

# DRAFT REGULATION FOR AMENDING THE WESTCHESTER SANITARY CODE – SWIMMING POOLS

**Section 1.** Section 873.1203 of the Westchester County Sanitary Code is hereby repealed.

**Section 2.** 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. Aquatic Supervision and Safety of Swimming Pools, Spa Pools, and Wading Pools**

(1) Life-saving equipment, pool supervision levels: All pools as defined in Chapter 1, Subpart 6-1 of the New York State Sanitary Code, shall comply with the following regulations:

(a) For all pools with a water depth less than five (5) feet and a surface area of 2,000 square feet or less, pool operators shall possess the following life-saving equipment and ensure it is readily accessible near the swimming pool deck and kept in good repair:

i. Two (2) U.S. Coast Guard-approved ring buoys, at least 18 inches in diameter, fitted with a quarter-inch diameter line of a length 1.5 times the maximum width of the pool or 50 feet, whichever is less;

ii. A reaching pole at least 15 feet long;

iii. A first aid kit, which may be a commercially prepared 24-unit kit or a supply of band-aids, bandage compresses, and self-adhering gauze bandages; and

iv. A pocket face mask or face shield with a one-way valve to assist with CPR.

(b) For all pools with a water depth of five (5) feet or greater, a surface area greater than 2,000 square feet, or when any of the following are present: white water slides; wave pools or aquatic amusements; diving boards; flotation devices (other than those bearing a U.S. Coast Guard Type I – III Label); pool deck slides, except homeowner pools described in Section 6-1.2 of Subpart 6, pool operators shall possess the following life-saving equipment and ensure it is readily accessible near the swimming pool deck and kept in good repair:

i. One rescue tube with an attached line for each required lifeguard;

ii. A reaching pole at least 15 feet long;

iii. Full size commercially available spine board or a spine board six feet long and a minimum sixteen inches wide provided with straps to aid in immobilization of a victim and hand holds;

iv. A first aid kit, which may be a commercially prepared 24-unit kit or a supply of band-aids, bandage compresses, and self-adhering gauze bandages; and

v. A pocket face mask or face shield with a one-way valve to assist with CPR.

(c) For all pools of any water depth, with a surface area greater than 2,000 square feet, that utilize supervision Level IIa or IIb aquatic supervisory staff, elevated lifeguard chairs shall be required. One elevated lifeguard chair is required for each 3,400 square feet of pool surface area or fraction thereof. The chairs shall be located so as to provide a clear, unobstructed view of the pool bottom in the pool area under surveillance and be in compliance with section 6-1.29, item 6.2, of this Subpart.

(d) For all pools with a water depth less than five (5) feet and a surface area of 2,000 square feet or less, except homeowner pools described in Section 6-1.2 of Subpart 6 of the State Sanitary Code, pool operators shall provide pool-side supervision as follows:

i. A person 18 years of age or older who:

A. Possesses a current American Red Cross CPR/AED for the Professional Rescuer certification (or equivalent) with a certification period not exceeding one (1) year; and

B. Has been trained and is capable of using all required life-saving equipment specified in paragraph (a) of this section.

(e) Pool operators must provide Supervision Level IIa or IIb as defined in Chapter 1, Part 6 of the State Sanitary Code, except homeowner pools described in Section 6-1.2 of Subpart 6, when any of the following conditions are present: water depth of five (5) feet or greater; pool surface area exceeding 2,000 square feet; white water slides; wave pools; aquatic amusements; use of diving boards; flotation devices (other than those bearing a U.S. Coast Guard Type I–III Label); Pool deck slides; or pool use by children under 18 years of age for organized congregate activities such as, but not limited to, pool parties.

(f) Pool operators shall ensure that all code-required aquatic supervisory staff are assigned to work directly at poolside, providing direct supervision of pool patrons.

(2) Additional Aquatic Supervisory Staff: Additional aquatic supervisory staff, as defined in Chapter 1, Part 6 of the State Sanitary Code, may be required by the permit-issuing official when necessary for the protection of pool patrons. Factors include, but are not limited to:

(a) Use by children under 18 years of age;

(b) Congregate activities such as pool parties;

(c) Pool shape;

(d) Diving board use;

(e) Patron decorum;

(f) Patron alcohol consumption;

(g) Bathing facilities primarily used by individuals with developmental disabilities;

(h) Glare; and/or

(i) Any other factor deemed important for patron safety by the Department.

(3) Safety Protocols: All pools as defined in Chapter 1, Subpart 6-1 of the New York State Sanitary Code, except homeowner pools described in Section 6-1.2, shall comply with the following safety protocols:

(a) Pool operators shall ensure the following safety message is posted on a separate sign at all entrances to pool areas and within the pool area. Such signage shall be in red letters, not less than 4 inches high, not less than 1.5 inches wide with the following message:

**ATTENTION ALL!**

CHILDREN DROWN SILENTLY AND SWIFTLY.

PLEASE WATCH THEM IN AND AROUND THE WATER AT ALL TIMES.

(b) Pool operators shall ensure that all children under 14 years of age are accompanied by a parent, legal guardian, or similar responsible adult while in the pool area.

(c) Pool operators shall ensure a free, readily accessible telephone is provided within the pool area for calls to 911 in emergencies. Posted instructions shall be in letters and numbers no smaller than three (3) inches, in a color contrasting with the background.

(4) Requirements for Pools at Temporary Residences or Campgrounds: Pools at regulated or unregulated Temporary Residences or Campgrounds, as defined in Chapter 1, Part 7 of the New York State Sanitary Code, shall comply with the following additional requirements:

(a) Staff Training

i. All staff, including anyone associated with the pool's operation, for example, aquatic supervisory staff, front desk personnel, security, maintenance, hospitality staff, etc., must be trained to understand the facility's approved Swimming Pool Safety Plan;

ii. All new staff must be trained before assuming active roles in implementing the approved Swimming Pool Safety Plan;

iii. The Swimming Pool Safety Plan must be reviewed by all staff every two months during the pool's operational period;

iv. All training sessions must be documented with dates and signed by trainees. Records shall be retained for three (3) years;

v. Training documentation must be provided to the Department upon request.

(b) Patron Safety Notice

i. Operators of all pools, covered in this subdivision (4), must provide a written safety notice to all patrons regarding pool use. This notice must include the following statements:

A. Constant visual supervision of children in a pool is essential for their safety and well-being;

B. Children under 14 years of age must be accompanied at all times by a parent, legal guardian or adult responsible for their safety and behavior;

C. In an emergency, call 911 immediately using the provided pool area phone;

D. Engage pool or facility staff for assistance;

E. At minimum, a CPR-certified employee will be on the pool deck during operating hours;

F. Pools are to be used only during operating hours for safety.

(ii) The safety notice may be provided electronically. Pool operators must document delivery of the safety notice, including date, patron names, and room numbers, and retain these records

for at least three (3) years. Notice must be made available to be reviewed by the Department upon request. Only patrons who have received the safety notice may use the pool(s).

**Section 3.** This amendment shall become effective immediately after its final adoption.