such that all surfaces and edges that may come in contact with the user are assembled, arranged, and/or finished (deburred, polished, etc.) so that they will not constitute a cutting, pinching, puncturing, or abrasion hazard under casual contact and intended use by children or adults.

(d) ***Toxicity.*** The selection of materials used in swimming pool slides should be such that the assembled and installed products should not be toxic to man or harmful to the environment under intended use and reasonably foreseeable abuse or disposal. All paints and finishes used on swimming pool slides shall comply with 16 CFR 1303.2(b)(2) and 1303.4(a).

(e) ***Chemical compatibility.*** The selection of materials for swimming pool slides should be such that the assembled and installed product, and the parts, are chemically compatible with the materials and environment contacted under intended use and reasonably foreseeable abuse.

[41 FR 2751, Jan. 19, 1976, as amended at 43 FR 58813, Dec. 18, 1978]

§ 1207.5 Design.

(a) ***Strength.*** The strength of the assembled and installed swimming pool slide shall be such that no structural failures of any component part shall cause failures of any other component part of the slide as described in the performance tests in paragraphs (d)(4) and (f)(9) of this section.

(b) ***Edges.*** Edges of swimming pool slide runways, ladders, handrails, and deck anchor flanges shall be designed, finished (deburred, polished, etc.), or protected in such a manner as to prevent cutting human tissue on casual contact and intended use. If edge guards are used, they shall be permanently affixed to the structure in a tamper-proof fashion.

(c) ***Ladders, steps, stairs, or ramps*** -

(1) ***General.*** Swimming pool slide ladders, steps, stairs, or ramps shall have treads, not rungs, if the angle of the incline is 15° or greater from a plumbline.

(2) ***Angle.*** Swimming pool slide ladders not using rungs shall be designed and installed in such a manner that the user's center of gravity will be approximately positioned directly over each step during the use of the ladder. When tread design ladders are used, the minimum installed angle

shall be not less than 15° from a plumbline dropped from a ladder step as shown in figure A. If stairs or ramps are used to ascent to the top of the slide, they shall be designed in accordance with reference (c) of § 1207.11, pages 457-463.

(Note:
To convert the English system values given in the figures to metric values, the following conversion factors should be used: 1 inch = 2.54 cm., 1 foot = 30.48 cm., 1 square inch = 6.452 sq. cm., 1 lb. (mass) = 0.4536 kg., 1 lb. (force) = 4.448 newtons, and 1 ft.-lb. = 1.356 newton-meters.)

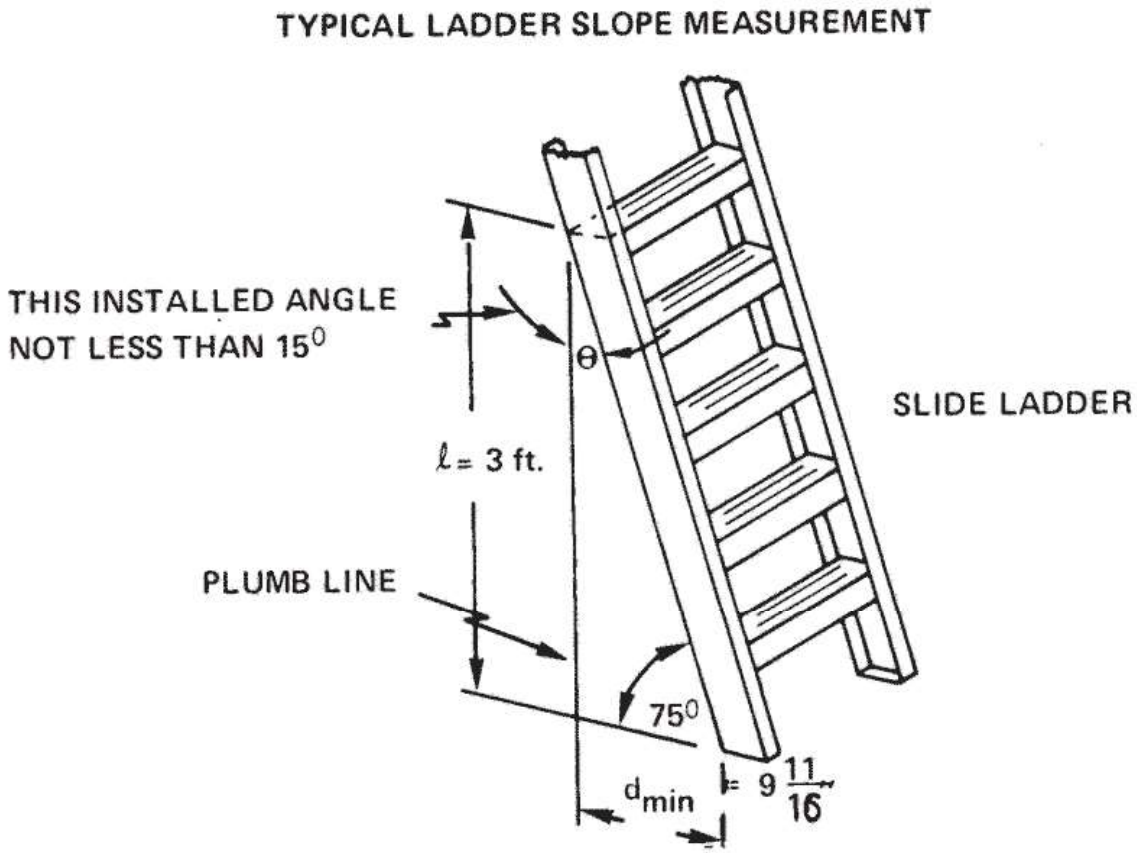


FIGURE A

(3) *Steps* -

(i) *Dimensions.* Slide ladder treads may have flat or curved tread surfaces and shall be designed so that they have a minimum tread width of 2 inches (5.08 cm) and a minimum length of 12 inches (30.48 cm) (reference (c) of § 1207.11). The riser height of slide ladder treads shall be no more than 12 inches (30.5 cm) nor less than 7 inches (17.8 cm) and shall be constant over the entire height of the ladder (reference (c) of § 1207.11).

LADDER TREAD DIMENSIONS

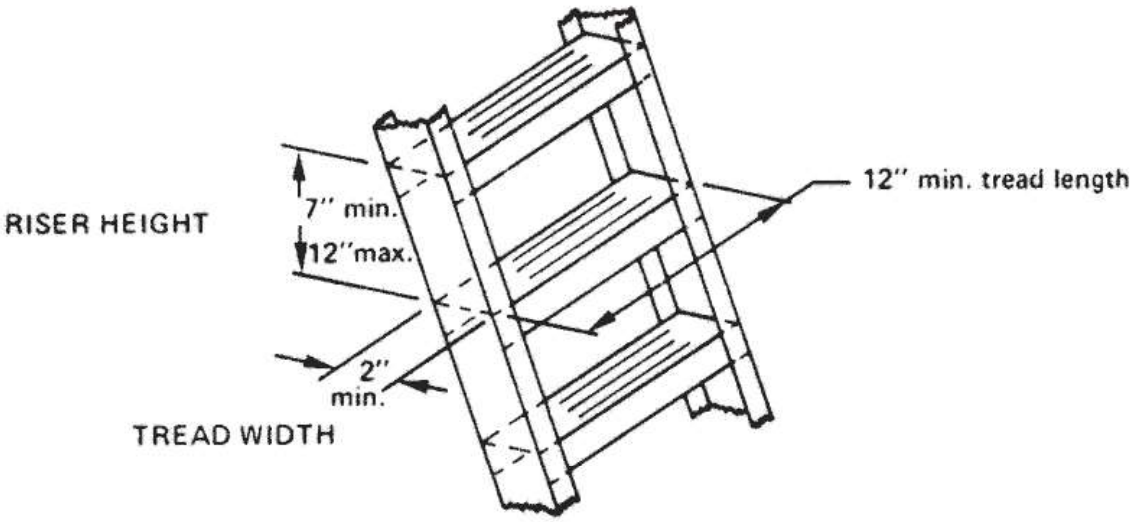


FIGURE B

(ii) ***Tread curvature.*** If slide ladder tread surfaces are curved, they shall not have a radius of curvature less than seven times the tread width.

