



Why an Ordinance Is Necessary

Texas Administrative Code Title 25, Sec 1, Chapter 265 grants the **Texas Department of State Health Services (DSHS)** authority to adopt and enforce pool regulations statewide. DSHS will **NOT** enforce pool safety standards in counties with a local health district.

Local Authority: Local health districts can enforce Chapter 265 only **IF** they are specifically empowered to do so by a local ordinance. This authority is **NOT** automatic.

Delegation of Enforcement: **IF** the local health district is designated to enforce **Chapter 265** through a local ordinance, **THEN** a local health district would have the legal authority to enforce **Chapter 265**.



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- Section 18-99 – Definitions
 - Additional needed?
- Section 18-100 – Penalties; Fees; Injunctions
 - Penalties
 - Misdemeanor charge
 - Law enforcement would have to issue citation
 - Fees
 - Set by Board of Health



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- Section 18-101 – State Rules Adopted
 - Just adopting the Texas Administrative Code so that the regulatory authority (Brazos County Health District) can enforce
- Section 18-102 – Service of Notices
 - Same as in food ordinance
- Section 18-103 - Hearings
 - Same as in food ordinance
 - No one has ever requested a hearing on permit suspension in our food program

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- Section 18-104 – Plan Review
 - Similar to restaurant plan review
 - Time frame
 - Pre-operational inspection



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- Section 18-105 – Inspections
 - Frequency:
 - Two inspections a year for all pools
 - Seasonal
 - Pre-opening
 - During operation
 - Year round
 - 2 inspections approximately 6 months apart
 - Access:
 - All inspections are generally unannounced
 - Exceptions:
 - pre-opening inspections may be scheduled
 - HOAs may not have staff on-site
 - All inspections are generally conducted during business hours unless other arrangements are made

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- Section 18-105 (cont.)
 - Report of Inspections:
 - Score is Pass/Fail
 - See report form



Brazos County Health District

201 N. Texas Ave
Bryan, TX 77803
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Public Swimming Pools
and Spas Check List

Facility Name:	Date:	Permit:
Facility Address:	City/Zip:	
Facility Owner:	<input type="checkbox"/> Class A <input type="checkbox"/> Class B <input type="checkbox"/> Class C <input type="checkbox"/> Spa <input type="checkbox"/> Wade <input type="checkbox"/> w/PIWF	
Inspection Type: <input type="checkbox"/> Routine <input type="checkbox"/> Complaint <input type="checkbox"/> Re-Inspection <input type="checkbox"/> Other (specify):		

