

Chapter HSS 172

SAFETY, MAINTENANCE AND OPERATION OF PUBLIC SWIMMING POOLS

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Note: Chapter HSS 172 as it existed on November 30, 1989 was repealed and a new chapter HSS 172 was created effective December 1, 1989.

HSS 172.01 Authority and purpose. This chapter is promulgated under the authority of s. 140.05 (1), (3) and (17), Stats., to regulate the maintenance and operation of public swimming pools, including whirlpools, in order to protect the health and safety of the public.

History: Cr. Register, November, 1989, No. 407, eff. 12-1-89.

HSS 172.02 Scope. (1) **APPLICABILITY.** This chapter applies to the operator of any public swimming pool.

(2) **APPROVED COMPARABLE COMPLIANCE.** (a) The department may approve an alternative to a method, practice, material, equipment or design required under this chapter that will not be contrary to public health, safety or welfare, when the department is provided with satisfactory proof that the alternative will achieve results which are closely equivalent to the results of literal application of the requirement under this chapter.

(b) An alternative approved under par. (a) may, at the department's discretion, be made conditional for:

1. A defined period of time; or
2. Experimental or trial purposes.

History: Cr. Register, November, 1989, No. 407, eff. 12-1-89.

HSS 172.03 Definitions. In this chapter:

(1) "Actual patron load" means the number of patrons in the water.

(1m) "Agent" means the city, county or village designated by the department under s. 50.535 (2), Stats., and ch. HSS 192 to issue permits to and make investigations or inspections of public swimming pools.

(2) "Approved" means acceptable to the department, based on its determination of conformance with this chapter and good public health practices.

(3) "Deck" means the approved, unobstructed walking surface around the pool.

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(4) "Department" means the Wisconsin department of health and social services.

(5) "Filter aid" means finely powdered diatomaceous earth or similar approved material used to coat a septum type filter.

(6) "Lifeguard" means a person holding a current American Red Cross Lifeguard Training certificate or a Young Men's Christian Association (YMCA) Lifeguarding certificate or a certificate of equivalent training, and a current standard first aid certification from the American Red Cross and a current cardiopulmonary resuscitation (CPR) certificate from the American Red Cross or the American Heart Association.

(7) "Operator" means the owner of a swimming pool or the person responsible to the owner for the operation of the swimming pool.

(8) "Patron" means a user of the pool area.

(9) "Person" means an individual, partnership, association, firm, company, corporation, municipality, county, town or state agency, whether tenant, owner, lessee or licensee, or the agent, heir or assignee of any of these.

(10) "Pool" means a structure, basin, chamber or tank used for wading, swimming, diving, water recreation or therapy.

(11) "Pool area" means, for outdoor pools, the area within the pool enclosure and, for indoor pools, the pool including the required deck area.

(12) "Public swimming pool" means a pool used for one or more purposes described in sub. (10) except a pool serving fewer than 3 individual residential quarters such as homes or apartments. A public swimming pool includes a pool serving or installed for the state or any political subdivision of the state, including a school district; a pool serving or installed at a motel, hotel, resort, camp, club, association, housing development or school, or a religious, charitable or youth organization; a mobile pool; and a pool at an educational or rehabilitative institution. Included in the meaning of a "public swimming pool" are buildings, equipment and appurtenances, irrespective of whether or not a fee is charged for their use.

(13) "Responsible supervisor" means a person designated by the operator to provide emergency assistance to patrons, maintain order and enforce pool use regulations governing safety and sanitation, including pool closure, and who is knowledgeable about pool maintenance and operation and the testing of pool water.

(14) "Superoxidation" means the addition of an oxidizing product such as chlorine to pool water to raise the level of the oxidizer to a point which will achieve the breakdown of combined chlorine and organic compounds. "Superoxidation" is sometimes referred to as "superchlorination".

(15) "Unauthorized access" means the entrance of a person into a restricted area without permission of the operator or the operator's designated representative.

(16) "Waterslide plunge pool" means a pool located at the exit end of a waterslide flume and intended and designed to receive sliders emerging from the flume.

(17) "Wave pool" means a pool designed for generating waves for recreational purposes.

(18) "Whirlpool" means a relatively small pool, sometimes called a "spa", which uses higher temperature water than other pools and may include a water agitation system.

History: Cr. Register, November, 1989, No. 407, eff. 12-1-89; emerg. renum. (1) to be (1m), cr. (1), eff. 7-1-90; renum. (1) to be (1m), cr. (1), Register, November, 1990, No. 419, eff. 12-1-90.

HSS 172.04 Permit. (1) **APPLICATION.** Before opening a public swimming pool for public use, the operator shall obtain a permit from the department or its agent by application made on a form furnished by the department or its agent.

Note: To obtain a copy of the application form for a permit to operate a public swimming pool or to determine which agent to contact for an application form, write or phone: Bureau of Environmental Health, P.O. Box 309, Madison, Wisconsin 53701 (608-266-2835).

