

CHAPTER 16

AQUATIC FACILITIES, AQUATIC VENUES AND PUBLIC BEACHES

Article 1. Definitions.

Sec. 16-101. “Aquatic Facility” means a physical place that contains one or more aquatic venues and support infrastructure.

Sec. 16-102. “Aquatic Venue” means an artificially constructed structure or modified natural structure where the general public is exposed to water intended for recreational or therapeutic purposes, including “spa” and “pool” as defined in this Chapter.

Sec. 16-103. “Cold Spa” means any basin less than 300 gallons with or without an aeration system, that is designed for single use occupancy at an operating temperature less than 60 degrees Fahrenheit.

Sec. 16-104. “Flotation Tank” means a tub that contains a standard solution of magnesium sulfate having a specific gravity of 1.23-1.3, provides a light and sound reduced environment, and is maintained at a temperature of 92 degrees to 96 degrees Fahrenheit.

Sec. 16-105. “Interactive Water Play Aquatic Venue” is an indoor or outdoor installation that includes sprayed, jetted, or other water sources contacting bathers and not incorporating standing, captured, or recirculated water as part of the bather activity area.

Sec. 16-106. “Properly Trained Operator” is an individual who has obtained a Certified Pool Operator credential from the Pool and Hot Tub Alliance or another nationally approved credential recognized by the Division.

Sec. 16-107. “Public Beach” means any natural or artificial waterway or impoundment or any portion thereof, which is used for swimming or wading purposes and is made available to persons other than an individual for the sole use of a household and house guests.

Sec. 16-108. “Spa” shall have the meaning contained in 410 IAC 6-2.1-18.

Sec. 16-109. “Pool” shall have the meaning contained in 410 IAC 6-2.1-10-13, and 17.

Sec. 16-110. “Registered Service Provider” is an individual who has obtained a Certified Pool Operator credential from the Pool and Hot Tub Alliance or another nationally approved credential recognized by the Division and has a current service provider registration with the Division.

16-111. “Summer-only” aquatic venue means a pool, spa, or public beach operating in any of the months of April through October.

Sec. 16-112. “Year-round” aquatic venue means a pool, spa, or public beach operating beyond April through October.

Article 2. Construction Permits For Aquatic Venues.

Sec. 16-201. A person may not construct or renovate an aquatic venue without a construction permit issued by the Division.

Sec. 16-202. Prior to beginning construction or significant renovation of an aquatic venue, a person shall submit the following to the Division with the construction permit application:

- (a) a permit fee of one hundred dollars (\$100).
- (b) an Aquatic Venue Construction Application approved by the Division.
- (c) information required by 675 IAC 20-2-1.
- (d) plans and specifications certified and sealed by a professional engineer or architect registered in Indiana and
- (e) fines and fees owed to the Corporation.

Sec. 16-203. The Division shall impose a fine of five hundred dollars (\$500) in addition to the construction permit fee of one hundred dollars (\$100), when a person starts or completes construction or significant renovation of an aquatic venue without obtaining a construction permit from the Division.

Sec. 16-204. Indoor aquatic facility air handling system design, construction, and installation shall comply with ASHRAE 62.1, 2019 or successor standard, and all applicable local, state, and federal laws.

Sec. 16-205. The construction or significant renovation of a public bathing facility is not approved, and may not be operated for patron use, until a compliance inspection conducted by the Division confirms compliance with 675 IAC 20.

Article 3. Operating Licenses and Fees for Aquatic Facilities.

Sec. 16-301. Operating Licenses.

- (a) A person may not operate an aquatic facility without a license from the Division.
- (b) To obtain or transfer to another person an aquatic facility license, a person shall:
 - (1) submit an Application For License to the Division,
 - (2) pay fines and fees owed to the Corporation, and
 - (3) comply with this Chapter, 410 IAC 6, and 675 IAC 20.
- (c) An operator shall post the license in a conspicuous place at the aquatic facility.
- (d) An operator shall post on the equipment room door the name and contact information of the Registered Service Provider or Properly Trained Operator responsible for maintaining the aquatic facility.
- (e) An operator shall not transfer a license to another location.
- (f) The Division will not refund a person for any unexpired period of the license.

Sec. 16-302. Fees.

- (a) The Division requires payment of the following annual operating license fees for aquatic facilities each year on or before March 1:

\$600 for the first year-round aquatic venue located at a site, plus;

\$310 for the first summer-only aquatic venue or cold spa located at a site, plus;

\$305 for each additional year-round aquatic venue located at a site, plus;

\$165 for each additional summer-only aquatic venue or cold spa located at a site.

(b) If an operator fails to submit a renewal Application For License and pay fines and fees owed to the Corporation by March 1:

(1) the aquatic facility operating license is void and the aquatic facility shall discontinue operation immediately;

(2) the Division requires a delinquent payment fee of twenty-five percent (25%) of the annual license fee in addition to the annual aquatic facility operating license fee.

(c) The Division reduces the annual operating license fee to fifteen dollars (\$15) for aquatic facilities which:

(1) only serve indigent recipients at no charge or fee to the recipient; and

(2) are operated by an organization, corporation, or association exempt from federal taxation under 26 USC 501(c).

The reduced fee does not apply to educational institutions.

(d) The Division reduces by one-half (1/2) the annual operating license fee for an aquatic facility not open in the previous licensing year submitting an operating license application after July 1.

(e) The Division requires an additional fee of one hundred dollars (\$100) for each reinspection.

(f) The Division requires a license transfer fee of one hundred dollars (\$100) to transfer an aquatic facility license to another person for the same location.

Sec. 16-303. Registered Service Provider Application and Fees.

