

BOARD OF HEALTH REGULATION R1-2002

A REGULATION OF THE SPRINGDALE BOARD OF HEALTH FINDING THAT VIOLATIONS OF CHAPTER 3749 OF THE OHIO REVISED CODE, AND THE RULES ADOPTED THEREUNDER, CONSTITUTE A PUBLIC NUISANCE BY A CONDITION DANGEROUS TO LIFE OR HEALTH, AND AUTHORIZING THE HEALTH COMMISSIONER OR HIS/HER REPRESENTATIVE TO ORDER THE CLOSURE OF NON-COMPLYING PUBLIC SWIMMING POOLS, SPAS AND SPECIAL USE POOLS, UNTIL COMPLIANCE WITH CHAPTER 3749 OF THE REVISED CODE, AND THE RULES ADOPTED THEREUNDER, AND PROVIDING A PROCEDURE FOR A SPEEDY APPEAL OF SUCH ORDERS AND DECLARING AN EMERGENCY

WHEREAS, local boards of health in the State of Ohio are authorized by Section 3707.01 to declare a condition, that is dangerous to life and health, a public nuisance, and to make orders to remediate the public nuisance; and

WHEREAS Chapter 3749 of the Ohio Revised Code has been enacted and has authorized specific rules which have been adopted governing the design and maintenance of public swimming pools, spas and special use pools; and,

WHEREAS, the Springdale Board of Health intends to clarify which violations of Chapter 3749 of the Ohio Revised Code, and the specific rules which have been adopted under it, the Board finds are dangerous to life and health and therefore constitute a public nuisance; and,

WHEREAS, the Springdale Board of Health intends to grant the Health Commissioner or his/her representative its authority to make immediate orders to respond to violations of Chapter 3749 of the Ohio Revised Code, and the rules adopted thereunder, which constitute a public nuisance, and to provide affected parties the opportunity to speedily appeal those orders;

NOW, THEREFORE BE IT RESOLVED by the Board of Health of the City of Springdale, State of Ohio, members appointed thereto concurring:

Section 1. That the Springdale Board of Health's opinion is that violations of the following rules adopted under Chapter 3749 of the Ohio Revised Code constitute conditions which are dangerous to life and health and that therefore constitute a public nuisance:

- a. The grate or other covering for any main drain or other suction outlet is not properly in place and securely fastened.
- b. The disinfection system is not operable.
- c. The disinfection level falls below the minimum residual level required in Section 3701-31-07(A) (4) (a) of the Ohio Administrative Code.
- d. Insufficient water clarity, such that a swimmer, the main drain, and/or a black disc, six inches in diameter, is not readily visible on the bottom of any public swimming pool or special use pool.
- e. The required number of lifeguards are not provided as per Section 3701-31-05(B) (1) of the Ohio Administrative Code.

- f. Lacking any or all of the safety equipment as defined and required in Section 3701-31-05(F) of the Ohio Administrative Code.
- g. Every other rule adopted pursuant to Chapter 3749 of the Ohio Revised Code.

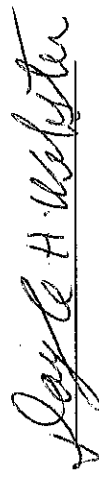
Section 2. That the Health Commissioner of the City of Springdale or his/her representative is hereby authorized to issue orders, on behalf of the Board, to order the closure of any public swimming pool, spa or special use pool for violation of any of the rules adopted under Chapter 3749 of the Ohio Revised Code and listed in Section 1 of this regulation.

Section 3. That the owner, agent, or other person having control or responsibility of the facility at which the dangerous condition is located, shall have the right to appeal to the Springdale Board of Health any order issued under the authority of this Regulation, within 30 days of the issuance of the order and notice of this right to appeal. Whenever a party requests a hearing, the Springdale Board of Health shall forthwith set the date, time, and place for the hearing, and shall notify the appealing party and the Health Commissioner. The date set for the hearing shall be within fifteen days, but not earlier than seven days after the party has requested a hearing, unless both the appealing party, and the Health Commissioner or his/her representative otherwise agree. This appeal hearing shall be conducted in accordance with Ohio Revised Code Chapter 119, governing administrative procedures.

Section 4. That Board of Health Regulation R2-1990 is hereby repealed in its entirety.

Section 5. That this regulation is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and shall go into effect immediately upon adoption and publication as provided by law. The reason for said declaration of emergency is the need to enact the regulation before the pool season begins.

Passed this 11<sup>th</sup> day of April, 2002.



Doyle H. Webster, President  
Springdale Board of Health

Attest:



David Winfough, RS, Secretary  
Springdale Board of Health