(iii) ***Slip resistant surfaces -***

(A) ***General.*** The tread surface of all swimming pool slide ladders shall have a slip-resistant surface that is either an integral part of or permanently attached to the ladder steps. The performance test is designed to insure that all tread slip-resistant surfaces shall have the ability to maintain a barefooted 50-percentile adult male (reference (d) of § 1207.11) at an angle of repose of 33° ±1° without movement with a safety factor of 2.0. The angle of repose is the angle formed by the intersection of the ladder rails and the line connecting the user's feet and center of gravity. The tread and the foot shall be wet for this test.

(B) ***Performance test.*** A wooden block shall be prepared in accordance with figure C. The contact surface area of the block shall be 8 square inches (51.61 square cm) to simulate the ball of the foot (reference (d) of § 1207.11). It shall be covered with $^{1}/_{4}$± $^{1}/_{8}$ inch (.64±.32 cm) of natural or silicone rubber sponge capped with porous soft leather as shown in figure C.

TEST BLOCK FOR SLIP-RESISTANCE MEASUREMENTS OF SLIDE LADDER TREADS

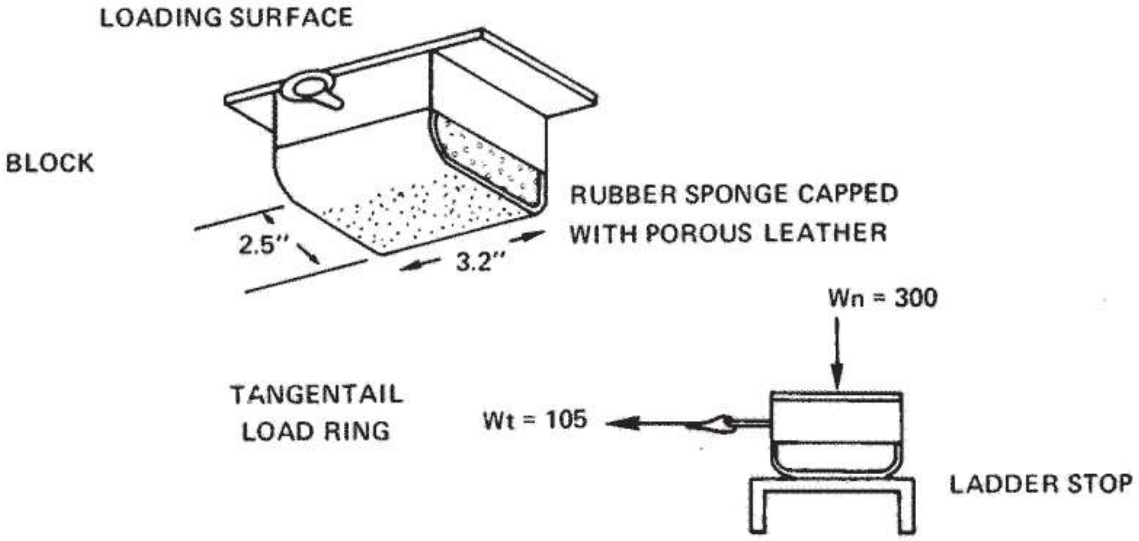


FIGURE C

The tests shall be carried out on a slide assembled and installed according to the manufacturer's instructions. The block shall be soaked in pool water for at least 3 minutes and placed at the midpoint of the wet step with the centroid of load of the block on the longitudinal axis of the step. The block shall be loaded symmetrically on its upper bearing surface with a weight of 300±2 pounds (136.1±.9 kg). A controlled and measured force shall be applied at the tangential load ring of the block tangent to the horizontal and increased at a rate of no more than 20 pounds (88.96 newtons) per second. If the block does not move at the point that the tangential load is equal to 105 pounds (467.1 newtons), the tread surface passes this performance test. Other force-creating means that produce equal forces on the block (300±2lbs, 1,334 newtons) may be substituted for weights if they result in substantially identical slip-resistance measurements.

(iv) ***Fastener requirements.*** Ladder treads shall be attached to the ladder rails in such a manner that continued intended use or reasonably foreseeable abuse shall not cause any fastener to loosen, crack, or break. All attachment methods that are used to hold the ladder tread to the ladder rails shall be permanent and tamperproof. If fasteners are used for the tread-rail attachment, the number and placement of such fasteners shall not cause a failure of the tread under the ladder loading conditions specified in this paragraph (c)(3).

(v) ***Aboveground pool ladders.*** Above-ground pool slides equipped with swing-up ladders shall be designed so that the ladders may be fixed in the up position by a tamperproof lock.

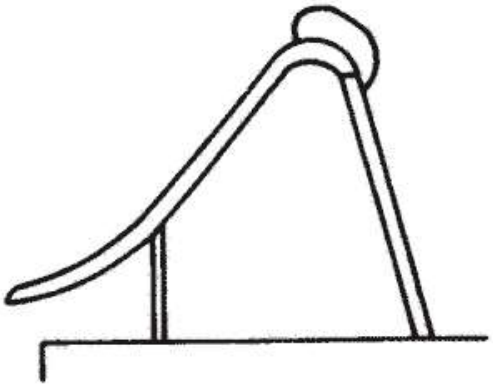
(vi) ***Ladder platforms.*** Swimming pool slides whose height above the surface upon which the slide is mounted is greater than 7.5 feet (2.29 meters) shall have a platform built into the ladder. This platform shall be located at least 6 feet (1.83 meters) above the deck and shall have minimum dimensions of 12 by 12 inches (30.48 × 30.48 cm.). The floor of the platform shall have a slip-resistant surface whose performance exceeds the requirements of the tests specified in paragraph (c)(3)(iii)(B) of this section. A minimum dimension of two times the riser height shall be maintained from the platform to the top of the slide runway. Transitional handrails shall be provided when a platform is used.

(vii) ***Static load performance test.*** Ladder treads or rungs shall be capable of supporting a 300-pound (1,334-newton) static load in the center without failure or permanent deformation.

(d) ***Handrails.*** Swimming pool slide ladders shall be equipped with handrails to aid the slider in safely making the transition to the runway. The handrails shall extend no more than 18 inches (45.72 cm) above the top of the slide runway platform (see figure D_1).

FIG. D_1

TYPICAL TRANSITION HANDRAIL



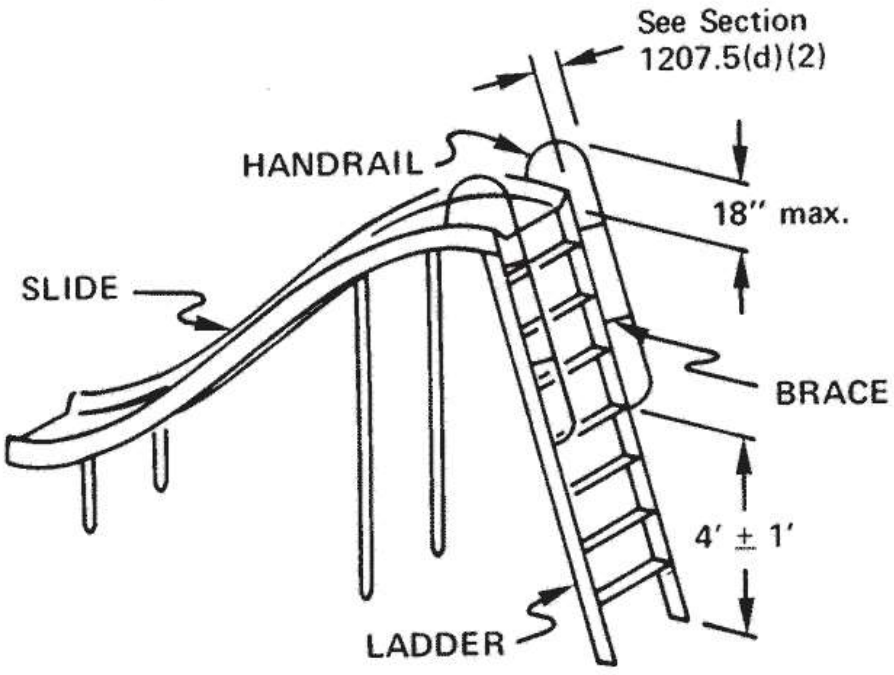
(1) ***Size.*** The outside diameter of handrails shall be between 1.00 and 1.90 inches (2.54 and 4.83 cm) (references (c) and (d) of § 1207.11).