(2) **PLAN SUBMITTAL.** An operator applying for a permit to operate a public swimming pool shall submit proof with the application that the department under s. HSS 171.04 (1) has approved plans and specifications for the pool. The department or its agent may not issue a permit if the applicant has not submitted proof of prior approval by the department of plans and specifications for the swimming pool.

(3) **ACTION BY THE DEPARTMENT.** Within 30 days after receiving a completed application for a permit, the department shall either approve the application and issue a permit or deny the application. If the application for a permit is denied, the department shall give the applicant reasons, in writing, for the denial. A permit may not be issued to the operator of a new public swimming pool or to the new operator of an existing public swimming pool without prior inspection of the public swimming pool by the department or its agent to ensure that the public swimming pool complies with this chapter.

History: Cr. Register, November, 1989, No. 407, eff. 12-1-89.

HSS 172.05 Supervision and safety. (1) **SUPERVISION.** Every public pool shall at all times be under the supervision of at least one responsible supervisor.

(2) **LIFEGUARDS AND ATTENDANTS.** (a) 1. Except as provided in pars. (b) and (c), a pool having a surface area of 2,000 square feet or more shall have one or more lifeguards when the pool is in use. The required number of lifeguards shall be as shown in Table 172.05.

Table 172.05
Required Number of Lifeguards

Actual Patron Load *	Lifeguards for a Pool of 2,000 to 4,999 sq. ft.	Lifeguards for a Pool of 5,000 to 9,999 sq. ft.	Lifeguards for a Pool of 10,000 or More sq. ft.
1 - 60	1	2	3
61 - 136	2	3	4
137 - 236	3	4	5
237 - 336	4	5	6

*When the patron load exceeds 336 patrons, one lifeguard shall be provided for each additional 100 patrons or fraction thereof.

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2. A pool operator may close a portion of the pool to patrons in order to meet the square foot limits in Table 172.05 for lifeguard staffing, except that lifeguard staffing for a pool of 2,000 to 4,999 square feet shall be maintained.

3. Every lifeguard shall hold a current American Red Cross Lifeguard Training certificate or a Young Men's Christian Association (YMCA) Lifeguarding certificate, or another certificate of training which is shown to be equivalent to Red Cross or YMCA training. In addition, every lifeguard shall hold a current Standard First Aid certificate from the American Red Cross and a current certificate from the American Red Cross or the American Heart Association for the completion of a course in cardiopulmonary resuscitation (CPR).

(b) 1. Lifeguards, in a number determined by the department, shall be provided at water recreation attractions. A proposed lifeguard staffing plan for a water recreation attraction shall be submitted, in writing, to the department for approval.

2. An additional lifeguard shall be provided for every 2 waterslide flumes installed at a pool other than a waterslide plunge pool.

3. An attendant responsible for enforcing slide usage rules shall be stationed at the entrance to a waterslide flume.

4. When a whirlpool is isolated in a separate room or other enclosure, an attendant shall be present and shall observe the whirlpool area during the time of operation. A closed circuit television camera and monitor, under surveillance while the whirlpool is in operation, may be provided in lieu of an attendant.

Note: See HSS 171.19 (2) (d) for requirements concerning an observation window.

(c) When a pool is used for instructional purposes, an instructor or other person holding a current American Red Cross Water Safety Instructor certificate and a cardiopulmonary resuscitation certificate from the American Red Cross or the American Heart Association may substitute for the lifeguard requirements in this subsection.

(3) **LIFEGUARD IDENTIFICATION AND ASSIGNMENT.** Lifeguards shall wear suits that are conspicuously marked "Lifeguard" or are otherwise readily identifiable. Lifeguards assigned to the supervision of the pool may not be assigned duties that distract their attention from observation of persons in the pool area or prevent their immediate assistance to persons in distress.

(4) **SAFETY.** (a) *General.* Any object or material not specifically approved under this chapter or ch. HSS 171 which might cause hazardous conditions or interfere with efficient operation of the swimming pool is not permitted in the pool area.

(b) *Rescue equipment.* Each pool, excluding whirlpools and wading pools, shall be provided with a shepherd's crook type pole. In addition, for each lifeguard chair, or when a pool is 30 feet or more in width and does not have lifeguard chairs, there shall be provided at least one of the following: a ring buoy having a minimum outside diameter of 20 inches, a rescue buoy, a rescue tube or a torpedo buoy. Each ring buoy shall be attached to a 1/4 inch rope having a length not less than 1½ times the

maximum width of the pool or 50 feet, whichever is less. All rescue equipment shall be maintained in good repair.

(c) *Location of equipment.* Lifesaving equipment shall be mounted in a conspicuous place and shall be readily accessible.

(d) *First aid equipment.* An approved 24-unit first aid kit, 2 durable blankets and at least one spine board shall be available at each pool area.

Note: A list of first aid items for the 24-unit kit is available from any regional office of the Department's Division of Health or any agent office.

(e) *Safety rope.* The safety rope required in s. HSS 171.08 (4) shall remain in place except during a supervised event or activity when the safety rope would become an obstruction.

