

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 1

GENERAL PROVISIONS

REGULATION 1. Definitions

- (1) "A.A.C." is an abbreviation for Arizona Administrative Code.
- (2) "ADEQ" is an abbreviation for Arizona Department of Environmental Quality.
- (3) "ADHS" is an abbreviation for Arizona Department of Health Services.
- (4) "Air induction system" means a system whereby a volume of air is introduced into hollow ducting in a spa floor, bench or walls. An air induction system is activated by an air power blower and is separate from the water circulation system.
- (5) "Algae" means microscopic, single-celled forms of plant life that exist in most surfaces and ground waters. Green, blue-green (frequently called black) and mustard algae are the types most common to swimming pools.
- (6) "ANSI" is an abbreviation for American National Standards Institute.
- (7) "Artificial bathing lake" means a man-made lake, lagoon or basin, lined or unlined, with an area equal to or greater than two acres (87,120 square feet), constructed and used or intended to be used for water contact recreation. This includes all recreational activities where there is a high probability of water ingestion and where related activities create a significant public health and safety risk. Such activities include, but are not limited to, wading, swimming, bathing, wind surfing, water skiing and jet skiing.
- (8) "Approved" means acceptable to the Department or to the swimming pool agency that has the jurisdiction based on determination of conformity with principles, practices or political subdivision.
- (9) "A.R.S." is an abbreviation for Arizona Revised Statutes.
- (10) "ASME" is an abbreviation for American Society of Mechanical Engineers.
- (11) "Backwash" means the process of thoroughly cleaning a filter by reverse flow of water through the filter.
- (12) "Barrier" means a fence, wall, building or landscaping that obstructs access to a bathing place.
- (13) "Bathing place" as used in these regulations includes all bodies of water used by persons for swimming, wading, hydrotherapy, recreation, bathing or special uses together with the shores, bathhouses, sanitary facilities, equipment and all other appurtenances to such bodies of water, except that these regulations do not apply to facilities constructed or maintained at any medical facility intended exclusively

for therapeutic treatment and facilities constructed and operated by the state of Arizona. A bathing place for consideration of design, permits, and fees shall be considered separate and distinct if:

- (a) Bodies of water are physically separate; or
 - (b) Bodies of water are at different elevations; or
 - (c) Bodies of water are separated by a fence, wall or visual barrier which prevents or impedes direct physical or visual access to any portion of the body of water; or
 - (d) Bodies of water are separated by a channel, less than ten (10) feet wide.
- (14) “Cartridge filter” means a depth, pleated or surface-type filter component with fixed dimensions that is designed to remove suspended particles from water flowing through the filter.
 - (15) “Clean” means free from slime, scum, dirt or other debris.
 - (16) “Construct” means, and includes, building or installing a new bathing place or enlarging or altering existing facilities.
 - (17) “Coping” means the cap on a swimming pool or spa wall that provides a finished edge around the swimming pool or spa.
 - (18) “Cross connection” means any physical connection between two (2) piping systems, one (1) of which contains potable water and the other sewage or water of unknown or questionable quality, through which water may flow from either system to the other.
 - (19) “Deck” means a hard surface immediately adjacent to or attached to a bathing place that is designed for sitting, standing or walking.
 - (20) “Deep area” means the portion of a bathing place that is more than five (5) feet deep.
 - (21) “Department” refers to Maricopa County Environmental Services Department.
 - (22) “Discharge piping” means the portion of the circulation system that carries water from the filter back to the swimming pool or spa.
 - (23) “DPD” is an abbreviation for Diethyl-p-Phenylene Diamine. The indicator usually is used in tablet form which measures chlorine and bromine levels in pool and spa water.
 - (24) “Diving area” means the area of the public or semipublic swimming pool that is designated for diving from a diving board, diving platform or starting block.
 - (25) “Fill and draw pool” means a bathing place where the principal means of cleaning is the complete removal of the used water and the replacement thereof with potable water.
 - (26) “Filtration rate” means the rate of water flowing through a filter during the filter cycle expressed in gallons per minute per square foot of effective filter area.
 - (27) “Flow through pool” means a bathing place where potable water constantly enters the pool and an equal quantity of used water constantly flows out of the pool.
 - (28) “Freeboard” means that section of the pool wall measured vertically between the water surface and the walkway or deck surface.
 - (29) “GPM” is an abbreviation for Gallons Per Minute.
 - (30) “Hose bibb” means a faucet with a threaded nozzle to which a hose may be attached.

