

Proposed Changes to the Westchester County Sanitary Code

The Westchester County Board of Health does hereby amend the Westchester County's Sanitary Code as follows:

FILED
NEW YORK STATE DEPT. OF HEALTH
Paul C. [Signature]
DATE: JUNE 6, 2023

SECTION 1: Section 873.1203 is hereby amended to 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. All swimming pools, including those pool(s) that are part of a Temporary Residence or Campground as defined in Chapter 1, Part 7 of the New York State Sanitary Code, 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 and the surface area of the pool is less than or equal to 2000 square feet. The level of CPR which is required for the Supervision Level III staff member shall be equivalent to that required for Supervision Level IIa as defined in Chapter 1, Part 6 of the New York State Sanitary Code.
 - 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 five (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; use by children under the age of 18 for organized congregate activities such as pool parties.
 - (ii) All code required staff shall be at pool side, providing direct supervision of the pool patrons; and
 - (iii) Children less than 14 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.
 - (iv) A free, readily accessible, telephone must be provided at the facility with posted instructions to call 911 in the event of an emergency. Posted instructions shall be in no smaller than three (3) inch letters and numbers and shall be in a contrasting color to the background.
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.

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3. All swimming pools that are part of a regulated or unregulated Temporary Residence or Campground as defined in Chapter I, Part 7 of the New York State Sanitary Code, must comply with the following additional pool use requirements:

(i) At a minimum, facilities must provide bi-monthly staff training on the implementation of the facilities' approved Swimming Pool Safety Plan. All new staff must be trained prior to having an active role in the facilities' approved Swimming Pool Safety Plan. This training must be documented and provided to this department upon request. Staff shall include anyone associated with the operation of the swimming pool. (Aquatic Supervisory Staff, Front desk, Security, Maintenance, Hospitality, etc.)

(ii) The bathing facility operator shall provide to all patrons a written statement or brochure. This statement may be provided electronically. The operator must document the provision of the statement, including, at a minimum, the date, first and last name of the patron(s) and their room number. This documentation must be retained for at least one (1) year, in either a physical or electronic format, and must be made available to be reviewed by this Department upon request. Only patrons who have received this statement or brochure may use the bathing facility. The statement or brochure must state at least the following:

- THERE IS NO SUBSTITUTE FOR ADEQUATE SUPERVISION. Children less than 16 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.
- IN AN EMERGENCY, CALL 911. A free telephone is provided at this facility (describe location).
- Only use this facility during posted hours of operation.

SECTION 2. These amendments shall become effective in ninety (90) days.