(2) ***Extent of handrails -***

(i) ***Maximum angle ladder.*** If ladder handrails for a ladder inclined 15 degrees or less from the vertical extend below the slide transition area, they shall be parallel to the ladder rails at a perpendicular distance from them of 4 to 6 inches (10.16 to 15.24 cm) (see figure D_2). The handrail shall begin 3 to 5 feet (0.91 to 1.52 meters) above the pool deck. Handrails should not provide a means of entrapment.

FIG. D_2

MAXIMUM/MINIMUM DIMENSIONS FOR SLIDE LADDER HANDRAILS



(ii) ***Extent of handrails for ladders, steps, stairs, or ramps.*** For slides not using the minimum angle ladder (15 degrees or less from the vertical), the perpendicular distance between the ladder handrails and the ladder rails below the slide transition area shall be the distance "*l*" as shown in table 1.

Table 1 - Variations of *l*

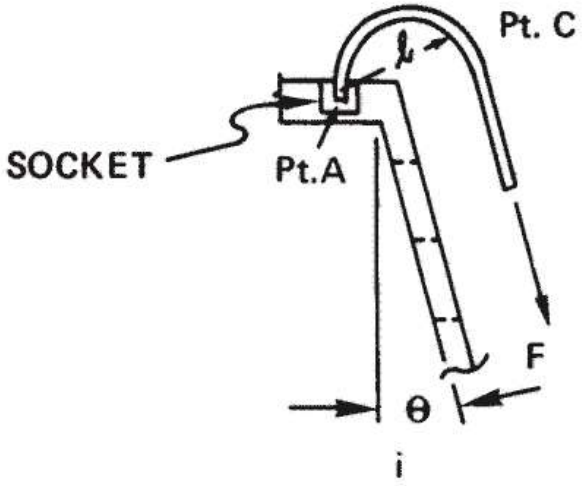
Ladders: 15°<θ<40°	L=(34.09θ_{rad}−3.86) ±1" =(86.59θ_{rad}−9.80)±2.54 cm
Stairs: 40°<θ<70°	*l* = 34" ±1" = 86.36 ±2.54 cm
Ramps: θ<70°	*l* = 42" ±1" = 106.68±2.54 cm

(3) ***Bracing of handrails.*** If handrail braces are used, they shall withstand intended use and reasonably foreseeable abuse.

(4) ***Attachment and strength of handrails.*** Handrails and their fasteners shall withstand allowable shear, bending, and cyclical loading in intended use and reasonably foreseeable abuse. All fasteners for handrail connections shall be vibrationproof, selflocking, and tamperproof. Threaded fasteners shall be capable of withstanding a 1-foot-pound (1,356-newton meter) back-off torque.

(i) ***Sockets performance test.*** If handrail sockets are used, the handrail end shall be permanently fixed in the socket so that it cannot be pulled out or bent at the socket by a moment of 233 foot-pounds (316 newton-meters) applied clockwise around point A in figure E. The socket shall not permanently deform under the maximum applied loads.

FIG. E
APPLICATION OF HANDRAIL MOMENTS

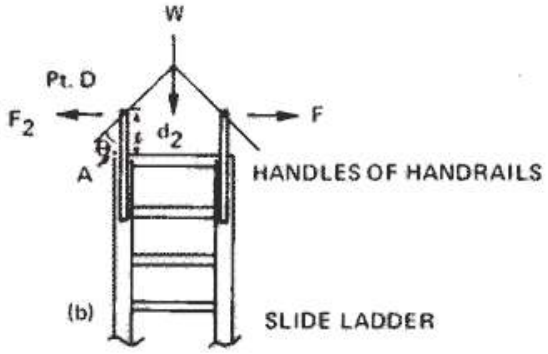


MOMENT = FORCE x DISTANCE = f x ℓ = 233 ft. lbs.

WHERE : Pt. C IS TAKEN AT THE MAXIMUM MOMENT ARM " ℓ FROM Pt. A.

(ii) *Side forces.* If the handrail is in a socket or attached to the side of the slide runway rail, the attachment methods must be capable of withstanding all shear and bending forces induced by a 172-foot-pound (233-newton-meter) moment counterclockwise around point A in figure F.

FIG. F
APPLICATION OF HANDRAILS MO.



MOMEMT = F_2 x d_2 = FORCE x DISTANCE = 172 ft. lbs.

(iii) *Performance tests -*

(A) *Strength for climbing and falls.*

(*1*) Attach a pull loop to point C of the upper handrail (figure E). Point C is the point where a perpendicular to the axis of the handrail passes through point A, the socket, or other attachment point. Attach a stranded steel cable or wire rope to point C. All cables and ropes shall have at least a 1,000-pound (4,448-newton) tensile capacity. Attach a 162-pound (73.5-kg) weight to this cable at least 4 feet (1.22 meters) below point C. Observe any permanent deformation or bending on the hand-rail at point A. If none exists, the handrail passes this performance test.

(*2*) Lift the weight one foot (30.48 cm) from its maximum static position and drop it. Observe any permanent deformation of the handrail or its attachments at point A. If each handrail will still support the 162-pound (73.5-kg) weight for a period of 15 minutes and has not been bent more than 45° from its original direction, it passes this performance test.

(B) ***Transition handrail strength.*** Rotate the assembled slide into the horizontal position on its side on a loading dock or other platform. Move the slide into such a position that the entire handrail assembly overhangs the platform and level the slide. Fasten the slide firmly in this position and attach a 115-pound (52.2-kg) weight to point D, as shown in figure F, and check for any visible permanent deformation of the handrail at point A. If none exists, the handrails pass this performance test.

(e) ***Lubrication.*** Swimming pool slides shall either be equipped with a method of lubrication (for example, water) or have a similar coefficient of friction so that the slider has a smooth, continuous slide. If water is used, the nozzles, piping, or hoses that deliver water to the runway shall be recessed or designed in such a fashion as not to interfere with a slider's progress down the slide or create tripping hazards on the slide.

(f) ***Runways -***

(1) ***Curvature.*** Slide runway curvature between the front and rear support legs of the slide shall be consistent with maintaining the slider safely on the slide during intended use and reasonably foreseeable abuse.

(2) ***Dynamic equilibrium.***

(i) Swimming pool slide runways, whether straight or curved, shall be designed as “balanced curves.” On a balanced curve, the test fixture discussed in paragraph (f)(2)(ii) of this section shall stay on a trajectory that keeps it within a distance of ±41 percent of the runway width to the runway centerline at all points along the runway without contacting the runway rails.

(ii) ***Performance test -***

(A) ***Direct measurement.*** Build a wooden pallet no larger than 5 by 5 inches (12.7 × 12.7 cm), as shown in figure G. Securely attach a lead rod or bar on the pallet. Size the bar so that the weight-to-area ratio of the assembly is 1.30±0.05 lbs./sq. in. (8,960±340 newtons/sq. meter) and the pallet does not tip over when in motion. Attach a felt pen or other suitable marking device to the pallet assembly as shown in figure G to mark the slide during descent.

(B) ***Test.*** Lubricate the slide in accordance with the manufacturer's instructions. Center the pallet at the top of the slide runway and release. Observe the pallet's descent and note if it touches the slide's side rails. If it touches, check alignment and installation again. With water off and the slide dry, center the pallet at the top of the runway and release. Measure the distance from the felt pen marked line to the centerline of the runway. If within ±41 percent of the width measured from the centerline along the entire path and if the pallet does not contact the runway rails, the slide is dynamically balanced and passes this performance test.

(3) ***Runway side rails.*** Swimming pool slide runways shall have permanent runway side rails of at least 2 inches (5.08 cm) and height to prevent lateral discharge of the slider off the slide under intended use and reasonably foreseeable abuse.