- (31) “Hydrotherapy jet” means a fitting that blends water and air and creates a high velocity turbulent stream of air-enriched water for injection into a spa.
- (32) “Incontinent” means unable to restrain a bowel movement.
- (33) “Lifeguard” means an attendant with Red Cross or equivalent certification who supervises the safety of bathers.
- (34) “Make-up water” means fresh water used to fill or refill a bathing place.
- (35) “Maximum bathing load” means the design capacity or maximum number of users that a bathing place is designed to hold.
- (36) “Natural bathing place” means unmodified natural outdoor lakes, ponds, rivers, etc.
- (37) “Operate” means to conduct, maintain or otherwise provide facilities and appurtenances at bathing places.
- (38) “NCAA” is an abbreviation for National Collegiate Athletic Association.
- (39) “NFSHSA” is an abbreviation for National Federation of State High School Associations.
- (40) “Operator” means an individual who owns, runs, maintains, or otherwise controls or directs the functioning of a bathing place.
- (41) “Overflow system” means and includes gutters and other rim type overflows, surface skimmers and collection systems of various designs and manufacture.
- (42) “Permit holder” means the entity that:
 - (a) Is legally responsible for the operation of the bathing place such as the owner, the owner's agent, or other person; and
 - (b) Possesses a valid permit to operate a bathing place.
- (43) “pH value” indicates the degree of acidity or alkalinity of water. The pH scale is from 0 to 14 with pH 7.0 being the neutral point, i.e., water with pH of 7.0 is neither acid nor alkaline, and it is neutral. Above pH 7.0 the water is alkaline and below pH 7.0 it is acidic.
- (44) “Potable water” means drinking water.
- (45) “PPM” is an abbreviation for Parts Per Million.
- (46) “Private residential spa” means a spa at a private residence used only by the owner, members of the owners' family and invited guests, or a spa that serves a housing group consisting of no more than three (3) living units (e.g. duplexes or triplexes). Private spas are exempt from these regulations.
- (47) “Private residential swimming pool” means a pool operated by an individual for his own or his family’s use or for guests of his household, or by an owner, to serve a housing group consisting of no more than three (3) living units. Private pools are exempt from these regulations.
- (48) “Public spa” means a spa that is open to the public with or without a fee, including a spa that is operated by a community, municipality, political subdivision, school district, university, college or a commercial establishment whose primary business is the operation of a spa.
- (49) “Public swimming pool” means a swimming pool that is open to the public with or without a fee, including a pool that is operated by a community, municipality, political subdivision, school district, university, college or a commercial establishment whose primary business is the operation of a pool.
- (50) “Recessed treads” means a series of vertically spaced, preformed stepholes in a swimming pool wall.

