

The Westchester County Board of Health hereby amends Westchester County's Sanitary Code to include a new Section 873.1203 which shall read as follows:

873.1203 Swimming Pools, Spa Pools, Wading Pools; Supervision

All pools as defined in Chapter 1, Subpart 6-1 of the State Sanitary Code, except homeowner swimming pools as defined in Section 6-1.2(o) of the State Sanitary Code, must additionally be in compliance with the following regulations:

1. Whenever an operator allows the use of a swimming pool, spa pool, and/or wading pool by person(s) under 18 years of age, including those pool(s) that are part of a Temporary Residence or Campground as defined in Chapter 1, Part 7 of the State Sanitary Code, such operator must comply with the following additional pool use requirements:
 - (i) Supervision Level:
 - a. At a minimum, Supervision Level III as defined in Chapter 1, Part 6 of the State Sanitary Code is required when the water depth at a swimming pool is less than five (5) feet; the surface area of the pool is less than or equal to 2000 square feet; and children under 18 years of age are permitted to use the facility in a congregate setting either directly or indirectly organized by the facility.
 - b. Supervision Level IIa or IIb as defined in Chapter 1, Part 6 of the State Sanitary Code is required when any of the following are present: water depth of 5 feet or greater; white water slides; wave pools; aquatic amusements; flotation devices (other than those bearing a U.S. Coast Guard Type I-III Label); pool deck slides; surface area of the pool exceeding 2000 square feet.
 - (ii) Whenever Supervision Level III is required for children under 18 years of age in a congregate setting (either directly or indirectly organized by the facility), staff shall be at pool side, providing direct supervision of the pool patrons; and
 - (iii) Children less than 18 years of age must at all times be accompanied by a parent or legal guardian or similar adult responsible for their safety and behavior while in the pool area.
2. Additional aquatic supervisory staff as defined in Chapter 1, Part 6 of the State Sanitary Code may be required by the permit-issuing official whenever it is necessary for the protection of pool patrons (bathers). Factors including but not limited to, use by children under the age of 18, congregate activities such as pool parties, pool shape, diving board use, patron decorum, patron alcohol consumption; and bathing facilities used primarily for the developmentally disabled may be the basis for increased staff coverage.

This new Section shall become effective ninety (90) days after its final adoption.