(4) ***Runway side-rail heights.*** Runway side-rail heights shall be designed as a function of the maximum slide-slope angle (as shown in figure H). Table 2 that follows shows side-rail height versus maximum slide-slope angle. If the maximum slide-slope angle is not shown in table 2, the next higher side-rail height must be used. Maximum slide-slope angles shall not exceed 75°. (See figure H.)

FIG. G
ASSEMBLY FOR MEASUREMENT OF RUNWAY EQUILIBRIUM

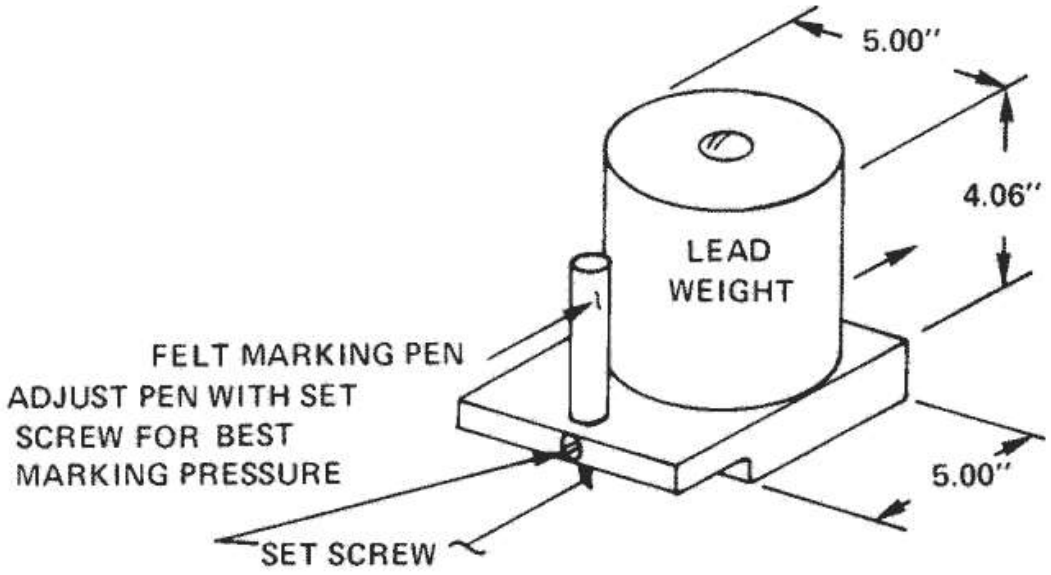
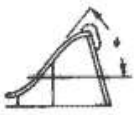


Table 2

ψ = Maximum slide-slope angle	Runway side-rail height inches (centimeters)
<60°	2 (5.08)
60-70°	3 (7.62)
70-75°	$3\frac{1}{2}$ (8.89)

FIG. H
MAXIMUM SLIDE SLOPE ANGLE "ψ



(5) ***Slide geometry.*** Swimming pool slide runways shall have a smooth transition section and have geometry such that the path of the center of gravity of the slider is not more than ±10° from the horizontal at the center of gravity's exit off the slide and such that the slider's angle of attack (α), shown in figure I and defined below, shall be at least + 15° when the slider's feet leave the slide. (See figure I.)

(i) ***Performance tests.*** Measurement of the 50th-percentile adult male (71±2 inches and 162±5 pounds, 180.34±5.08 cm and 73.5±2.3 kg)[1] slider's angle of attack shall be made using any of the following methods or their equivalent:

(A) Motion picture cameras (36 frames per second or more).

(B) Still cameras with strobe lights and reflectors on the head and hip of the slider.

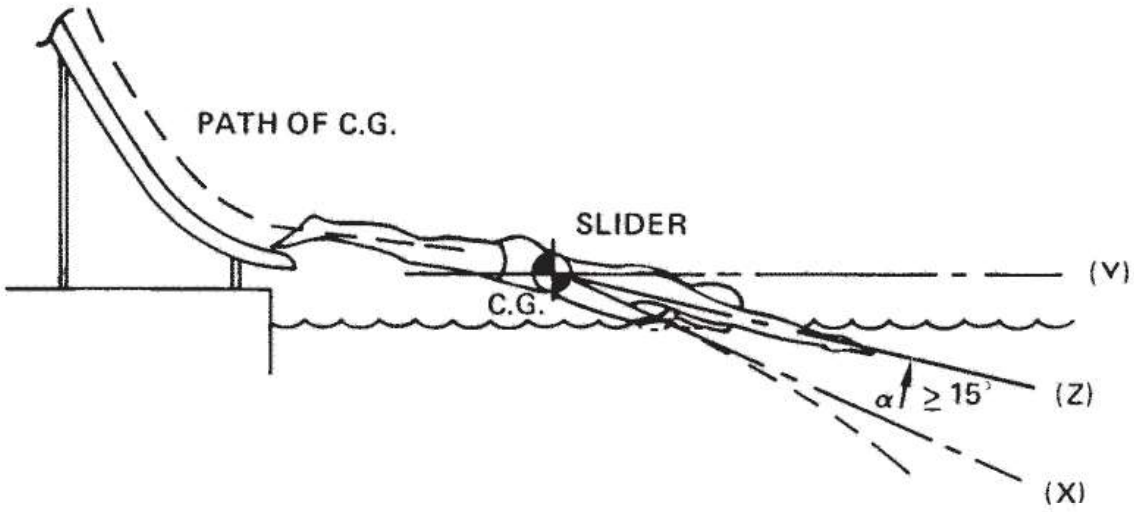
(C) Still cameras with rotating shutters and lights on the head and hip of the slider.

(D) Video tape recorder.

(ii) Measurements shall be made from the still water level as the horizontal. The path angle shall be determined by measuring the angle between a tangent to the path of the center of gravity (line X) and the horizontal taken through the center of gravity (line Y). At least five consecutive runs with the same subject shall be made in order that an average may be computed.[2] Angle of attack shall be taken as the angle between the slider's longitudinal axis (*Z*) and the tangent to the path of his center of gravity (*X*). The slider's longitudinal axis shall be located by the vertical line that passes through his center of gravity when he stands erect. The slider shall wear usual swimming attire. The angle-of-attack measurement shall be made after the slider's feet have cleared the slide, the distance between the end of the slide and his feet being less than 8 inches (20.3 cm). The slider's descent must be headfirst, prone, belly-down, and with arms extended in front. Except when starting, the slider shall not augment the slide trip by forcibly reacting with the slide through the use of his hands, arms, feet and/or legs. The slider's starting reactions with the slide shall be only as strong as necessary to start him moving. If the average angle of attack measured and computed in the above manner is equal to or greater than + 15°, the slide passes this performance test.

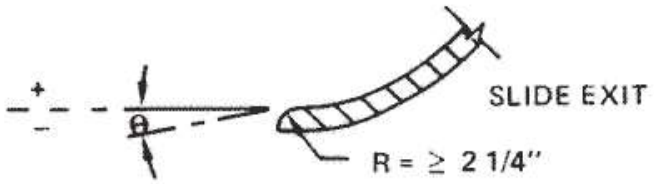
FIG. I

MEASUREMENT OF ANGLE OF ATTACK



(6) ***Runway exit lips.*** All runway exit lips of swimming pool slides shall be smoothly faired into the runway surface with a radius of curvature at the exit lip of the slide of at least $2^{1}/_{4}$ inches (5.72 cm) (see figure J).

FIG. J
RUNWAY EXIT ANGLE θ



$-11^{\circ} < \theta < -3^{\circ}$

(7) ***Runway exit vertical angle.*** The angle of the runway at exit of the slide () shall be −3 to −11 degrees from the horizontal as shown in figure J.

(8)

(i) ***Runway exit ramp lateral curvature and exit lip horizontal angle.*** No net lateral forces on the slider shall exist in that portion of the runway exit ramp beyond the forward support points of the slide. All slides shall be designed and constructed so that the exit lip of the slide is level at all points along the width of the runway at the runway exit lip line drawn at the point where the lip curvature shown in figure J is tangent to the runway. The slide shall be designed so that any side forces on the user induced by prior lateral curvature will be reduced to zero upon exit from the slide runway.