- (51) "Recirculating pool" means a swimming pool where a portion of the pool water is constantly being removed, filtered and disinfected then returned to the pool.
- (52) "Resurfacing" means any alteration that is greater than ten (10) percent of the pool interior surface. This shall include but not be limited to plastering, painting, tiling, application of pebble type finish, fiberglass or any other approved alternative surface.
- (53) "Return inlet" means an aperture or fitting through which filtered water returns to a swimming pool or spa.
- (54) "Return line" means that portion of the recirculating system piping which carries clean water from the filter back to the swimming pool.
- (55) "Rope and float line" means a continuous line not less than three-quarter (3/4) inch in diameter that is supported by buoys and attached to opposite sides of a swimming pool to separate areas of the swimming pool.
- (56) "Sanitary facilities" means a designated area that includes a toilet and sink and may include a shower or urinal.
- (57) "Scum" means a film that forms on the surface of water.
- (58) "Secchi Disk" refers to a 200-mm circular plate, which has opposite quarters painted gloss white and black.
- (59) "Secchi Disk visibility" is the depth at which the disk can be seen when raised and lowered in the water.
- (60) "Semiartificial bathing place" means a natural bathing place that has been modified by man.
- (61) "Semipublic spa" means a spa operated for the residents of lodgings such as hotels, motels, resorts, apartments, condominiums, townhouse complexes, trailer courts, mobile home parks or similar establishments. A semipublic spa includes a spa that is operated by a neighborhood or community association for the residents of the community and their guests and any spa at a country club, health club, camp or similar establishment where the primary business of the establishment is not the operation of a spa and where the use of the spa is included in the fee for the primary use of the establishment.
- (62) "Semipublic swimming pool" means a swimming pool operated for the residents of lodgings such as hotels, motels, resorts, apartments, condominiums, townhouse complexes, trailer courts, mobile home parks, or similar establishments. A semipublic pool includes a swimming pool that is operated by a neighborhood or community association for the residents of the community and their guests and a swimming pool at a country club, camp or similar establishment where the primary business of the establishment is not the operation of a swimming pool and where the use of the swimming pool is included in the fee for the primary use of the establishment.
- (63) "Shallow area" means the portion of a swimming pool that is five (5) feet or less in depth.
- (64) "Service animal" means an animal such as a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability.
- (65) "Shock treatment" means adding chlorine to water in an amount sufficient to destroy ammonia, nitrogenous and organic contaminants in the water by elevating

- the free chlorine residual to a level 10 times the combined chlorine reading in parts per million.
- (66) “Slime” means a glutinous or viscous liquid matter.
 - (67) “Slip resistant” means a surface that has a static coefficient of friction (wet or dry) of at least 0.50.
 - (68) “Spa” means an artificial basin, chamber or tank of irregular or geometric shell design that is intended only for bathing or soaking and that is not drained, cleaned or refilled for each user. A spa may include features such as hydrotherapy jet circulation, hot water, cold water, mineral baths or an air induction system. Industry terminology includes “hydrotherapy pool,” “whirlpool,” “hot tub” and “therapy pool”.
 - (69) “SPAC” is an abbreviation for Swimming Pools Advisory Committee.
 - (70) “Special use pool” means a swimming pool intended for competitive aquatic events, aquatic exercise or lap swimming. A special use pool includes a wave action pool, exit pool for a water slide, swimming pool that is part of an attraction at a water recreation park, water volleyball pool or a swimming pool with special features used for training and instruction.
 - (71) “Spray pond” means an artificially constructed special use pool into which water is sprayed but not allowed to accumulate.
 - (72) “Suction outlet” means the aperture or fitting through which water is withdrawn from a swimming pool or spa.
 - (73) “Suction piping” means the water circulation system piping that carries water from the swimming pool or spa to the filter.
 - (74) “Swimming pool” and/or “Pool” shall mean an artificial basin, chamber or tank, constructed and used, or intended to be used, for swimming, diving or bathing. A bathing place less than two (2) acres (87,120 square feet) shall meet the criteria for swimming pools.
 - (75) “SVRD” is an abbreviation for Safety Vacuum Release Device.
 - (76) “SVRS” is an abbreviation for Safety Vacuum Release System.
 - (77) “Total alkalinity” means the measurements of the carbonates, bicarbonates and hydroxides in the water, which if insufficient, may cause the pH to be unstable and produce corrosive conditions. Conversely, if the total alkalinity is too high, scale could be formed.
 - (78) “Turnover rate” means the number of hours required to circulate a volume of water equal to the capacity of the swimming pool or spa.
 - (79) “User” means a person who uses any bathing place included in Chapter VI or uses adjoining deck area.
 - (80) “Variance” means a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Code if, in the opinion of the Department, a health hazard, safety or nuisance will not result from the modification or waiver.
 - (81) “Wading pool” means a shallow pool used or intended to be used primarily for wading by small children.
 - (82) “Water circulation system” means an arrangement of mechanical equipment connected to a swimming pool or spa by piping in a closed loop that directs water

