

**TEWKSBURY BOARD OF HEALTH
REGULATIONS FOR THE OPERATION OF PUBLIC AND SEMIPUBLIC SWIMMING
POOLS**

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. [1]

5.3. Off Peak Hours - All times that the pool is open, with the exception of the hours listed in Regulation 5.1. [2]

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. [3]

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. [4]

7.0. Lifeguards

7.1. All Public and Semi-public Pools^[5], 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.

8.0. Pool Attendants^{[6][7]}**9.0. Video Monitoring**^[8]

9.1. The use of video monitoring equipment shall be prohibited if the intent is to use it in lieu of a required lifeguard at pool side.

~~9.2.~~^[9]

9.3.^[10]

SECTIONS 10.0 -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.^[11]

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.

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.

22.2. 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.

22.3. All other aspects of 310 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.

22.4. 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.

Date of Public Hearing: July 10, 1997

Date of Original Adoption: September 4, 1997

Amended 2/4/99 Amended 11/21/02

[1] Deleted 11/21/02

[2] Added 2/4/99

[3] Added 2/4/99

[4] added 11/21/02

[5] Amended 2/4/99

[6] Renumbered only, 5/21/98

[7] Deleted 2/4/99

[8] Added 2/4/99

[9] Deleted 11/21/02

[10] deleted 11/21/02

[11] Amended 11/21/02