(ii) ***Performance tests.*** Those tests described in paragraph (f)(2)(ii) of this section are also applicable to paragraph (f)(8) of this section, and the path of the test fixture must be parallel to the centerline of the slide at the exit lip (within 5°) and not touching the side rails of the runway.

(9) ***Strength of slide runways and supports -***

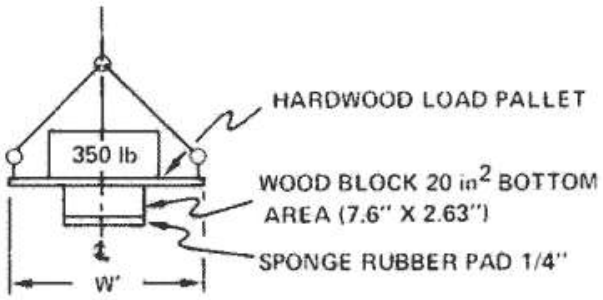
(i) ***Static loads.*** A properly assembled and installed slide runway shall be capable of supporting a static load of at least 350 pounds (1,557 newtons) applied normal to the runway over an area of no more than 20 square inches (129.03 square cm) at any point along its length or width.

(ii) ***Dynamic loading.*** Properly assembled and installed slide runways shall be capable of supporting, without structural failure except as defined in paragraph (f)(9)(iii)(B)(*3*) of this section, a dynamic load of at least 450 foot-pounds (610.2 newton-meters) dropped on an area of 20 square inches (129.03 square cm) at the midpoints of the upper runway platform and the lower runway exit ramp.

(iii) ***Performance tests -***

(A) ***Static loads.*** Assemble and install a slide according to the manufacturer's instructions. Prepare a 20-square-inch (129.03 square cm) load-bearing pallet according to figure K. Place the loaded pallet on the upper slide platform, positioned between the runway rails, until the scale on the hoist line reads between 0 and 10 pounds (0 and 44.48 newtons). Keep the pallet in this position for 10 minutes. Remove the loaded pallet and observe the runway for any significant structural failure such as permanent deformations or cracks. If there are none, the slide passes the test. Repeat the same test on the lower runway exit ramp.

FIG. K
STATIC LOAD TEST FOR
SLIDE BED

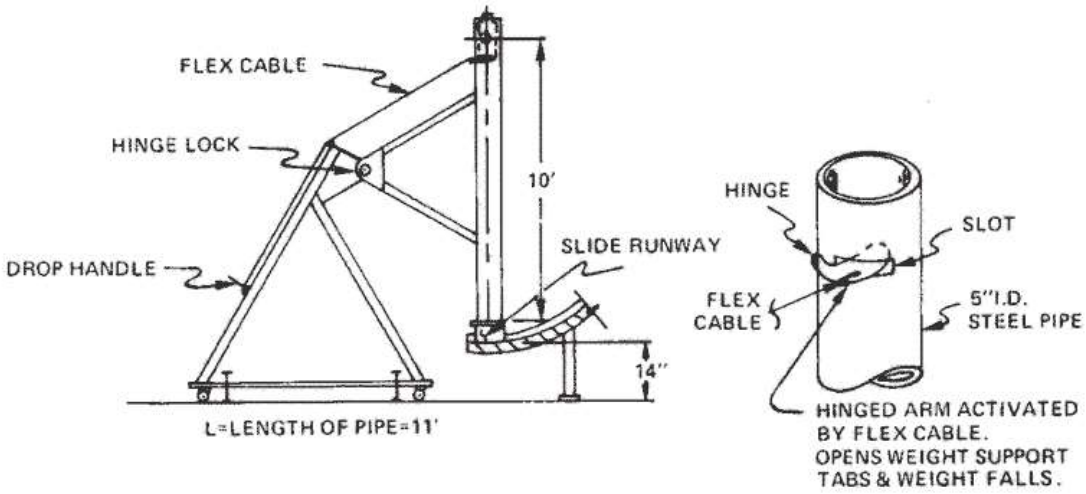


w' = WIDTH OF SLIDE RUNWAY MINUS 1/4"

(B) *Dynamic loads.*

(*1*) Assemble and install a slide according to the manufacturer's instructions. Use the hardwood load pallet shown in figure K and set it up under dynamic load guides fabricated as shown in figure L, or an equivalent impact-testing machine.

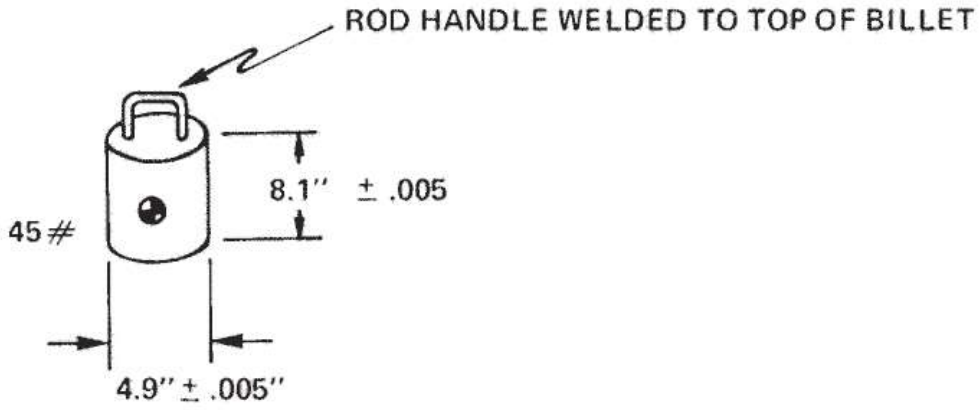
FIG. L
DYNAMIC LOAD TEST



(*2*) Fabricate a 45-pound (20.4-kg) billet of 4.900±0.005-inch (12.45±.01 cm) steel rod as shown in figure M, or equivalent, and load into the pipe above the trigger slot. The length of the pipe from the trigger slot to the impact pallet shall be 10.0±0.1 feet (3.05 meters±3.05 cm).

FIG. M

TYPICAL BILLET FOR IMPACT TESTING



(*3*) Drop the billet onto the pallet and observe the slide for any permanent deformations or cracks. If the slide runway can still support a static load of 350 pounds (1,557 newtons) on the pallet without further crack propagation, it passes this test.

(*4*) Perform the test on the entrance and exit platforms of the slide runway.

[41 FR 2751, Jan. 19, 1976; 41 FR 9307, Mar. 4, 1976; 41 FR 10062, Mar. 9, 1976, as amended at 41 FR 12638, Mar. 26, 1976; 41 FR 13911, Apr. 1, 1976]

FOOTNOTES - 1207.5

[1] See reference (f) of § 1207.11 for full discussion.
[2] Maximum measurement variation of ±15 percent.

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§§ 1207.6-1207.8 [Reserved]

§ 1207.9 Product certification.

(a) Certification shall be in accordance with section 14(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(1)).

(b) A certificate shall accompany the swimming pool slide (in the form of a permanent label on the shipping container(s) or in the form of a separate certificate) to all distributors and retailers to whom the material is delivered certifying that the slide conforms to this part 1207. The certificate or permanent label issued under this section shall be based upon either a test of each product or a reasonable testing program, shall state the name of the manufacturer or private labeler issuing the certificate, and shall include the date and place of manufacture.

(c) Any certificate shall be based upon the test procedures and requirements specified in this part 1207.

§ 1207.10 Handling, storage, and marking.

(a) ***Marking.*** The manufacturer's or private labeler's identification shall appear on the slide and shipping container. Such identification shall include the identity and address of the manufacturer or private labeler. If a private labeler's name is used, the marking shall include a code mark that will permit an identification of the manufacturer.

(b) ***Shipping, handling, and storage.*** The slide shall be designed, constructed, or packaged so that reasonably foreseeable shipping, handling, and storage will not cause defects in the slide that will prevent the slide from complying with the requirements of this part 1207.

§ 1207.11 References.

(a) "Statistical Abstract of the United States 1973," U.S. Dept. of Commerce, pp. 181-185, 192.