- from the swimming pool or spa to the filtration and disinfection equipment and returns the water to the swimming pool or spa.
- (83) “Water circulation system components” means the mechanical components that are part of a water circulation system of a swimming pool or spa, including pumps, filters, valves, surface skimmers, ion generators, electrolytic chlorine generators, ozone process equipment and chemical feeding equipment.
- (84) “Water level”. The water level referred to in these standards shall be established in one of the following ways:
- (a) The water level shall be deemed to fall in the midpoint of the operating range of the skimmers; or
 - (b) On pools with overflow systems, the level shall be deemed to be that established by the height of the overflow rim.

REGULATION 2. Approval of Plans and Construction Required

- a. A person shall obtain design approval from the Department prior to starting construction of a new public or semipublic swimming pool, spa, wading pool, or special use pool, changing in use from a semipublic swimming pool to a public swimming pool, changing in use from a private residential swimming pool to a public or semipublic swimming pool, or beginning major modifications to an existing public or semipublic swimming pool or spa. For purposes of this subsection, major modifications include a change to:
- 1. The shape; or
 - 2. The depth; or
 - 3. The water circulation system; or
 - 4. The enclosure; or
 - 5. Resurfacing the pool interior or deck; or
 - 6. Adding a water feature or planter; or
 - 7. The disinfection system; or
 - 8. The installation of diving equipment.
- At a public or semipublic swimming pool an appropriately licensed contractor, Architect, or Professional Engineer shall submit plans for a major modification.
- b. The owner shall make an Application for Approval to Construct any proposed bathing place and shall be submitted to the Department on forms furnished by the Department. Such application for approval shall accompany the plans, when required, and specifications at the time of submission to the Department for review.
- c. The operator/owner of a previously approved bathing place as defined in these regulations, intending to change the nature of the classification from public to semipublic or from semipublic to public must demonstrate, to the satisfaction of the Department, that the facility meets all requirements of these regulations as related to the desired classification. If any additional construction or modification of the facility shall be required, plans and specifications of the proposed facility shall be submitted for approval as required in Chapter VI, Section 1, Regulation 2, b.

- d. Plans and specifications shall be submitted to the Department with the appropriate fees as listed in Chapter I of the Maricopa County Environmental Health Code at least 30 days prior to the date upon which action is desired. Plan documents submitted for approval to construct shall include a general plot plan, plans and specifications showing the pool shape, dimensions, water treatment and pumping facilities, piping arrangement and sizes, source of water supply, method of disposal of wastes, and all pertinent data upon which the design is based on and shall include capacities of the various units, safety equipment, architectural drawings for fencing, water features and other information necessary to permit a clear and full understanding of the proposed project. Where required, detailed plans of bathhouses, dressing rooms, toilets, recreational and other pool appurtenances shall be included.
- e. All plans and specifications submitted to the Department for approval shall be prepared by, or under the supervision of, a currently registered Arizona Professional Engineer or Architect, or a swimming pool contractor with the following licenses (per project type) as listed in the table below, who shall certify that the plans comply with these regulations and criteria contained in the swimming pool design policies.

