

19a-36-B61 Public Swimming Areas

Section 19a-36-B61. Public swimming areas:

(a) **Definitions.** As used in this section:

- (1) "Public swimming area" means a designated location, together with any buildings, toilet facilities, the water and the land area used in connection therewith, at any natural or artificial pond, lake, stream, tidal water or other body of fresh or salt water that is advertised as a place for swimming and is accessible to the public. Public swimming area does not include: (A) swimming areas in connection with or appurtenant to single family dwellings and used solely by persons residing in such dwellings and such person's guests, including but not limited to those swimming areas accessible only as part of a lake association, beach association or condominium; (B) any state owned or operated swimming areas; and, (C) public swimming pools that are regulated under Section 19-13-B33b of the Regulations of Connecticut State Agencies.
- (2) "Department" means the Connecticut Department of Public Health.
- (3) "Director of Health" means the director of a local health department or district health department approved by the commissioner as specified in Connecticut General Statutes Sections 19a-200 and 19a-242.
- (4) "Notification system" means a public information system used to notify the public regarding lifeguard status and the opening or closing of a public swimming area, including but not limited to, signs or flags.

(b) **General requirements.** No city, town, borough, institution, person, firm, corporation or other entity shall designate or construct a public swimming area until the director of health for the municipality in which the public swimming area is located has approved the location of such public swimming area. A city, town, borough, institution, person, firm, corporation or other entity operating or maintaining a public swimming area shall comply with the following requirements:

- (1) Every public swimming area shall be provided with on-site toilet facilities unless the director of health determines that adequate toilet facilities are already provided elsewhere. Separate toilets for men and women shall be provided, with at least one toilet for every two hundred women and at least one toilet for every three hundred men, and at least one handwashing sink or hand sanitation station shall be provided with each required toilet. All toilets and restroom accommodations shall be constructed and located so that no contamination of the waters used by the swimmers will occur. Toilets shall be installed with the approval of the director of health so as not to create any health or safety issues. Toilets shall be kept in good repair and maintained at all times in a sanitary condition. The location of all toilets shall be plainly indicated by signs.
- (2) The dressing rooms, hallways, toilet rooms, shower rooms or other rooms to which patrons have access shall be kept clean, well ventilated, and in good repair. The floors shall also be treated daily with a 0.5% chlorine solution, or other equivalent disinfectant.
- (3) The area open for authorized swimming shall be clearly designated.
- (4) Swimming in public swimming areas shall be restricted to designated areas and during assigned hours of operation.

- (5) Diving shall be permitted only off a diving board. No diving boards greater than sixteen feet in length shall be permitted. The owner of the property shall ensure that the diving area is in compliance with the required water depths at all times.
- (A) For diving boards of a height of no greater than one meter above the water surface, the diving area shall meet the following requirements:
- (i) Not have any submerged or overhead obstructions;
 - (ii) Have a minimum water depth at all times of eleven feet for at least sixteen feet linear beyond the plummet of the diving board; and,
 - (iii) Have a minimum water depth at all times of eleven feet for at least eight feet horizontal on each side of the plummet of the diving board.
- (B) For diving boards of a height greater than one meter above the water surface, the diving area shall meet the following requirements:
- (i) Not have any submerged or overhead obstructions;
 - (ii) Have a minimum water depth at all times of twelve feet for at least sixteen feet linear beyond the plummet of the diving board; and,
 - (iii) Have a minimum water depth at all times of twelve feet for at least eight feet horizontal on each side of the plummet of the diving board.
- (C) When no diving board is present, a sign stating the following shall be conspicuously posted: "No diving is permitted".
- (6) Lifeguard services.
- (A) When no lifeguard service is provided, one or more warning signs shall be posted in one or more visible locations. The warning sign shall state "Warning – No Lifeguard on Duty" with letters that are legible and at least four inches high.
- (B) During the period when the swimming area is open for use, when lifeguard service is provided, the owner of the property shall provide the following:
- (i) A notification system to alert patrons as to where and when lifeguard services are available;
 - (ii) Each lifeguard on duty shall be provided with appropriate lifesaving equipment that the lifeguard has been trained to use, including but not limited to, a rescue tube;
 - (iii) A telephone or equivalent emergency communication device for emergency use when the area is staffed by a lifeguard; and
 - (iv) A raised stand at least four feet in height for the lifeguard, placed such that all areas of the public swimming area are visible from the stand to the one or more lifeguard on duty. The director of health may approve an appropriate alternative to the four foot high raised stand if said director of health determines that all points of the public swimming area can still be visible to the lifeguard on duty.
- (7) All public swimming areas shall have a sign posted in at least one visible location, with signage not less than a half-inch type in size, containing the following information:
- (A) Hours of lifeguard coverage if applicable;
 - (B) Emergency phone information indicating whether a phone is available; and
 - (C) Location of the nearest first aid unit if one is provided on the premises.
- (8) Whenever a public swimming area is closed or reopened pursuant to the provisions of this section, the director of health shall:

- (A) Closure: immediately have put in place a notification system, in one or more conspicuous location, including the immediate swimming area, notifying patrons of the sections of the public swimming area that are closed.
 - (B) Reopening: have removed all closure postings.
 - (9) The following shall be prohibited in all public swimming areas: (A) boats, unless used for rescue purposes; (B) washing of persons and articles; (C) littering; and (D) glass containers.
 - (10) Domestic animals shall be prohibited in the water and on the immediate shoreline associated with the water of a public swimming area when the public swimming area is open for use.
 - (11) The director of health may:
 - (A) Inspect all public swimming areas to determine compliance with the provision of this section.
 - (B) Issue an order which may result in a closure of the public swimming area, in part or in whole, to the owner of the public swimming area, when the director of health determines:
 - (i) There is a violation of the provisions of this section; or
 - (ii) The public swimming area is not being maintained in acceptable sanitary conditions; or
 - (iii) A condition is found that constitutes a public health hazard, safety hazard or a health nuisance to the patrons; or
 - (iv) There is evidence of communicable disease being transmitted in order to end the transmission of the disease.
- The public swimming area shall remain closed until such time as the director of health determines that the cause for closure has been corrected.

Effective 3/17/2014