

GRANT COUNTY

County Courthouse
P.O. Box 37
Ephrata, WA 98823
(509) 754-6060



HEALTH DISTRICT

1038 W. Ivy Avenue
Moses Lake, WA 98837
(509) 766-7960

Ordinance 2010-2

Rules and Regulations of the Grant County Health District Providing Amendments and Additions to WAC 246-260 Regarding Water Recreation Facilities.

Section 1. Amends WAC 246-260-001 Authority.

- (1) Pursuant to the authority of R.C.W. 70.05.060 (Powers and duties of local board of health.), these regulations are hereby established as minimum requirements of the Grant County Board of Health governing water recreation facilities.

Section 2. Amends WAC 246 -260-020 Administration.

- (1) Washington Administrative Code Chapter 246-260 governs water recreation facilities as now written or as it may be hereafter amended and this ordinance supplements those rules.
Where the provisions of Chapter 246-260 and the amendments of this ordinance conflict, the more strict regulation shall apply.
- (2) Where the provisions of any local, State, or Federal regulation shall conflict with this ordinance, the more strict regulation shall apply, with the order of enforcement proceeding from federal, state, then Health District.

Section 3. Amends WAC 246-260-010 Definitions

“Annual” In reference to this ordinance means a WRF operating more than 180 days per year.

“Critical Violation” Any violation of WAC 246-260 which is potentially an immediate cause of injury or illness to include the following:

- (a) Improper disinfectant level, (WAC 246-260-999 Appendix A, Table 111.1)
- (b) Inadequate barrier, (WAC 246-260-031 (4))
- (c) Main drain grate broken, missing or not secured. (WAC 246-260- 031 (8) (e))
- (d) Pump not operating (WAC 246-260-031 (9))
- (e) Filtration system not operating (WAC 246-230-031 (16))
- (f) No life guard or other attendant when required (WAC 246-260-121 (6))

- (g) PH level too high or too low (WAC 246-260-999 Appendix A, Table 111.2)
- (h) Water clarity inadequate-main drain at deep end of pool not visible (WAC 246-260-999 Appendix A, Table 111.2)
- (g) Spa temperature exceeds 106F (WAC 246-260-999 Appendix A, Table 111.2)

“Enclosure” means a wall, fence, or other barrier around a WRF as required by WAC 246-260-031 (4), and/or the walls of a structure holding one or more WRF (indoor athletic club, motel, ect.).

“GCHD” means Grant County Health District.

“Health Officer” means the health officer of the Grant County Health District.

“Ordinance” refers to the Grant County Health District ordinance regulating water recreation facilities.

“Regulatory Authority” means an employee of the Grant County Health District authorized to conduct inspections of water recreation facilities.

“Seasonal” In reference to this ordinance means a WRF operating less than 180 days in a calendar year.

“WRF” means water recreation facility, including but not limited to swimming pools, spas, and wading pools.

Section 4, Amends WAC 246-260 Inspections and Enforcement

4.01 Whenever the Regulatory Authority makes an inspection of a water recreation facility and discovers that any of the requirements of WAC 246-260 or this ordinance have been violated, he/she shall notify the person in charge of such violations by means of an inspection report or other written notice.

4.02 Whenever the Regulatory Authority finds a Critical Violation or other condition which poses an immediate hazard to health and safety the following action shall be taken.

- (a) A written description of the violation shall be made on the inspection report and a copy given to the permit holder or operator citing the condition and specifying the corrective action to be taken
- (b) If the violation cannot be corrected during the time of inspection, the inspection report shall include a notice of permit suspension until such time that correction of the condition cited can be verified by the Regulatory Authority.
- (c) If a WRF with a suspended license continues to operate or re-opens without the authorization of the Regulatory Authority, a hearing shall be scheduled with the Health Officer of his representative to determine what enforcement procedures should be taken.
- (d) Any WRF requiring a suspension of the permit to operate shall be closed

4.03 Whenever a re-inspection is required, the following fee schedule shall apply

- (a) During any calendar year, no additional fee shall be charged for the first time a re-inspection is required.
- (b) Following the second and subsequent times a re-inspection is required in a calendar year, a fee shall be charged equal to one-half the annual permit fee for the WRF inspected.
- (c) A written inspection report shall be required to document a re-inspection.