PROJECT TYPE	R.O.C. LICENSE REQUIRED
ANY AND ALL PROJECTS, ALL NEW CONSTRUCTION	A-9, A-19, KA-5, KA-6
SAFETY VACUUM RELEASE SYSTEM, PLUMBING AND EQUIPMENT REPLACEMENT	K-37, K-77, L37, L-77
RESURFACE AND DR AIN SPLIT/PLUMBING	A-9, A-19, KA-5, KA-6
DECK REPLACEMENT ONLY	K-9, L-9
FENCE ONLY	AS REQUIRED BY ARIZONA REGISTRAR OF CONTRACTORS

- f. All work shall conform to approved plans and specifications. Should it be necessary or desirable to make any changes in the approved plans and specifications of the proposed work, revised plans and specifications, together with a written statement of the reasons for such change, shall be submitted to the Department for review. The Application for Approval to Construct must be obtained in writing before the work affected by the change is undertaken.
- g. The Department will, upon receipt from the applicant of reasonable advance notice of readiness to, make necessary inspections to determine that the pool piping system, and thereafter the complete pool circulation, purification, and waste systems are in compliance with these regulations. The piping system shall be left open and exposed until the Department has examined and approved the system in writing. The complete pool, including circulation, purification and waste systems shall be deemed acceptable only after examination and issuance of written approval of construction by the Department.

- h. The design, operation and maintenance of bathing places shall be in conformance with these regulations and criteria contained in the Department swimming pool design policy.
- i. Before Approval of Construction shall be given for the operation of a bathing place, the swimming pool contractor or a currently registered engineer or architect shall certify that the completed bathing place is constructed in accordance with the approved plans and specifications.

REGULATION 3. Permit Required

No public or semipublic bathing place shall be maintained or operated in Maricopa County without a valid operating permit issued by the Department. The permit shall be displayed in a conspicuous place on the premises where the public may readily observe it. No permit shall be issued until the applicable permit fee has been rendered. Permit fees are listed in Chapter I, Regulation 5 of the Environmental Health Code. If the operating permit for a bathing place is determined by the department to be invalid due to permit revocation or the permit has been allowed to lapse for a period greater than (1) year, the bathing place shall comply with the current Environmental Health Code in order to qualify for an operating permit

REGULATION 4. Instructions

Before entering a pool, all persons shall be instructed, by means of suitable, clearly lettered signs properly located, to observe all safety regulations. The signs shall contain, at a minimum, all of the following:

- a. Persons with sore or inflamed eyes, colds, nasal or ear discharges, boils or other acute or obvious skin or body infections, or cuts shall be excluded from the pool.
- b. No glassware allowed within the pool enclosures.
- c. No animals allowed except for service animals.
- d. No drinks, candy, tobacco, popcorn, gum, alcohol, or food of any kind shall be permitted in the pool or within the required walkways of the pool
- e. Keep gate(s) closed – do not prop open.
- f. Shower and use the toilet before entering the pool.
- g. If incontinent, wear tight fitting rubber or plastic pants or a swim diaper.
- h. Observe all safety regulations.

REGULATION 5. Attire and Towels, etc.

- a. Bathing attire, towels, linens and similar articles shall be clean, dry and sanitary when provided to patrons.
- b. The provision of towels, drinking cup, combs, hairbrushes, soap and other similar items for use in common by the public is prohibited.

REGULATION 6. Excluded

Persons with sore or inflamed eyes, colds, nasal or ear discharges, boils or other acute or obvious skin or body infections, or cuts shall be excluded from the pool. No person in or at a swimming pool shall commit, or be permitted to commit, any act prejudicial to the life or health of any other person using the pool. Animals shall be excluded from the pool enclosure, except for service animals. All animals shall be excluded from bathing in the pool.

REGULATION 7. Drinking Water

Drinking water from an approved source and dispensed through one (1) or more drinking fountains shall be located on the deck of each public swimming pool or spa.

REGULATION 8. Concessions

No drinks, candy, tobacco, popcorn, gum, alcohol, or food of any kind shall be permitted in the pool or within ten (10) feet of a public bathing place or within four (4) feet of a semipublic bathing place.