(b) "Human Engineering Guide for Equipment Designers," Woodson and Conover, pp. 2-166 through 2-169 published by the University of California Press, 2223 Fulton St., Berkeley, California 94720.

(c) "Human Engineering Guide to Equipment Design," Van Cott and KinKade, published by U.S. Dept. of Defense, 1972, Library of Congress Card No. 72-600054, pp. 457-465.

(d) "The Measure of Man - Human Factors in Design," by Henry Dreyfuss, published by Watson-Guptill Publications, Inc., 1 Astor Plaza, New York, New York, 10036.

(e) "Medical Tribune", Wed., 8/15/73, p. 21.

(f) "Technical Rationale in Support of A Safety Standard for Swimming Pool Slides," 5/30/75. National Swimming Pool Institute, 2000 K Street NW., Washington, D.C. 20006.

§ 1207.12 Stockpiling.

(a) ***Definitions.*** As used in this section:

(1) ***Stockpiling*** means manufacturing or importing swimming pool slides between the date of promulgation of part 1207 in the FEDERAL REGISTER and its effective date at a rate greater than five percent more than the rate at which the slides were manufactured or imported during the base period.

(2) ***Base period*** means, at the option of the manufacturer or importer concerned, any period of 180 consecutive days beginning on or after January 2, 1974, and ending on or before December 31, 1974.

(3) ***Rate of production (or importation)*** means the total number of swimming pool slides manufactured (or imported) during a stated time period. In determining whether a slide was manufactured (or imported) during a stated time period, the later of the date on which the slide runway was manufactured (or imported) or the date on which the accompanying ladder and other support parts were manufactured (or imported) shall be used.

(b) ***Prohibited acts.*** Manufacturers and importers of swimming pool slides, as these products are defined in § 1207.3(a)(28) shall not manufacture or import slides that do not comply with the requirements of this part 1207 between January 19, 1976, and July 17, 1976, at a rate which is greater than the rate of production or importation during the base period plus five percent of that rate.

(c) Manufacturers and importers shall maintain appropriate documentation to be able to substantiate to the Commission that they are in compliance with the provisions of this section.

[41 FR 2751, Jan. 19, 1976, as amended at 41 FR 15003, Apr. 9, 1976]

TEXAS OCCUPATIONS CODE

TITLE 13. SPORTS, AMUSEMENTS, AND ENTERTAINMENT

SUBTITLE D. OTHER AMUSEMENTS AND ENTERTAINMENT

CHAPTER 2151. REGULATION OF AMUSEMENT RIDES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2151.001. SHORT TITLE. This chapter may be cited as the Amusement Ride Safety Inspection and Insurance Act. Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 2151.002. DEFINITIONS. In this chapter:

(1) "Amusement ride" means a mechanical device that carries passengers along, around, or over a fixed or restricted course or within a defined area for the purpose of giving the passengers amusement, pleasure, or excitement. The term does not include:

(A) a coin-operated ride that:

(i) is manually, mechanically, or electrically operated;

(ii) is customarily placed in a public location; and

(iii) does not normally require the supervision or services of an operator;

(B) nonmechanized playground equipment, including a swing, seesaw, stationary spring-mounted animal feature, rider-propelled merry-go-round, climber, playground slide, trampoline, and physical fitness device; or

(C) a challenge course or any part of a challenge course if the person who operates the challenge course has an insurance policy currently in effect written by an insurance company authorized to do business in this state or by a surplus lines insurer, as defined by Chapter 981, Insurance Code, or has an independently procured policy subject to Chapter 101, Insurance Code, insuring the operator against liability for injury to persons arising out of the use of the challenge course, in an amount not less than:

(i) for facilities with a fixed location:

(a) $100,000 bodily injury and $50,000 property damage per occurrence, with a $300,000 annual aggregate; or

(b) a $150,000 per occurrence combined single limit, with a $300,000 annual aggregate; and

(ii) for facilities other than those with a fixed location:

(a) $1,000,000 bodily injury and $500,000 property damage per occurrence; or

(b) $1,500,000 per occurrence combined single limit.

(2) "Class A amusement ride" means an amusement ride with a fixed location designed primarily for use by children younger than 13 years of age.

(3) "Class B amusement ride" means an amusement ride that is not a Class A amusement ride.

(4) "Commissioner" means the commissioner of insurance.

(5) "Department" means the Texas Department of Insurance.

(6) "Mobile amusement ride" means an amusement ride that is designed or adapted to be moved from one location to another and is not fixed at a single location.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.701(a), eff. Sept. 1, 2001. Amended by: Acts 2005, 79th Leg., Ch. 363 (S.B. 1282), Sec. 2, eff. September 1, 2005.

SUBCHAPTER B. DEPARTMENT POWERS AND DUTIES

Sec. 2151.051. GENERAL POWERS AND DUTIES. The commissioner shall administer and enforce this chapter. .Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.702(a), eff. Sept. 1, 2001.

Sec. 2151.052. FEES. (a) The commissioner shall establish reasonable and necessary fees, in an amount not to exceed $40 per year, for each amusement ride covered by this chapter.

(b) An amusement ride that consists of two or more self-propelled, four-wheeled vehicles designed to be operated independently and to carry fewer than three persons, including go-carts, is a single amusement ride

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.702(b), eff. Sept. 1, 2001.

Sec. 2151.053. INFORMATION REQUEST. (a) The department may request information from a sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for use by the public concerning whether insurance required by this chapter is in effect on that amusement ride.

(b) The person shall respond to the information request not later than the 15th day after the date the request is made.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

SUBCHAPTER C. OPERATION OF AMUSEMENT RIDES

Sec. 2151.101. REQUIREMENTS FOR OPERATION. (a) A person may not operate an amusement ride unless the person:

(1) has had the amusement ride inspected at least once a year by an insurer or a person with whom the insurer has contracted;

(2) obtains a written certificate from the insurer or person with whom the insurer has contracted stating that the amusement ride:

(A) has been inspected;

(B) meets the standards for insurance coverage; and

(C) is covered by the insurance required by Subdivision (3);

(3) except as provided by Sections 2151.1011 and 2151.1012, has a combined single limit or split limit insurance policy currently in effect written by an insurance company authorized to do business in this state or by a surplus lines insurer, as defined by Chapter 981, Insurance Code, or has an independently procured policy subject to Chapter 101, Insurance Code, insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride in an amount of not less than:

(A) for Class A amusement rides:

(i) $100,000 bodily injury and $50,000 property damage per occurrence with a $300,000 annual aggregate; or

(ii) a $150,000 per occurrence combined single limit with a $300,000 annual aggregate; and

(B) for Class B amusement rides:

(i) $1,000,000 bodily injury and $500,000 property damage per occurrence; or

(ii) $1,500,000 per occurrence combined single limit;

(4) files with the commissioner, as required by this chapter, the inspection certificate and the insurance policy or a photocopy of the certificate or policy authorized by the commissioner; and

(5) files with each sponsor, lessor, landowner, or other person responsible for the amusement ride being offered for use by the public a photocopy of the inspection certificate and the insurance policy required by this subsection.

(b) The inspection certificate and the insurance policy must be filed with the department before July 1 of each year, except that if an amusement ride is inspected more than once a year, the inspection certificate must be filed not later than the 15th day after the date of each inspection.

(c) A local government may satisfy the insurance requirement prescribed by Subsection (a) by obtaining liability coverage through an interlocal agreement.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.703(a), eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 10A.548, eff. Sept. 1, 2003. Amended by: Acts 2005, 79th Leg., Ch. 363 (S.B. 1282), Sec. 1, eff. September 1, 2005. Acts 2005, 79th Leg., Ch. 1146 (H.B. 2879), Sec. 2, eff. September 1, 2005. Acts 2007, 80th Leg., R.S., Ch. 655 (H.B. 1070), Sec. 1, eff. June 15, 2007. Acts 2011, 82nd Leg., R.S., Ch. 580 (H.B. 3570), Sec. 1, eff. September 1, 2011.