(d) One or more re-inspections conducted during the first quarter of a new year in follow up to inspection(s) conducted during the last quarter of a prior year will be considered as a re-inspection for the preceding year.

Section 5, Amends WAC 246-260-9901 Fees

5.01 The fee for operation of a WRF shall be established by the current GCHD fee ordinance of the Grant County Health District. Said permits for WRF shall expire on December 31 and shall be renewed each year. Permits shall not be transferable between people or locations.

5.02 Permits for an annual WRF shall be obtained by January 1. If the permit fee and application for an annual operation are received after January 31, a fine equivalent to the amount of the permit will levied and if received after February 28 (or 29), the operation shall be considered in violation of this ordinance. Payment must be received by 5 PM in the Health District office on the day due for payment unless the office is closed in which case payment shall be due on the day of business immediately preceding that date.

5.03 A permit for a seasonal WRF shall be obtained before the first day of operation. If a seasonal WRF fails to obtain a permit prior to opening, a fine equivalent to the amount of the permit will be levied and if more than (thirty) 30 days delinquent, the operation shall be considered in violation of this ordinance.

5.04 If the new owner of a permitted WRF does not obtain a permit within thirty (30) days after beginning operation, a fine equivalent to the amount of the permit will be levied, and if more than sixty (60) days delinquent, the operation shall be considered in violation of this ordinance.

5.05 If a WRF has outstanding re-inspection fees at the time of permit renewal, the permit to operate will not be issued until all fees are paid.

Section 6 Penalty

6.01 Anyone failing to comply with any of the terms of this ordinance shall be in violation of this ordinance. The Health District may proceed to commence a civil action to recover a penalty of \$500 for each violation of this ordinance. Each day continuing violation exists shall be considered a separate violation.

6.02 In conjunction with or as an alternative to civil action the Health District may move to enjoin any violations of this ordinance.

Section 7 Appeals

7.01 Any person requesting appeal of an action by GCHD staff regarding the administration of these rules may appeal in writing to the Health Officer within ten (10) days of a written notice or directive of the District. If the written appeal does not provide sufficient evidence for the Health Officer to change the GCHD staff decision:

- (a) Within 30 days after receipt of an appeal, the Health Officer may conduct an administrative hearing in the disputed matter.
 - 1. The hearing may include taking evidence oral and written from GCHD staff, the party aggrieved, and witnesses.
 - 2. A decision will be given in writing to the person or party making the appeal.
 - 3. Such administrative hearing may take place sooner than 30 calendar days if the aggrieved party shows extraordinary hardship or duress caused by the GCHD staff decision
- (b) Following a written request to the Health Officer, within ten (1) days of the Health Officer's written decision, any person not satisfied with the Health Officer's decision or the results of the administrative hearing shall make a written request for a meeting with the Grant County Board of Health.
 - 1. The appellant will be provided the opportunity to address the Board of Health at the next regularly scheduled meeting, or sooner if the aggrieved party demonstrates extraordinary hardship or duress caused by the Health Officer's decision.
 - 2. The matter under appeal will be decided by a majority vote of the Board of Health.

7.02 Pending hearings or appeals shall not stay the orders of the Regulatory Authority.

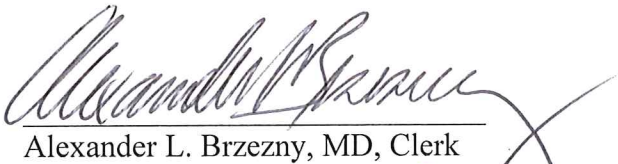
Section 8 Severability

If any section, sentence, clause, or phrase of this ordinance should be held to be invalid, the invalidity thereof shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance

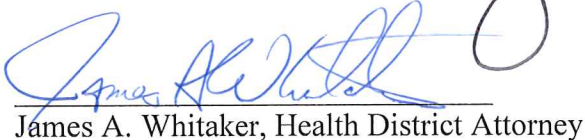
Section 9 Effective Date

9.01 This ordinance shall take effect March 11, 2010.

ATTEST:


 Alexander L. Brzezny, MD, Clerk


 Tony Massa, Chair


 James A. Whitaker, Health District Attorney

Date Adopted: 3-10-10