- a. No food or drink of any kind shall be allowed in the pool or within the required walkways of the bathing place.
- b. Food and drink will be allowed within the pool enclosure but outside the area noted in Chapter VI, Section 1, Regulation 8, a., provided that only paper or plastic service is used. No glass is permitted within the pool or spa enclosure.

REGULATION 9. Operation

All bathing place facilities shall at all times be operated and maintained in a clean, safe and sanitary condition. The owner of a bathing place shall close that facility if any of the following conditions exist:

- 1. Absence of an approved disinfectant;
- 2. Violation of the physical standards of Section 2, Regulation 5;
- 3. Filtration system is inoperative;
- 4. Mechanical disinfectant feeder is missing, inoperative, or malfunctioning;
- 5. Broken or missing main drain covers or other suction outlet covers;
- 6. When required, lifeguards are not present or the required number of lifeguards is not present;

7. Gates are not self-closing and self-latching or there is a breach of the pool enclosure;
8. Leaking gas chlorinator;
9. Absence of all safety equipment;
10. Electrical wires over the pool;
11. Broken glass in the pool area;
12. Any other operational condition which may cause injury or present a danger to the public health.

REGULATION 10. Violations

Any person, firm, or corporation who builds, offers for sale or operates a bathing place contrary to these regulations shall be subject to prosecution as provided by law.

REGULATION 11. Retroactive Provisions

Permitted pools that were constructed prior to the effective date of this code shall meet the operational requirements of this code as listed in Chapter VI, Section 1, Regulation 9 and the Structural Provisions in Chapter VI, Section 1, Regulation 12.

REGULATION 12. Retroactive Structural Provisions

- a. Retroactive main drain requirements:
 1. The owners of all public and semipublic swimming pools, which were under a valid operating permit on the effective date of this Environmental Health Code and equipped with a single main drain, shall:
 - (a) Install a properly sized anti-vortex, anti-entrapment drain cover that complies with ANSI/ASME A112.19.8M, "*Suction Fittings for Use In Swimming Pools, Spas, Hot Tubs And Whirlpool Bathtub Appliances*" on all suction outlets by May 1, 2004.
 - (b) Install a hydraulically balanced dual main drain at the time the pool is resurfaced. If the pool or spa is not resurfaced and hydraulically balanced dual main drains are not installed, the owner shall install a Safety Vacuum Release Device (SVRD) or Safety Vacuum Release System (SVRS) that meets ANSI/ASME A112-19 Standards or equivalent by January 1, 2014.
 - (c) Install other devices or means as approved by the Department by no later than January 1, 2014.
- b. Retroactive fencing requirements for public pools:
 1. Public swimming pools, special use pools, spas and wading pools who hold a valid operating permit on the effective date of this code that meet the requirements in Appendix C and shall comply with fencing requirements in Chapter VI, Section 6, Regulation 11 by January 1, 2014.
 2. Public swimming pools, special use pools, spas and wading pools who hold a valid operating permit on the effective date of this code that do not meet the requirements in Appendix C on the effective date of this code shall comply with

fencing requirements in Chapter VI, Section 6, Regulation 11 by January 1, 2005.

- c. Retroactive fencing requirements for Semipublic pools:
 - 1. Semipublic swimming pools, special use pools, spas and wading pools who hold a valid operating permit on the effective date of this code that meet the requirements in Appendix D on the effective date of this code shall comply with fencing requirements in Chapter VI, Section 7, Regulation 2 by January 1, 2014.
 - 2. Semipublic swimming pools, special use pools, spas and wading pools who hold a valid operating permit on the effective date of this code that do not meet the requirements in Appendix D on the effective date of this code shall comply with fencing requirements in Chapter VI, Section 7, Regulation 2 by January 1, 2005.