"X" indicates an alleged deficiency

"COS" indicates corrected on-site

Swimming Pool Water Testing		35. Emergency summoning device available.	
1. Chlorine (1.0 - 8.0 ppm)	Bromine (3.0 - 10 ppm)	36. Pump gauges & flowmeter operating, and piping/direction of flow marked.	
2. pH (7.0 - 7.8)		37. Depth markers, no diving symbol and transition line/ float line present, as required	
3. Cyanuric acid (100 ppm or less)		38. Electrical disconnect and GFCIs installed, and equipment bonded/ grounded, as required.	
4. Cyanuric acid present in indoor pool.		Lifeguards	
5. Combined chlorine is greater than 0.4 ppm.		39. Lifeguards provided as required.	
6. Algae present in pool.		40. Lifeguards not distracted from user surveillance by other duties.	
7. Water clarity insufficient to clearly see bottom of pool.		41. Lifeguard mandatory in-service training as required.	
8. A & B pools tested every 2 hours for disinfectant and pH.		42. Lifeguard access to First Aid Kit, backboard, AED, BVM.	
9. Staffed C pools tested 3x per day for disinfectant and pH.		Enclosure A, B, & Residential Youth Camp Pools and Spas	
10. Unstaffed C pools tested 1x per day for disinfectant and pH.		43. A, B, and resident youth camp pool fence min. 6' in height.	
Spa Water Testing		44. A, B, and resident youth camp pool enclosure no openings ≥ 4".	
11. Chlorine (2.0 - 8.0 ppm)	Bromine (3.0 - 10 ppm)	45. Enclosure gates, windows, doors supervised or closed and locked	
12. pH (7.0 - 7.8)		Enclosure Class C & Day Camp Pools and Spas	
13. Cyanuric acid (100 ppm or less)		46. Class C and day camp pool/spa enclosure minimum 48" in height.	
14. Cyanuric acid present in indoor spa.		47. Class C and day camp enclosure no openings ≥ 4".	
15. Combined chlorine is greater than 0.4 ppm.		48. No chain link for Class C/day camp enclosure after 10/01/99.	
16. Algae present in spa.		49. Gates/doors SC/SL, open out, latch 3.5' above deck, no mid-rail.	
17. A & B spas tested every 2 hours for disinfectant and pH.		Enclosures for Pools and Spas	
18. Staffed C spas tested 3x per day for disinfectant and pH.		50. All climbable objects min 36" from enclosure measured horizontally.	
19. Unstaffed C spas tested 1x per day for disinfectant and pH.		51. Gates/doors not propped open.	
Pool and Spa Water Testing		52. Service gate closed and locked when not in use.	
20. Pool/spa tested for Cyanuric acid 1x per week.		53. Gate/door between indoor/outdoor pool self-closing & latching	
21. Free Chlorine/Bromine level tested using DPD method.		54. Multitunit rental complex and property association pool enclosures compliant with H.S.C.	
22. Testing records on site or provided		Trained and Certified Operator	
23. Reliable means of testing for all chemical parameters required.		55. Trained/Certified operator responsibilities/ trained Staff.	
Water Supply		56. Operator certification provided. Type/Exp. Date.	
24. Water supply to pool/spa public <input type="checkbox"/> private <input type="checkbox"/>		57. Operator name/contact information available to onsite staff.	
25. Private water supply coliform tested each month.		Operation and Management	
26. Private water supply chemical analysis every 3 years.		58. Water clarity allows bottom to be clearly seen.	
27. Hose bibs in pool/spa yard protected with vacuum breakers?		59. Domestic non-service animals and pets not allowed in pool/spa yard.	
28. Drinking water available		60. Domestic service animals allowed in pool/spa yard, but not allowed in the pool or spa.	
Suction Outlets (Main Drains)		61. Food and beverages not allowed in pool/spa unless privately owned.	
29. Suction outlet cover(s) / grate(s) intact and in place.		62. Glass containers not allowed in pool/spa yard.	
30. Suction entrapment avoidance. VGBA/ASME/ANSI compliant		63. Covered trash receptacles required where food/beverages in yard.	
Sanitation and Safety--Signs/ Features/ Equipment		64. Skimmer basket/ floating dispenser not used to dispense chemicals.	
31. Sanitary facilities provided and maintained.		65. Automatic sanitizer controllers can be adjusted either manually or electronically.	
32. Safety signs for pools.		66. Chemicals not distributed by hand when pool/spa in use.	
33. Safety signs for spas.		67. Chemicals and distribution equipment not accessible by users.	
34. USCG ring buoy w/throwing rope & non-conductive reaching pole.			





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- Section 18-105 (cont.)
 - Correction of Violations:
 - Reasonable time for correction – depends on issue
 - List of imminent health hazards
 - Follow up inspections
 - Failure to comply
 - Closure
 - Permit suspension – only for imminent health hazards
 - May reopen as soon as problem is corrected
 - Different from the food ordinance which requires 24hr closure



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- Section 18-106 – Certified Pool Operator (CPO) Required
 - Aquatic Facilities Operator (AFO) certification also accepted
 - CPO can manage multiple pools
 - Health department can limit if pools having continual problems
 - Certificate needs to be posted
- Section 18-107 – Required
 - A permit for a non-residential pool would be required to operate



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- Section 18-108 – Issuance
 - See application – will be electronic in our Inspect2Go system
 - Pre-opening inspection
 - Application fees set by Board of Health
 - Annual renewal
 - Operating without a permit will result in closure until permit obtained
 - If pool is not in use for 2 years, it needs to be filled at owner's expense (safety issue)
- Section 18-109 – Transfer
 - A permit cannot transfer owner to owner or location to location (same as food ordinance)



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- Section 108-110 – Suspension
 - Permit suspension – only for imminent health hazards
 - May reopen as soon as problem is corrected
 - Different from the food ordinance which requires 24hr closure
 - Reinspection fee set by Board of Health (same as food ordinance)