

POOL FACILITIES

448.005 Definitions for ORS 448.005 to 448.090. As used in ORS 448.005 to 448.090, unless the context requires otherwise:

(1) "Bathhouse" means a structure that contains dressing rooms, showers and toilet facilities for use with an adjacent public swimming pool.

(2) "Department" means the Department of Human Services.

(3) "Director" means the Director of Human Services.

(4) "Person" has the meaning given that term in ORS 174.100, but also includes municipalities, recreation districts, counties and state agencies or instrumentalities.

(5) "Public spa pool" means a public swimming pool or wading pool designed primarily to direct water or air-enriched water under pressure onto the bather's body with the intent of producing a relaxing or therapeutic effect.

(6) "Public swimming pool" means an artificial structure, and its appurtenances, that contains water more than two feet deep, is expressly designated or used with the knowledge and consent of the owner or operator for swimming or recreational bathing, and is for the use of any segment of the public. "Public swimming pool" includes, but is not limited to, swimming pools owned or operated by:

(a) Travelers' accommodations;

(b) Recreation parks;

(c) Colleges;

(d) Schools;

(e) Organizational camps as defined in ORS 446.310;

(f) Clubs;

(g) Associations;

(h) Business establishments for their patrons or employees;

(i) Private persons and that are open to the public;

(j) Recreation districts;

(k) Municipalities;

(L) Counties; or

(m) State agencies.

(7) "Public wading pool" means an artificial structure, and its appurtenances, that contains water less than two feet deep, is expressly designated or used with the knowledge and consent of the owner or operator for wading or recreational bathing, and is for the use of any segment of the public, whether limited to patrons of a companion facility or not.

(8) "Recreation park" means those facilities as defined by ORS 446.310.

(9) "Travelers' accommodation" means those facilities as defined by ORS 446.310.

(10) "Variance" means written permission from the department for a public swimming pool, public spa pool or public wading pool to be operated when it does not comply with all the applicable rules for public swimming pools, public spa pools or public wading pools. [1961 c.566 §1; 1973 c.215 §1; 1979 c.453 §1; 1983 c.707 §22; 1983 c.781 §1; 1999 c.59 §125; 2001 c.104 §186; 2001 c.900 §195]

448.010 [Repealed by 1961 c.566 §2 (448.011 enacted in lieu of 448.010)]

448.011 Authority of Department of Human Services; rules. The Department of Human Services shall make such rules pertaining to the submission of plans for construction, issuance of permits, design, construction, size, shape, purification equipment, piping, operation, sanitation and accident prevention for public swimming pools, public spa pools, public wading pools and bathhouses as it deems necessary. [1961 c.566 §3 (enacted in lieu of 448.010); 1971 c.650 §24; 1973 c.215 §2; 1999 c.929 §8]

448.015 Applicability of ORS 448.005 to 448.090. ORS 448.005 to 448.090 shall not apply to those facilities described in ORS 446.435. [1983 c.781 §6]

448.020 Permit required to construct or alter pool facilities. No person shall construct or perform a major alteration or reconstruction of a public swimming pool, public spa pool, public wading pool or bathhouse without a permit to do so from the Department of Human Services. [Amended by 1961 c.566 §4; 1973 c.215 §3; 1979 c.453 §2; 1999 c.929 §1]

448.030 Permit application; contents; issuance or denial; plan review and construction permit fees. (1) Any person desiring to construct any public swimming pool, public spa pool, public wading pool or bathhouse shall file application for a permit to do so with the Department of Human Services.

(2) The application shall be accompanied by a description of the sources of water supply, amount and quality of water available and intended to be used, method and manner of water purification, treatment, disinfection, heating, regulating and cleaning, lifesaving apparatus, and measures to insure safety of bathers, measures to insure personal

cleanliness of bathers, methods and manner of washing, disinfecting, drying and storing bathing apparel and towels, and all other information and statistics that may be required by the department. The department shall either approve or reject the application based upon the plans submitted and either issue or deny the construction permit.

(3) After a construction permit is issued and upon request, the department shall cause an investigation to be made of the proposed public swimming pool, public spa pool, public wading pool or bathhouse. If the department determines that the public swimming pool, public spa pool, public wading pool or bathhouse complies with the rules of the department, it shall issue a final approval which shall authorize the issuance of a license.