- d. Retroactive diving board requirements:

All public and semipublic swimming pools and special use pools who hold a valid operating permit on the effective date of this code, constructed prior to February 1, 1998, and having met the requirements of the code for a diving board in force at the time of construction may continue to operate a diving facility under the following conditions:

 - 1. The pool was approved for construction prior to February 1, 1998.
 - 2. The height of the diving board above the water surface shall be limited to a maximum of ten (10) feet (three (3) meters).
 - 3. If the pool and diving board do not meet the dimensional requirements in Appendix A or Appendix B, diving must be under the direct supervision of a lifeguard or other responsible party and the pool owners shall provide and maintain on file with Maricopa County a current certificate of public liability insurance documenting minimum limits of seven million dollars (\$7 million) combined single limit for bodily injury and property damage liability. The certificate must further clearly indicate that Maricopa County is an additional insured and that no changes or modifications shall become effective in the coverage without 30 days prior written notice submitted to the Department.

- e. Retroactive vacuum outlet requirements:

Public and semipublic swimming pools, special use pools, spas, and wading pools that hold a valid operating permit on the effective date of this code shall comply with Chapter VI, Section 3, Regulation 9 by January 1, 2005.

REGULATION 13. Variance

- a. Purpose
The purpose of this regulation is to allow the Environmental Health Officer to consider granting a variance from those parts of Chapter VI, which are more restrictive than AAC R18-5-2 and/or AAC R9-8-8. This would be possible when there exists an unusual or unreasonable hardship resulting from a literal interpretation of this Code, provided that the alternative method or work offered conforms to the general intent of this Code. The application for variance and the decision of the Environmental Health Officer shall be in writing and shall be officially recorded within the records of the Department.

b. Conditions for Variance

1. Any person may request a Variance to Chapter VI of this Code when it is claimed that:
 - (a) The true intent of the Codes or Ordinances described in this Code has been incorrectly interpreted by the Department; or
 - (b) A decision by the Department is unreasonable or arbitrary when it is applied to alternate or new materials.
2. The Swimming Pool Advisory Committee may recommend that the Environmental Health Officer issue a Variance only after the Committee has determined that:
 - (a) Special circumstances or conditions apply to this permit application; and
 - (b) Authorizing of the Variance is necessary for the preservation and enjoyment of substantial property rights; and
 - (c) Authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public safety and welfare in general; and
 - (d) Granting of the variance will be in harmony with the purposes sought to be attained by the Codes or Ordinances.
3. If the applicant for the variance is dissatisfied with the decision of the Environmental Health Officer, the applicant may appeal to the Board of Health whose decision shall be final, except that any person aggrieved by a decision of the Board of Health may at any time, within 30 days after the filing of the Board of Health's decision, file an appeal with the Superior Court of Maricopa County by following the various methods of appeal or review procedures in Arizona as set forth in the applicable statutes of the State of Arizona.
4. Such appeals shall be presented to the Secretary of the Board of Health in writing within 30 days after the filing of the decision of the Environmental Health Officer or the Environmental Health Officer may refer the appeal to the committee.

c. Swimming Pools Advisory Committee (SPAC)

1. Structure:
 - (a) There shall be and is hereby created, a Swimming Pool Advisory Committee, hereinafter called "Committee", consisting of five members, who are residents of Maricopa County and citizens of the United States, and composed of and consisting of a representative of the industries, trades, and professions as follows:
 - (1) Swimming Pool Building Contractor
 - (1) Swimming Pool Service and Repair Contractor or Swimming Pool Industry Member
 - (1) Certified Safety Professional
 - (1) Professional Engineer
 - (1) Health Professional
 - (b) The members of the Committee shall be appointed by the Chairperson of the Board of Health for a term of three (3) years. The initial terms of office shall be as follows:
 - (i) One member shall be appointed for a term of three (3) years;

