

CHAPTER 902

Public Bathing Places

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CROSS REFERENCES

Division of Water - see ORC 1521
Exemption from liability to recreational users - see ORC 1533.181
Watercraft - see ORC 1547 & 1548
Communicable disease - see ORC 3707.04 et seq.
Obstruction of waterways - see ORC 5589.06 & 5589.99
Primary drinking water - see OAC 3745-81-01 through 3745-81-89
General provisions - see EHC 100
Bathing beach fees - see EHC 101
Semipublic sewage disposal system fees - see EHC 101
Swimming pools, spas and special use pools - see EHC 901

EHC Environmental Health Code **ORC** Ohio Revised Code **OAC** Ohio Administrative Code

902.01 PUBLIC BATHING PLACE DEFINED.

As used in this chapter, "public bathing place" means and includes impounding reservoirs, basins, ponds, lakes, creeks, rivers and other similar bodies of water used collectively by numbers of persons for swimming or recreative bathing, together with the surrounding area, buildings, equipment and appurtenances pertaining to such bathing places, with the exception of bathing places in connection with single-family residences intended only for the use of nonpaying residents or their guests, and which are also prominently posted with a sign stating the following:

"WARNING, NO LIFEGUARD. MINORS NOT PERMITTED WITHOUT AN ACCOMPANYING ADULT. ALL OTHERS SWIM AT THEIR OWN RISK."

(Resolution 15-85 adopted 2/12/85; Resolution 17-91 adopted 1/24/91; Resolution 011-19 adopted 04/11/2019)

902.02 OPERATION AND MAINTENANCE; PERMIT REQUIRED.

No person shall operate or maintain a public bathing place until a permit therefore has been obtained from the Health Commissioner. Such permit shall be for the calendar year and shall be renewable on May 31 of each year, or not less than ten days before the bathing beach is made available for swimming.

(Res. 113. Adopted 1-28-63; Res. 17-91. Adopted 1-24-91; Resolution 011-19 adopted 04/11/2019)

902.03 TERMS AND CONDITIONS OF OPERATION.

- (a) No person shall operate or maintain a public bathing place, other than a swimming pool operated in accordance with Section 901, or any building, equipment or appurtenance pertaining thereto, except by written consent of the Health Department. The terms, conditions and expiration date shall be set forth in the written authorization. Failure to comply with such terms, conditions and expiration date shall constitute a violation of this section.
- (b) The person responsible for the operation of a public bathing place shall provide adequate personnel and facilities to insure compliance with all health, sanitation and safety rules as may be required by the Health Department. Placards listing such rules shall be posted in conspicuous places and shall be enforced.
- (c) Natural pools, reservoirs, lakes or parts of such are not generally recommended for public bathing places and such bathing places are used at the operator's risk.
- (d) Terms and conditions for the operation of public bathing places within the Summit County Combined General Health District shall be as follows:

(1) Health and safety.**A. Swimming areas.**

- 1. Swimming areas must be clearly marked with conspicuous buoys or poles spaced not more than 100 feet apart and separated from no-diving areas by the use of a lifeline placed at the four-foot mark.
- 2. Bottoms shall be free from holes, steep slopes and sharp objects, and in parts less than five-feet deep shall have a bottom of sand, gravel, stone or other acceptable material to eliminate any unusually turbid (muddy) condition of the bathing water under normal use conditions.
- 3. Water depths in diving areas shall conform to standards outlined in Chapter 3701-31 of the Ohio Administrative Code.
- 4. The minimum safety equipment at each lifeguard station shall include one ring buoy at least eighteen inches in diameter, attached to at least forty feet of rope, and one rescue tube or rescue buoy. This equipment shall be available at all occupied lifeguard stations.
- 5. All swimming areas shall have a fully equipped backboard with a proper fitting extrication collar, sand bags (or equivalent), blanket and ties, or straps, available at all times.
- 6. All bathing areas shall maintain fully stocked first-aid kit containing, as a minimum, the contents of a twenty-four unit kit as recommended by the American Red Cross, or equivalent, as approved by the Board of Health.
- 7. All equipment and appurtenances shall be maintained in good repair at all times.
- 8. Health and safety rules shall be established by the operator of a bathing area, and these rules shall be posted conspicuously along the bathing area shoreline.
- 9. A telephone, with a posted list of emergency numbers, shall be readily available at all bathing places.
- 10. Night swimming shall only be permitted where adequate artificial lighting is available.
- 11. Any person suspected of having an infectious or communicable disease shall not be permitted to use the swimming area. Any person who has been refused entry to a swimming area under this section may be granted such entry upon presentation of a written statement from a physician that the condition is not infectious or communicable.