Sec. 2151.1011. LIABILITY INSURANCE FOR CERTAIN AMUSEMENT RIDES. (a) This section only applies to a Class B amusement ride that:

(1) consists of a motorized vehicle that tows one or more separate passenger cars in a manner similar to a train, but without regard to whether the vehicle and cars operate on a fixed track or course;

(2) does not travel under its own power in excess of five miles per hour;

(3) has safety belts for all passengers;

(4) does not run on an elevated track;

(5) has passenger seating areas enclosed by guardrails or doors; and

(6) does not have passenger cars that rotate independently from the motorized vehicle.

(b) A person may not operate an amusement ride described by Subsection (a) unless the person has an insurance policy currently in effect written by an insurance company authorized to conduct business in this state or by a surplus lines insurer, as defined by Chapter 981, Insurance Code, or has an independently procured policy subject to Chapter 101, Insurance Code, insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride in an amount of not less than $1 million in aggregate for all liability claims occurring in a policy year.

(c) A local government may satisfy the insurance requirement prescribed by Subsection (b) by obtaining liability coverage through an interlocal agreement

Added by Acts 2007, 80th Leg., R.S., Ch. 655 (H.B. 1070), Sec. 2, eff. June 15, 2007.

Sec. 2151.1012. LIABILITY INSURANCE FOR CERTAIN OTHER AMUSEMENT RIDES. (a) This section applies only to a Class B amusement ride that:

(1) is mechanically inflated using a continuous airflow device; and

(2) provides a surface for bouncing and jumping or creates an enclosed space for the purpose of amusement.

(b) A person may not operate an amusement ride described by Subsection (a) unless the person has a combined single limit insurance policy currently in effect written by an insurance company authorized to conduct business in this state or by a surplus lines insurer, as defined by Chapter 981, Insurance Code, or has an independently procured policy subject to Chapter 101, Insurance Code, insuring the owner or operator against liability arising out of the use of the amusement ride in an amount of not less than $1 million per occurrence

Added by Acts 2011, 82nd Leg., R.S., Ch. 580 (H.B. 3570), Sec. 2, eff. September 1, 2011.

Sec. 2151.102. INSPECTION REQUIREMENTS. (a) The inspection required by Section 2151.101(a) must test for stress-related and wear-related damage of the critical parts of a ride that the manufacturer of the amusement ride determines:

(1) are reasonably subject to failure as the result of stress and wear; and

(2) could cause injury to a member of the public as a result of a failure.

(b) If at any time the inspection reveals that an amusement ride does not meet the insurer's underwriting standards, the insurer shall notify the owner or operator.

(c) If repair or replacement of equipment is required, it is the responsibility of the owner or operator to make the repair or install the replacement equipment before the amusement ride is offered for public use

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.703(b), eff. Sept. 1, 2001.

Sec. 2151.1021. INSPECTION REQUIREMENTS FOR MOBILE AMUSEMENT RIDES. (a) The commissioner shall adopt rules requiring operators of mobile amusement rides to perform inspections of mobile amusement rides, including rules requiring daily inspections of safety restraints.

(b) Rules adopted under this section may apply to specific rides of specific manufacturers.

(c) The commissioner shall prescribe forms for inspections required under this section and shall require records of the inspections to be made available for inspection by any municipality, county, or state law enforcement officials at any location at which an amusement ride is operated.

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 14.703(c), eff. Sept. 1, 2001.

Sec. 2151.1022. REQUIRED RECORDS OF GOVERNMENTAL ACTIONS. (a) A person who operates an amusement ride in this state shall maintain accurate records of any governmental action taken in any state relating to that particular amusement ride, including an inspection resulting in the repair or replacement of equipment used in the operation of the amusement ride.

(b) The operator shall file with the commissioner quarterly a report, on a form designed by the commissioner, describing each governmental action taken in the quarter covered by the report for which the operator is required by Subsection (a) to maintain records. A report is not required in any quarter in which no reportable governmental action was taken in any state in which the person operated the amusement ride.

(c) A person who operates an amusement ride shall maintain for not less than two years at any location where the ride is operated, for inspection by a municipal, county, or state law enforcement official, a photocopy of any quarterly report required under this section or Section 2151.103 to be filed with the commissioner

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 14.703(c), eff. Sept. 1, 2001.

Sec. 2151.103. INJURY REPORTS. (a) In this section, "medical treatment" includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician. The term does not include first-aid treatment, the onetime treatment and subsequent observation of minor scratches, cuts, burns, splinters, and other minor injuries that do not ordinarily require medical care, even if that treatment is provided by a physician or registered professional personnel.

(b) A person operating an amusement ride shall maintain accurate records of each injury caused by the ride that results in death or requires medical treatment.

(c) The operator shall file an injury report with the commissioner on a quarterly basis. The report shall be made on a form prescribed by the commissioner and shall include a description of each injury caused by a ride that results in death or requires medical treatment.

(d) If no reportable injuries occur in a quarter, the operator is not required to file an injury report.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.703(d), eff. Sept. 1, 2001.

Sec. 2151.104. ACCESS TO RIDES. An owner or operator of an amusement ride may deny entry to the ride to any person if, in the owner's or operator's opinion, the entry may jeopardize the safety of the person or of other amusement ride patrons…….Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 2151.105. SIGNAGE REQUIREMENTS. (a) The commissioner shall adopt rules requiring that a sign be posted to inform the public how to report an amusement ride that appears to be unsafe or to report an amusement ride operator who appears to be violating the law.

(b) The rules must require the sign to be posted at the principal entrance to the site at which an amusement ride is located or at any location on that site at which tickets for an amusement ride are available.

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 14.703(c), eff. Sept. 1, 2001.

Sec. 2151.106. MINIMUM STANDARDS. (a) An amusement ride covered by this chapter that is sold, maintained, or operated in this state must comply with standards established by the American Society of Testing and Materials (ASTM) as of May 1, 1999. Those standards are minimum standards.

(b) To the extent that the standards of the American Society of Testing and Materials conflict with the requirements of this chapter, the more stringent requirement or standard applies.

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 14.703(c), eff. Sept. 1, 2001.

Sec. 2151.107. EXCEPTION FOR CERTAIN CHALLENGE COURSES MEETING INSURANCE REQUIREMENT. (a) In this section, "challenge course" means a challenge, ropes, team building, or obstacle course, which may include logs, tires, platforms, beams, bridges, poles, ropes, ladders, nets, climbing walls, rock climbing walls, climbing towers, traverses, rock climbing devices, cables, swings, or zip lines, that is constructed and used for educational, team and confidence building, or physical fitness purposes.

(b) A challenge course or any part of a challenge course is not considered an amusement ride subject to regulation under this chapter if the person who operates the challenge course has a combined single limit or split limit insurance policy currently in effect written by an insurance company authorized to do business in this state or by a surplus lines insurer, as defined by Chapter 981, Insurance Code, or has an independently procured policy subject to Chapter 101, Insurance Code, insuring the operator against liability for injury to persons arising out of the use of the challenge course in an amount of at least:

(1) for a challenge course with a fixed location:

(A) $100,000 bodily injury and $50,000 property damage per occurrence with a $300,000 annual aggregate; or

(B) a $150,000 per occurrence combined single limit with a $300,000 annual aggregate; and

(2) for a challenge course other than one with a fixed location:

(A) $1,000,000 bodily injury and $500,000 property damage per occurrence; or

(B) $1,500,000 per occurrence combined single limit.

Added by Acts 2005, 79th Leg., Ch. 598 (H.B. 1892), Sec. 1, eff. June 17, 2005. Added by Acts 2005, 79th Leg., Ch. 1146 (H.B. 2879), Sec. 1, eff. September 1, 2005.

SUBCHAPTER D. ENFORCEMENT PROVISIONS

Sec. 2151.151. INJUNCTION. The district attorney of a county in which an amusement ride is operated or, on request of the commissioner of insurance, the attorney general or an agent of the attorney general, may seek an injunction against a person operating an amusement ride in violation of this chapter or in violation of a rule adopted by the commissioner under Section 2151.1021 or 2151.105····· Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.704(a), eff. Sept. 1, 2001.