(4) An applicant for a permit to construct a public swimming pool, public spa pool, public wading pool or bathhouse to be owned, operated or maintained by a person for profit, or in conjunction with a travelers' accommodation or recreation park, shall pay the department a plan review fee of \$100 and a construction permit fee of \$200, which entitles the holder to two inspections toward final approval. The department shall not impose any new standards after a second or any subsequent inspection. For any subsequent construction inspection necessary, the permit holder shall pay \$100 for each inspection. [Amended by 1961 c.566 §5; 1973 c.215 §4; 1979 c.453 §3; 1979 c.696 §5a; 1981 c.749 §24; 1983 c.781 §2; 1999 c.929 §2]

448.035 Annual license required to operate; fees; expiration date. (1) No person shall operate or maintain a public swimming pool, public spa pool, public wading pool or bathhouse without a license to do so from the Department of Human Services.

(2) An annual fee of \$100 shall be paid for a license to operate a public swimming pool, public spa pool, public wading pool or bathhouse. The annual fee for a license for a second or additional public swimming pool, public spa pool, public wading pool or bathhouse, or any combination thereof, on the same site shall be an amount equal to 60 percent of the fee for the first license.

(3) Licenses issued under this section expire annually on a date set by rule. [1961 c.566 §7; 1973 c.215 §5; 1977 c.284 §6; 1979 c.453 §4; 1979 c.696 §6a; 1983 c.781 §3; 1999 c.929 §3]

448.037 Variance; application; fee. (1) A person applying for a variance shall submit a variance application accompanied by a fee of \$150 to the Department of Human Services. If the department approves the application, a variance shall be granted, stating the terms and conditions thereof.

(2) The department may waive the fee for variance requests precipitated by change in the department's rules.

(3) The department may not delegate the responsibility under subsection (1) of this section under the provision of ORS 448.100. [1983 c.781 §5]

448.040 Entry on premises for inspection purposes; reports. For the purposes of ORS 448.005 to 448.090, the Director of Human Services may at all reasonable times enter upon any part of the premises of public bathing and swimming places to make examination and investigation to determine the sanitary conditions of such places and whether ORS 448.005 to 448.090 or the rules of the Department of Human Services pertaining to public swimming pools, public spa pools, public wading pools or bathhouses are being violated. [Amended by 1961 c.566 §14; 1973 c.215 §6; 1979 c.453 §5; 1999 c.929 §5]

448.050 [Repealed by 1961 c.566 §9 (448.051 enacted in lieu of 448.050)]

448.051 Inspection of facilities; suspension or revocation of permit or license; hearings on suspension or revocation.

(1) The Director of Human Services shall inspect all public swimming pools, public spa pools, public wading pools and bathhouses to determine the sanitary conditions of such places and whether ORS 448.005 to 448.090 and the rules of the Department of Human Services pertaining to public swimming pools, public spa pools, public wading pools and bathhouses are being violated.

(2) If the director determines that a public swimming pool, public spa pool, public wading pool or bathhouse is being operated or maintained in violation of the rules of the department or is found to be insanitary, unclean or dangerous to public health or safety the director may suspend, revoke or deny the permit or license issued under ORS 448.030 or 448.035 in accordance with ORS chapter 183. [1961 c.566 §10; (enacted in lieu of 448.050); 1973 c.215 §7; 1979 c.453 §6; 1999 c.929 §6]

448.060 Operating pool or other facility without permit; public nuisance; abatement. (1) No public swimming pool, public spa pool, public wading pool or bathhouse shall remain open to the public after the permit or license to operate such facilities has been suspended, denied or revoked.

(2) Any public swimming pool, public spa pool, public wading pool or bathhouse constructed, operated or maintained contrary to ORS 448.005 to 448.090, is a public nuisance, dangerous to health.

(3) Such nuisance may be abated or enjoined in an action brought by the Director of Human Services or may be summarily abated in the manner provided by law for the summary abatement of public nuisances dangerous to health. [Amended by 1961 c.566 §15; 1973 c.215 §8; 1979 c.453 §7; 1999 c.929 §7]

448.070 [1961 c.566 §13; repealed by 1973 c.215 §10]

448.080 [1961 c.566 §12; repealed by 1973 c.215 §10]

448.090 Disposition of moneys. All moneys collected under ORS 448.005 to 448.090 shall be paid into the General Fund in the State Treasury for credit to the Public Health Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of ORS 448.005 to 448.090. [1961 c.566 §8; 1973 c.427 §10]

448.095 Natural bathing places exempt. No provisions of ORS 448.005 to 448.100 apply to natural bathing places. [1979 c.453 §9]