

**Public Health Regulation  
Of  
Three Rivers District Health Department Board of Health  
Commonwealth of Kentucky  
Regulation No. 317-05**

**AN ADMINISTRATION REGULATION RELATING TO THE REGULATION OF PUBLIC SWIMMING AND BATHING FACILITIES MANAGERS REQUIRING CERTIFICATION/TRAINING BE OBTAINED PERTAINING TO WATER QUALITY AND BATHER SAFETY IN ATTEMPTS TO REDUCE THE OCCURRENCE AND POTENTIAL OF WATER BORNE RELATED ILLNESSES.**

**WHEREAS**, KRS 212.230 provides that a county Board of Health shall adopt such rules and regulations as may be necessary to protect the health and safety of the people or to effectuate the purposes of KRS Chapter 212 or any other law relating to public health; and

**WHEREAS**, the Three Rivers District Board of Health believes it is appropriate and that it is their responsibility to first protect the public's health and secondly to provide and promote proper operation and maintenance of public swimming and bathing facilities.

**NOW THEREFORE BE IT ORDAINED** by the Three Rivers District Board of Health of Carroll, Gallatin, Owen, and Pendleton Counties of the Commonwealth of Kentucky:

**Section 1. PURPOSE**

The purpose of this regulation is to require a training certificate of operator personnel of Kentucky Public Swimming and Bathing facilities operating within the Three Rivers District Health jurisdiction; so that Kentucky swimming and bathing facility operators shall have knowledge of safe techniques for maintaining proper water quality and chemical balance with the underlying purpose of preventing water borne illness and protecting the public health and safety; so that trained personnel shall have knowledge to train employees/co-workers regarding the same.

**Section 2. DEFINITIONS**

For the purpose of this regulation:

(a). "Kentucky public swimming and bathing facility operator" means any "person" as defined above or any employees of that person who are delegated responsibility for the proper operation and maintenance of the facility

(b). "Public swimming and bathing facilities" or "facility" means any natural or artificial body or basin of water which is modified, improved, constructed, or installed for the purpose of public swimming or bathing under the control of any person and includes, but is not limited to, the following:

- Swimming pools, wading pools, wave pools;
- Competition swimming pools and diving pools;
- Water slides and spray pools; and
- Spas, therapeutic pools, hydrotherapy pools, and whirlpools.

It includes those operated by communities, subdivisions, apartment complexes, condominiums, clubs, camps, schools, institutions, parks, mobile home parks, hotels, recreational areas, or similar public facilities. It does not include any of the above facilities which are at private single family residences intended only for the use of the owner and guests. Beach operators, while included in the definition in 902 KAR 10:120, shall be excluded from this regulation.

### Section 3.

#### **PUBLIC SWIMMING AND BATHING TRAINING CERTIFICATE REQUIRED**

(a). After 180 days of the adoption of this regulation no person shall operate a public swimming and bathing facility unless its operation is under the immediate control of a person holding a valid swimming and bathing facility operator training certificate. This certification may be posted in a conspicuous location in the establishment or otherwise must be made available to the health authority upon request. Operator certifications will be verified by the health authority upon conducting regular facility inspections.

(b). In order to obtain a public swimming and bathing facility operator's training certificate, applicants for certification must provide the appointing authority with documentation that verifies their knowledge of facility operations standards. Satisfactory documentation may consist of a certificate from an independent testing agency which certifies that the applicant has achieved a passing score on an examination, which has been designed to measure the understanding and application of swimming and/or bathing facility operation and practices based on the CDC Model Aquatic Health Code requirements for knowledge. Nothing in this regulation prohibits any formal employer provided in-house sanitation training program from fulfilling the requirements of this regulation provided satisfactory documentation is provided to the appointing authority that the program in question meets the minimum requirements of

this regulation. Further, that operators having completed such training must demonstrate a satisfactory knowledge of proper operation and maintenance of the public swimming facility and bathing facility by successfully completing a written examination as administered by the appointing authority or his/her authorized representative.

(c). Whenever the public swimming and bathing facility operator holding the certificate terminates employment, is terminated, or is transferred to another establishment, the person owning, operating, or managing the public swimming and bathing facilities shall be allowed no more than one hundred and twenty (60) days from the date of the termination or transfer of the certificate holder to comply with this section. It shall be the responsibility of the owner, operator, manager, or permit holder of the public swimming and bathing facilities to notify his/her necessary staff of their certification obligations.

(d). A fee, as determined by the Health Authority, not less than \$30.00 shall accompany requests for all public swimming and bathing facility operator training conducted by the Health Authority.

#### Section 4. **ISSUANCE OF CERTIFICATES**

(a). When the applicant meets the requirements of Section 3 above, the regulatory authority shall issue a certificate in the name of the individual only. The certificate shall expire as according to the criteria requirements or at the **end of two (2) years** should a locally developed format be developed.

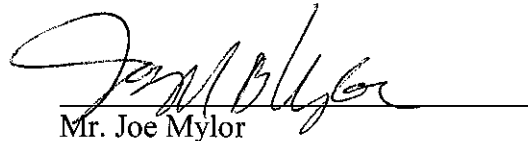
(b). A certificate of training is not transferable from one person to another.

#### Section 5. **PENALTY FOR VIOLATION**

Any owner, operator, manager, or supervisory personnel found to be in violation of this article shall be ordered to comply with this regulation. The Three Rivers District Health Department authority shall issue a notice to comply and allow no more than (120) one hundred and twenty days to comply. If any owner, operator, manager, or supervisory personnel found to be in violation does not comply with the order of the Three Rivers District Health Department, then pursuant to KRS 212.715 and KRS 212.990(2), the owner, operator, manager, or supervisory personnel of the public swimming and bathing facility shall be subject to fine of not less than \$10.00 nor more than \$100.00 for each day that the order of the Three Rivers District Health Department is not complied with.

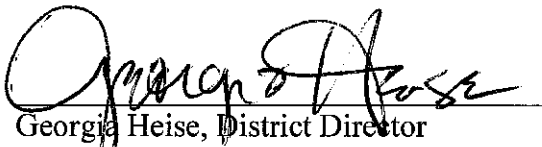
Any person issued a notice will be afforded an opportunity for an administrative conference, if a written request for such is filed with the Department within ten (10) working days of their receiving any official notice or order. The

administrative conference provided for in this regulation shall be conducted by the Department at a time and place designated by the Department.



Mr. Joe Mylor  
Three Rivers District Health  
Department Board of Health Chair

ATTEST:



Georgia Heise, District Director  
Three Rivers District Health Department