Sec. 2151.152. OTHER ENFORCEMENT ACTIONS. (a) A municipal, county, or state law enforcement official may determine compliance with a provision of Subchapter C, other than Section 2151.104, in conjunction with the commissioner and may institute an action in a court of competent jurisdiction to enforce this chapter.

(b) A municipal, county, or state law enforcement official may enter and inspect without notice any amusement ride at any time to ensure public safety.

(c) The operator of an amusement ride shall immediately provide the inspection certificate and the insurance policy required by Section 2151.101 to a municipal, county, or state law enforcement official requesting the information. A photocopy of the inspection certificate or insurance policy may be provided instead of the certificate or policy.

(d) Performance or nonperformance by a municipal, county, or state law enforcement official of any action authorized by this chapter is a discretionary act

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.705(a), eff. Sept. 1, 2001.

Sec. 2151.1525. PROHIBITION OF AMUSEMENT RIDE OPERATION. (a) Except as provided by Subsection (e), a municipal, county, or state law enforcement official may immediately prohibit operation of an amusement ride if:

(1) the operator of the amusement ride is unable to provide the documents or a photocopy of the documents required by Section 2151.152(c);

(2) the law enforcement official reasonably believes the amusement ride is not in compliance with Section 2151.101; or

(3) the operation of the amusement ride, conduct of a person operating the amusement ride, conduct of a person assembling the amusement ride if it is a mobile amusement ride, or any other circumstance causes the law enforcement official to reasonably believe that the amusement ride is unsafe or the safety of a passenger on the amusement ride is threatened.

(b) If the operation of an amusement ride is prohibited under Subsection (a)(1) or (2), a person may not operate the amusement ride unless:

(1) the operator presents to the appropriate municipal, county, or state law enforcement official proof of compliance with Section 2151.101; or

(2) the commissioner or the commissioner's designee determines that on the date the amusement ride's operation was prohibited the operator had on file with the board the documents required by Section 2151.101 and issues a written statement permitting the amusement ride to resume operation.

(c) If on the date an amusement ride's operation is prohibited under Subsection (a)(3) the amusement ride is not in compliance with Section 2151.101, a person may not operate the amusement ride until after the person subsequently complies with Section 2151.101.

(d) If on the date an amusement ride's operation is prohibited under Subsection (a)(3) the amusement ride is in compliance with Section 2151.101, a person may not operate the amusement ride until:

(1) on-site corrections are made;

(2) an order from a district judge, county judge, judge of a county court at law, justice of the peace, or municipal judge permits the amusement ride to resume operation; or

(3) an insurance company insuring the amusement ride on the date the amusement ride's operation was prohibited:

(A) reinspects the amusement ride in the same manner required by Section 2151.101; and

(B) delivers to the commissioner or the commissioner's designee and the appropriate law enforcement official a reinspection certificate:

(i) stating that the required reinspection has occurred;

(ii) stating that the amusement ride meets coverage standards and is covered by insurance in compliance with Section 2151.101; and

(iii) explaining the necessary repairs, if any, that have been made to the amusement ride after its operation was prohibited.

(e) Subsection (a) does not apply to an amusement ride with a fixed location and operated at an amusement park that was attended by more than 200,000 customers in the year preceding the inspection under Section 2151.152(b).

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 14.705(a), eff. Sept. 1, 2001.

Sec. 2151.1526. PROHIBITION OF MOBILE AMUSEMENT RIDE OPERATION. (a) Except as provided by Subsection (b) or (c), a mobile amusement ride on which a death occurs may not be operated.

(b) If a mobile amusement ride was in compliance with Section 2151.101 when its operation was initially prohibited under Subsection (a), a person may resume operating the mobile amusement ride only after an insurance company insuring the amusement ride on the date its operation was prohibited:

(1) reinspects the amusement ride in the same manner required under Section 2151.101; and

(2) delivers to the commissioner or the commissioner's designee a reinspection certificate:

(A) stating that the required reinspection has occurred;

(B) stating that the amusement ride meets coverage standards and is covered by insurance in compliance with Section 2151.101; and

(C) explaining the necessary repairs, if any, that have been made to the amusement ride after its operation was prohibited.

(c) If a mobile amusement ride was not in compliance with Section 2151.101 when its operation was initially prohibited under Subsection (a), a person may resume operating the mobile amusement ride only after the person subsequently complies with Section 2151.101

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 14.705(a), eff. Sept. 1, 2001.

Sec. 2151.1527. RELIEF FROM PROHIBITION ORDER. The owner or operator of the amusement ride may file suit for relief from a prohibition under Section 2151.1525 or 2151.1526 in a district court in the county in which the amusement ride was located when the prohibition against operation occurred……Added by Acts 2001, 77th Leg., ch. 1420, Sec. 14.705(a), eff. Sept. 1, 2001.

Sec. 2151.153. CRIMINAL PENALTIES. (a) A person commits an offense if the person fails to comply with any requirement of:

(1) Section 2151.101, 2151.102, 2151.103, 2151.1525(b), (c), or (d), or 2151.1526(a); or

(2) a rule adopted by the commissioner under Section 2151.1021 or 2151.105.

(b) A person commits an offense if the person:

(1) is a sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for use by the public; and

(2) does not provide the information required under Section 2151.053 or provides false information under Section 2151.053.

(c) An offense under this section is a Class B misdemeanor.

(d) Each day a violation of this chapter is committed constitutes a separate offense.

(e) The prosecuting attorney in a case in which a person is convicted of an offense under this section shall report the offense to the department not later than the 90th day after the date of the conviction

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.706(a), eff. Sept. 1, 2001.

Federal Service Animals Laws

28 CFR § 36.104 Definitions

Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

28 CFR §36.302(c) Service animals.

(1) General. Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

(2) Exceptions. A public accommodation may ask an individual with a disability to remove a service animal from the premises if:

(i) The animal is out of control and the animal's handler does not take effective action to control it; or

(ii) The animal is not housebroken.

(3) If an animal is properly excluded. If a public accommodation properly excludes a service animal under § 36.302(c)(2), it shall give the individual with a disability the opportunity to obtain goods, services, and accommodations without having the service animal on the premises.

(4) Animal under handler's control. A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

(5) Care or supervision. A public accommodation is not responsible for the care or supervision of a service animal.

(6) Inquiries. A public accommodation shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A public accommodation may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. A public accommodation shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a public accommodation may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

(7) Access to areas of a public accommodation. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a place of public accommodation where members of the public, program participants, clients, customers, patrons, or invitees, as relevant, are allowed to go.

(8) Surcharges. A public accommodation shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a public accommodation normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.

(9) Miniature horses.

(i) A public accommodation shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

(ii) Assessment factors. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public accommodation shall consider -

(A) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;

(B) Whether the handler has sufficient control of the miniature horse;

(C) Whether the miniature horse is housebroken; and

(D) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

(iii) Other requirements. Sections 36.302(c)(3) through (c)(8), which apply to service animals, shall also apply to miniature horses.

24 CFR §100.204 Reasonable accommodations.

(a) It shall be unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling unit, including public and common use areas.

(b) The application of this section may be illustrated by the following examples:

Example (1): A blind applicant for rental housing wants live in a dwelling unit with a seeing eye dog. The building has a no pets policy. It is a violation of § 100.204 for the owner or manager of the apartment complex to refuse to permit the applicant to live in the apartment with a seeing eye dog because, without the seeing eye dog, the blind person will not have an equal opportunity to use and enjoy a dwelling.

Example (2): Progress Gardens is a 300 unit apartment complex with 450 parking spaces which are available to tenants and guests of Progress Gardens on a first come first served basis. John applies for housing in Progress Gardens. John is mobility impaired and is unable to walk more than a short distance and therefore requests that a parking space near his unit be reserved for him so he will not have to walk very far to get to his apartment. It is a violation of § 100.204 for the owner or manager of Progress Gardens to refuse to make this accommodation. Without a reserved space, John might be unable to live in Progress Gardens at all or, when he has to park in a space far from his unit, might have great difficulty getting from his car to his apartment unit. The accommodation therefore is necessary to afford John an equal opportunity to use and enjoy a dwelling. The accommodation is reasonable because it is feasible and practical under the circumstances.