B. Beach areas.

1. The beach area shall be kept free of litter, dead fish, broken glass, sharp objects or any other hazardous materials.
2. Refuse containers shall be provided in sufficient numbers to assure that litter or hazardous materials do not accumulate on the beach area.

C. Bathhouse areas.

1. Bathhouses, where provided, shall be constructed in accordance with all applicable State and local building codes and shall contain the required number of fixtures (showers, sinks, toilets, urinals, drinking fountains, etc.).
2. Bathhouses and their appurtenances shall be maintained in good repair and shall be kept thoroughly clean and free from any accumulation of filth, garbage, rubbish or other waste.
3. Disposal of sewage and liquid wastes shall be in a public sanitary sewerage system or by another method approved by the Ohio Environmental Protection Agency.
4. All sewage and liquid waste collection systems shall be maintained in a safe and sanitary manner so as not to create a health hazard or nuisance.
5. All water supply systems shall meet the standards of the Ohio Environmental Protection Agency.
6. All drinking water supplies shall be of adequate quantity and potable quality and the water supply system and equipment shall be maintained in a safe and sanitary manner so as not to create a health hazard.

(2) Lifeguards

A. Qualifications. The term "qualified lifeguard" shall mean an individual possessing as minimum qualifications all of the following:

1. Must be sixteen years of age or older;
2. Must be physically and mentally capable of performing the duties of a lifeguard;
3. Must be trained in first-aid and artificial respiration;
4. Must have completed a water safety and rescue course such as offered by the American Red Cross.

B. Requirements at bathing areas.

1. One or more qualified lifeguards for each 300 linear feet of occupied bathing area shoreline shall be on duty at all times during open hours.
2. A lifeguard shall be considered on duty when he or she is occupying an elevated lifeguard chair situated so as to provide the lifeguard with a clear, unobstructed field of vision of his or her respective territory observation.
3. All water surface areas being used by bathers shall be within the field of vision of a qualified, on-duty, lifeguard.
4. Where there are one or more lifeguards on duty occupying an elevated lifeguard chair, a walking guard on the shore may also be considered on-duty if he or she is maintaining surveillance for any particular area.

5. Where diving or sliding in deep water is permitted, a separate, qualified lifeguard shall be on duty and situated so that he or she has a clear, unobstructed field of vision of the diving and/or sliding area.
6. When deep water swimming, outside of diving areas and removed from shore lines and elevated lifeguard stations, is permitted, at least one rescue boat, or rescue board, shall be provided and manned with a qualified lifeguard.

(3) Water quality.

A. Bacteriological standards.

1. Periodic sampling of bathing beach waters at bathing areas within the Health District may be required, to determine the bacteriological quality of the water.
2. The acceptability of bathing beach waters shall be based on the following bacteriological criteria: the fecal coliform count (either MPN or MF count) shall not exceed 200 per 100 milliliters as a monthly geometric mean based on not less than five samples per month, nor shall it exceed 400 per 100 milliliters in more than ten percent of all samples taken during the month.

(4) Responsibility of beach owner/operator.

A. Owners/operators. Each bathing area shall be under the supervision of a competent operator or attendant, who shall be responsible for maintaining the bathing area and all its appurtenances in a safe and sanitary manner.

B. Records.

1. The owner/operator shall be responsible for maintaining a personnel file of each qualified lifeguard under his or her supervision. The personnel file shall include the following:
 - a. Record of physical examination (if so required);
 - b. Record of pre-employment skill test (if so required);
 - c. Record of in-service training (if so required); and
 - d. Record of American Red Cross or equivalent water safety, life-saving, first-aid, CPR, rescue, etc., courses and certificates of successful completion of said courses.
2. Each bathing area shall maintain at all times a complete record of all accidents, inquiries or rescues and of all cases where first-aid treatment was provided by a qualified lifeguard. These records shall be available to Summit County Health Department personnel and appropriate local law enforcement authorities upon request.

(5) Inspections.

It shall be the duty of the Health Department to inspect each bathing area at least once each season and to record inspections on a form prescribed by the Department. Said inspections shall be made to determine compliance with the terms and conditions set forth in this chapter and, for that purpose, personnel of the Health Department shall be granted entry thereto at any reasonable time.

(6) **Variances.**

The Board of Health may grant a variance from the requirements of this subsection (d) if such variance will not be contrary to the public interest, where a person shows that, because of practical differences or other special conditions, their strict application will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of this section or be otherwise contrary to the public interest.

(Resolution 113 adopted 1/28/63; Resolution 16-85 adopted 2/12/85; and Resolution 17-91 adopted 1/24/91; Resolution 011-19 adopted 04/11/2019)

902.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this Environmental Health Code shall be in violation of ORC 3707.48, 3709.20, 3709.21 or 3709.22, and subject to penalties provided in ORC 3707.99 and 3709.99.

(Resolution 011-19 adopted 04/11/2019)