(f) *Waterslide plunge area separation.* The portion of the pool water surface which is used as a plunge area for a waterslide shall be kept continuously separated in a manner approved by the department as long as the waterslide is in use.

(g) *Playground-type slides.* Where playground-type slides are installed at pool-side, they shall be carefully supervised and properly used.

Note: See s. HSS 171.09 (2) for swimming pool slide construction and installation requirements.

(h) *Telephone.* For outdoor pools a working telephone shall be available in the pool area. For indoor pools a working telephone shall be available within the enclosed area around a pool. A current list of emergency numbers shall be attached to or posted near the telephone.

(5) **POOL RULES.** (a) The operator shall post pool use rules governing safety and sanitation and shall enforce those rules.

(b) A sign showing pool use rules shall be posted in a conspicuous place or places in the pool area and shall be legible.

(c) Except as specified in par. (f), the posted rules shall include at least the following rules:

1. Do not enter the pool if you have a communicable disease or an open cut;
2. Do not bring food, drink, gum or tobacco into the pool or onto the deck;
3. Shower before entering the pool and after use of toilet facilities;
4. Do not run or engage in rough play in the pool area; and
5. Do not bring animals into the pool area.

(d) For whirlpools, pool use rules shall be posted in a whirlpool area and shall include, in addition to those in par. (c), the following rules preceded by the word **WARNING** conspicuously printed:

1. Elderly persons and persons suffering from heart disease, diabetes, or high or low blood pressure should not enter the whirlpool;
2. Children who are unsupervised may not use the whirlpool;

3. Persons under the influence of alcohol or drugs may not use the whirlpool;

4. Pregnant women should consult their physician regarding whirlpool usage; and

5. Lengthy exposure may be hazardous to your health and may result in nausea, dizziness or fainting.

(e) For waterslide plunge pools, pool use rules shall be conspicuously posted at the entrance to the slide tower. The sign shall include at least the following rules in addition to the rules in par. (c):

1. Do not use the slide while under the influence of alcohol or drugs;
2. Follow the instructions of the attendant;
3. No standing, kneeling, rotating or stopping in the flume; and
4. Keep your hands inside the flume.

(f) With the approval of the department the pool rules stated in par. (c) may be eliminated, modified or added to in connection with water recreation attractions, therapy pools or other specialized pools defined in ch. HSS 171 or this chapter.

(g) A sign showing the maximum allowed pool attendance shall be conspicuously displayed in the pool area. The maximum pool attendance shall be determined as stated in s. HSS 171.07 or 171.19 (4).

(6) **CHEMICALS.** (a) *Labeling.* All containers of chemicals used in the operation and maintenance of pools shall be conspicuously labeled with at least the following information:

1. Name of the product;
2. The manufacturer's name and address;
3. Active ingredients;
4. Directions for use;
5. Hazardous ingredient warning; and
6. The U.S. environmental protection agency registration number.

(b) *Storage.* All chemicals shall be stored in the original covered container in a clean, dry, well ventilated and locked area, away from flammables and heat sources. Only authorized personnel shall have access to the storage area. Chemicals may not be stored in chlorine gas storage areas.

(c) *Mixing.* When mixing a chemical solution, mix the chemical in water. Each chemical or chemical solution shall be separately applied. Chemicals may not be combined.

(d) *Smoking.* Smoking shall be prohibited in the chemicals storage area or by anyone who is handling chemicals.

(7) **SECURITY.** (a) All gates and doors into the pool area shall be maintained and checked for proper operation. They shall be locked when the pool is not in use.

(b) During closed hours, a sign shall be conspicuously posted stating that the pool and deck area are closed.

Note: See s. HSS 171.10 on the outdoor pool enclosure.

History: Cr. Register, November, 1989, No. 407, eff. 12-1-89; emerg. r. and recr. (2) (a) 1., r. (2) (b) 1., renum. (2) (a) 2. and (2) (b) 2. to 5. to be (2) (a) 3. and (2) (b) 1. to 4., cr. (2) (a) 2., am. (2) (c), eff. 7-1-90; r. and recr. (2) (a) 1., r. (2) (b) 1., renum. (2) (a) 2. and (2) (b) 2. to 5. to be (2) (a) 3. and (2) (b) 1. to 4., cr. (2) (a) 2., am. (2) (c), Register, November, 1990, No. 419, eff. 12-1-90.

HSS 172.06 Food and drink. The operator may not permit any food, drink, gum or tobacco, or glassware, breakable plastic or other utensils, containers or facilities for the service of food or drink to be taken into or used in the pool area. Food consumption and serving or vending equipment may be permitted in an area physically separated from the pool area.

History: Cr. Register, November, 1989, No. 407, eff. 12-1-89.

HSS 172.07 Recirculation system. (1) **GENERAL.** The recirculation system for the pool, consisting of filters, pumps, strainers, screens, disinfectant feeders, slurry or dry feeders and all related components, shall be operated continuously except for seasonal closing or during periods of necessary maintenance.