

TOWN CLERK
BOARD OF REGISTRARS
TEWKSBURY, MA

TEWKSBURY BOARD OF HEALTH REGULATIONS

OPERATION OF PUBLIC AND SEMI-PUBLIC SWIMMING POOLS

2018 MAR -4 AM 10:44

1.0. Purpose

The Tewksbury Board of Health ("Board") is responsible for the protection of the public and environmental health and welfare within the Town of Tewksbury. In an effort to protect the public, the following regulations are promulgated to supplement those set forth in 105 CMR 435.00, et. seq.

2.0. Authority

These regulations are adopted under the authority of M.G.L.c. 111, § 31.

3.0. Applicability

These regulations shall apply to all public and semi-public pools regulated under 105 CMR 435.00.

4.0. Citation

These regulations may be cited as "Swimming Pool Regulations".

5.0. Definitions

5.1. Peak Hours of Operation - 11:00 AM to 8:00 PM.

5.2. Off Peak Hours - All times that the pool is open, with the exception of the hours listed above in 5.1.

5.3 Public Pool means every swimming, wading or special purpose pool, admission to which may be gained by the general public with or without the payment of a fee.

5.4 Semi-Public Pool means a swimming, wading or special purpose pool on the premises of, or used in connection with a hotel, motel, trailer court, apartment house, condominium, country club, youth club, school, camp, or similar establishment where the primary purpose of the establishment is not the operation of the swimming facilities, and where admission to the use of the pool is included in the fee or consideration paid or given for the primary use of the premises. Semi-public pool shall also mean a pool constructed and maintained by groups for the purposes of providing bathing facilities for members and guests only.

5.5 Special Purpose Pool means a unit designed for recreational and therapeutic use which is shallow in depth and not meant for swimming or diving. These pools are not drained, cleaned or refilled for each user. It may include, but not be limited to hydrojet circulation, hot water, cold water mineral baths, air induction bubbles, or any combination thereof. Industry terminology for such a pool includes but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, hot tubs, float tanks, etc. This standard excludes residential units and facilities used or under the direct supervision and control of licensed medical personnel.

A TRUE COPY ATTACHED
Denise Grafton
Town Clerk

6.0. General

- 6.1. Chapter V of the State Sanitary Code, 105 CMR 435.00, is adopted as a local regulation in its entirety.
- 6.2. These regulations shall take effect January 1, 1998.
- 6.3. Amendments to these regulations shall take effect upon publication of a notice of their adoption in a local newspaper.
- 6.4. Each pool shall have within 25 feet of its edge and in direct line of sight of the entire pool an emergency telephone unit that is operable only in a hands-free mode, and directly connected to the Tewksbury Police and Fire Emergency 911 Dispatch Center.

7.0. Lifeguards

- 7.1. All Public Pools, excluding special purpose pools, shall have a trained, certified lifeguard in attendance at all times the pool is in use. Said lifeguards shall be trained and certified as required by 105 CMR 435.23.
- 7.2. The number of required lifeguards shall be determined as follows:
 - A. One lifeguard per pool.
 - B. The Board of Health may require more lifeguards when it deems it necessary.
- 7.3 Lifeguards are preferred by the Board of Health.

10.0 Health & Safety Management Plan

- 10.1. The operator of a public or semi-public pool shall prepare a Health & Safety Management Plan that shall include, but is not limited to, specific actions to be taken to minimize the risk of injury, drowning, or the spread of communicable diseases.
- 10.2. The permit application must include a copy of the Health & Safety Management Plan.
- 10.3. A copy of the Health & Safety Management Plan must be available onsite for public review.

SECTIONS 11.0 - 19.0 RESERVED

20.0. Permit

- 20.1. No Public and Semi-Public Swimming or Special Purpose Pools shall be used without the benefit of a permit for operation being issued by the Board of Health.
- 20.2. Any permit issued for the operation of a pool under these regulations shall be subject to the conditions of the permit requirements set forth in 105 CMR 435.21.
- 20.3. Said Operating Permit may not be issued unless the pool being permitted meets all applicable local and state regulations. Said Permit may be revoked or suspended for failing to comply with applicable local and state regulations.
- 20.4. The Board or its Agents shall have the authority to place special conditions on any permit issued under these regulations.

Denise Gratton
Town Clerk

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21.0. Variance

- 21.1. These regulations may be varied by the Board of Health upon written application for such, and the completion of a public hearing. Notice of said variance request shall be published at the applicant's expense in a local newspaper at least 7 days prior to the hearing date.
- 21.2. In order for the variance to be approved, the applicant must show:
 - A. Strict enforcement of the regulations would do manifest injustice, and
 - B. the same degree of protection required under the regulations can be achieved without strict application of the particular regulation.
- 21.3. All other aspects of 105 CMR 435.46 shall be met when seeking a variance, except that when a variance is sought only from the local regulations, no approval from the Massachusetts Department of Public Health is required.
- 21.4. The Board may place special conditions on any variance approval issued.

23.0. Penalties

- 23.1. Any one found in violation of these regulations may be fined up to One Thousand Dollars (\$1,000.00).
- 23.2. Any Operating Permit may be revoked or suspended for failing to comply with applicable local and state regulations.
- 23.3. These Regulations may be enforced through the use of Non-Criminal Citations as put forth in M.G.L.c. 40, § 21D.

24.0. Severability

- 24.1. If any provision of these Regulations is declared invalid or not enforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

ATRU COPY ATTEST:

Denise Grafteo

Denise Grafteo
Town Clerk

Approved at the Tewksbury Board of Health Meeting held on February 27, 2019, and shall take effect on March 13, 2019

Raymond Barry

Raymond Barry, Chairman

Charles Roux

Charles Roux, Vice-Chairman

George Ferdinand

George Ferdinand, Clerk

Anthony Boschetti, Member

Robert Scarano, Member