

MINIMUM STANDARDS FOR PUBLIC AND SEMI-PUBLIC SWIMMING, WADING AND SPECIAL PURPOSE POOLS

These Regulations are adopted pursuant to Massachusetts General Laws, Chapter 111, Section 31 and State Sanitary Code 105 CMR 435.000 Minimum Standards for Swimming Pools, as reasonable safety and health Regulations designed to protect the health and safety of the residents and visitors in the Town of Harwich.

Availability of a swimming pool dictates a degree of responsibility on the part of the owner or operator of the pool. State law does give local Boards of Health the authority to further regulate the safety of swimming pools.

Section I. Safety Training Program

Each establishment with a swimming, wading or special purpose pool shall have on duty during pool operating hours at least one staff member on premises and available by communication with the following qualifications:

- A. An American Red Cross or equivalent certified coronary pulmonary resuscitation (CPR) course including training in child, adult and pediatric. Certificate valid for one year. An American Red Cross or equivalent refresher course, certified annually.
- B. Basic water safety program for non-swimmer rescue, if desired.
- C. Copies of certificates shall be prominently displayed with the current pool operating permit.

Section II. Variances

Variances from this Regulation may be granted by the Board of Health after a hearing at which the applicant establishes the following:

- A. The enforcement thereof would do manifest injustice, and;
- B. A variance contemplated from these Regulations will not in the opinion of the Board of Health adversely affect the intent of this Regulation.

Section III. Implementation

- A. These Regulations shall become effective on May 1, 1996
- B. Penalties

(a) Criminal Complaint – Whoever violates any provision of these rules and Regulations may be penalized by indictment or on complaint brought in the District Court. Except as may otherwise be provided by law, and as the District Court may see fit to impose, the maximum penalty for any violations of these provisions shall be \$500 for each offense.

(b) Non-Criminal Disposition – Whoever violates any provision of these rules and Regulations may, at the discretion of the Health Director, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of the General Laws, Chapter 40, Section 21D. For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows:

First Offense – Written Warning

Each subsequent offense is \$50 and may result in a hearing before the Board of Health. Each day on which a violation exists shall be deemed to be a separate offense.

Adopted 3/27/1996

HARWICH BOARD OF HEALTH

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