- (ii) Two members for a term of two (2) years;
 - (iii) Two members for a term of one (1) year.
 - (c) Upon expiration of the initial term of office of a member of the Committee, their successors shall then be appointed for a term of three (3) years.
 - (d) Continued absence of any member from three (3) consecutive regular meetings of the Committee shall render any such member liable for immediate removal from office. Removal shall be at the discretion of the Board of Health.
 - (e) Vacancies for an unexpired term shall be filled by the Chairperson of the Board of Health.
 - (f) The members of the Committee shall serve without salary or compensation.
 - (g) The Environmental Health Officer or his designate shall attend all meetings and furnish secretarial services for the Committee.
2. Duties and Responsibilities:
- (a) It shall be the duty of the Committee to hear appeals from the decision of the Department staff and to submit findings to the Environmental Health Officer.
 - (b) The duties and powers of this Committee shall be in an advisory capacity only.
3. Procedures:
- (a) The Committee shall annually elect one (1) of its members to serve as Chairperson.
 - (b) The Environmental Health Officer shall designate an administrative support from the Department to serve as Recording Secretary to the Committee, who shall keep a detailed record of all proceedings on file in the Department and perform other secretarial duties as required by the Board.
 - (c) Special Committee meetings may be called by the Environmental Health Officer or at the request of the Chairperson or any three (3) members of the Committee.
 - (d) Three (3) voting members of the Committee shall constitute a quorum.
 - (e) Public Hearings:
 - (i) Any person dissatisfied with a decision of the Department staff may request a hearing before the Committee at any time prior to closure of the file. The Environmental Health Officer may call a special meeting to hear this matter. Such a meeting shall be held within thirty (30) days of the date the appeal is filed.
 - (ii) All hearings shall be open and public and any person whose interest may be affected by a recommendation of the Committee shall be given an opportunity to be heard.
 - (iii) The Committee shall render all recommendations in writing to the Environmental Health Officer. The Environmental Health Officer

shall render a final decision within ten (10) days of receiving the Committee recommendations.

(iv) The applicant may waive a hearing by the Committee and appeal directly to the Environmental Health Officer. The Environmental Health Officer will in such cases render a decision within ten (10) days of the date that the appeal is filed.

(v) The applicant shall include a fee with the written Swimming Pool Advisory Committee appeals as shown in the Fee Schedule in Chapter I of this Code.

(f) Conflict of Interest:

No member of the Committee shall vote on any question concerning a job or project in which that member is engaged as contractor or material dealer, or in the preparation of plans or specifications, or on any job or project in which that member has any direct or indirect personal or financial interest. In these instances, that member shall also make full disclosure of his or her interest to the Committee.

REGULATION 14. Inspections

- a. An inspector from the Department, upon presentation of credentials, may enter into any public or semipublic swimming pool or spa to determine compliance with this code. The inspector may inspect records, equipment and facilities, take photographs and take other action reasonably necessary to determine compliance with this Code.
- b. The owner or manager of a public or semipublic swimming pool or spa may accompany the inspector during an inspection.
- c. An inspector from the Department may inspect a public or semipublic swimming pool or spa during reasonable working or operational hours without giving prior notice of the inspection to the owner or operator of the swimming pool or spa.

REGULATION 15. Applicability

- a. This code applies to all public and semipublic bathing places included in Chapter VI (Bathing Places - Public and Semipublic Swimming Pools) of Maricopa County Environmental Health Code.
- b. Section 11 of this code applies to natural and semi-artificial bathing places.
- c. Section 12 of this code applies to artificial bathing lakes.
- d. This code does not apply to any of the following:
 - 1. A private residential swimming pool or spa;
 - 2. A swimming pool or spa used for medical treatment or physical therapy and supervised by licensed medical personnel;
 - 3. Swimming pools and spas constructed and operated by the State of Arizona;
 - 4. Swimming pools and spas constructed and operated by the United States government; or
 - 5. A spray pond that utilizes potable water and does not have a recirculation system.