

**September 28, 2006**

**Item # 110**

**06 Pool/Spa Rules Amendment**

**Background**

The Austin City Code requirements for public/semi-public pools and spas are contained in Chapter 25-12, Article 3 of the Code. In 1999, and again in 2004, the Texas Department of State Health Services made major revisions to the regulations governing public/semi-public pools and spas. The current State Standards became effective September 1, 2004. The City Code refers to these regulations in setting local permitting and inspection requirements for public/semi-public pools and spas. Therefore, the recommended new City Pool Code will better reflect the revised State Standards. In addition, it is proposed that the new City Pool Code be recoded.

Since the proposed changes are not extensive, the Department shared its recommendations with industry representatives on June 7, 2006, and held a public hearing before the Planning Commission's Codes and Ordinances (C&O) Committee on June 27, 2006. The response from industry representatives was supportive. The C&O Committee recommended approval to the City Planning Commission. The Planning Commission will consider the recommended changes on August 8, 2006.

**Staff Recommendations**

The Health and Human Services Department is recommending that the Austin City Council amend the provisions of Chapter 25-12, Article 3 of the City Code, due to recommendations by the Texas Department of State Health Services in Chapter 265 of Title 25, Subchapter L of the Texas Administrative Code "Standards for Swimming Pools and Spas." The proposed amendments to the City Code are as follows:

- A pool/spa operator shall test the water quality and record the results no less often than:
  - (1) once a day, 2 days a week if no on-site operator is provided or if an on-site operator is provided less than 32 hours per week; or
  - (2) once a day, 4 days a week if an on-site operator is provided at least 32 hours per week; or
  - (3) if a pool/spa facility is in operation fewer than the number of days specified in Subsections (B)(1) and (B)(2), water quality testing shall be performed at least once per each day of operation.
- A pool/spa operator shall retain the test results and reports for at least one year; and provide the reports to the health authority when requested by the health authority.
- More specific language stating that a permit may be suspended if the operator does not pay the annual permit fee, fails to provide water quality testing records when requested or does not permit access to the Health Authority to conduct an inspection of the pool/spa. In addition, the insertion of language describing the procedures for closing a facility upon suspension of the annually renewed permit.
- Recode the Austin City Code for "Swimming Pools" to Chapter 10-7 and relocate it from Article 3 of Chapter 25-12 "Technical Codes" to Title 10 "Public Health Services and Sanitation," for the purpose of including it in a Title containing other Health Codes specific to the permitting and enforcement duties of the Health Department.