(a) To become a registered service provider the following must be submitted:

(1) An application to the Division.

(2) A registration fee of \$25 per credentialed servicer.

(3) A servicer's credential from the Pool and Hot Tub Alliance or other nationally approved organization recognized by the Division and

(4) Payment of any outstanding fines or fees owed to the Corporation.

(b) To maintain registered service provider status, the following must be submitted by March 1 of each year:

(1) An application to the Division;

(2) A registration fee of \$25 per credentialed servicer;

(3) A servicer's credential from the Pool and Hot Tub Alliance or other nationally approved organization recognized by the Division; and

(4) Payment of any outstanding fines or fees owed to the Corporation.

Article 4. General Requirements For Pools and Spas.

Sec. 16-401. Pools and spas constructed or operated in Marion County shall comply with the requirements of 410 IAC 6-2.1, 675 IAC 20.

Sec. 16-402. Gates in fence enclosures required by 675 IAC 20-2-26(f) shall be equipped with self-closing latches.

Sec. 16-403. Fences required by 675 IAC 20-2-26(f) shall be constructed so as to afford no external handholds or footholds.

Sec. 16-404. An indoor aquatic facility air handling system shall be designed, constructed, installed, and maintained to support the health and safety of the building's patrons.

Sec. 16-405. Effective March 1, 2026, aquatic facilities shall be maintained under the supervision and direction of a properly trained operator who shall be responsible for the sanitation, safety, and proper maintenance of the pool or spa, all related equipment, and for daily record keeping. The properly trained operator may be an employee of the aquatic facility or a registered service provider.

Sec. 16-406. The properly trained operator or registered service provider shall provide their credentials on request from the Division.

Sec. 16-407. The properly trained operator or registered service provider must perform a minimum of one visit weekly for each aquatic venue and maintain records of each visit. The records shall include the following:

- (a) The condition of the circulation, filtration, and disinfection systems;
- (b) The condition of the on-site safety equipment;
- (c) The water chemistry test results performed; and
- (d) Any corrective actions taken.

Sec. 16-408. An aquatic facility without a properly trained operator or registered service provider on-site daily must appoint a responsible on-site person capable of testing and logging the water chemistry daily as required by 410 IAC 6-2.1.

Sec. 16-409. The Division shall revoke the registration of a registered service provider if the registered service provider fails to provide services in accordance with 410 IAC 6-2.1 and this Chapter. The Division may reinstate the registration of a registered service provider if the service provider:

- (a) Submits an Application For Registered Service Provider to the Division,
- (b) Pays fines and fees owed to the Corporation, and
- (c) Provides a corrective action plan in writing to the Division outlining how they will provide services in accordance with 410 IAC 6-2.1 and this Chapter.

Article 5. General Requirements For Public Spas.

Sec. 16-501. Aquatic venues shall not cause or produce a health or safety hazard.

Sec. 16-502. Interactive water play aquatic venues shall comply with 675 IAC 20-5.

Sec. 16-503. Flotation tanks shall be designed, constructed, installed, and operated in accordance with the North American Float Tank Standard.

Article 6. Standards For Public Beaches.

Sec. 16-601.

- (a) A public beach shall not be located in areas subject to pollution by sewage.
- (b) Toilet facilities shall be provided within five hundred (500) feet of the public beach, in the ratio of one (1) toilet per fifty (50) bathers.
- (c) Lavatory facilities shall be provided within five hundred (500) feet of the public beach, in the ratio of one (1) lavatory per fifty (50) bathers.
- (d) Water samples shall be collected weekly at the public beach for bacteriological examination and submitted to an approved laboratory for analysis. Results of the bacteriological examination must be submitted to the Division within 2 business days.
- (e) Water samples shall be collected within one (1) foot of the surface, in water having a depth of at least three (3) feet, but no more than six (6) feet and at least twenty (20) feet from swimmers and animals.
- (f) One (1) water sample shall be collected the week prior to opening, and one (1) water sample shall be collected each week the public beach is open thereafter.
- (g) The public beach must be closed if the beach water quality does not meet the following water quality standards:
 - (1) Escherichia coliform bacteria, using the membrane filter count, exceeds two hundred thirty-five (235) colonies per one hundred (100) milliliters in any one sample in a thirty (30) day period.
 - (2) The water has aquatic vegetation, deposits, growths, oil, grease, chemicals, or other substances capable of creating toxic reactions, skin, or membrane irritations, or a health or safety hazard.
- (h) A public beach closed due to unsatisfactory bacteriological conditions may reopen after a sample demonstrates the Escherichia coliform bacteria count is below two hundred thirty-five (235) colonies per one hundred (100) milliliters.

Sec. 16-602.

- (a) Whenever the public beach consists of an area less than the total area of the body of water utilized, the area used for swimming or bathing shall be partitioned with floating marker lines securely anchored with buoys, spaced at intervals of no more than twenty-five (25) feet. Marker lines shall delineate the separation between the shallow areas (less than five (5) feet deep) and the deep areas (greater than five (5) feet deep).
- (b) The public beach, from the shoreline out to a depth of six (6) feet, shall consist of sand or pea gravel or other material to minimize turbidity.
- (c) A minimum of twenty-five (25) square feet of water surface per bather shall be provided in areas having a water depth less than four (4) feet.
- (d) A minimum of seventy-five (75) square feet of water surface per bather shall be provided in areas with a water depth over four (4) feet.
- (e) A minimum of thirty-five (35) square feet of land area shall be provided per bather.

Sec. 16-603.

- (a) A qualified lifeguard is required for all public beaches. Lifeguards must be on duty at all times when the public beach is open for use.
- (b) A minimum of one (1) qualified lifeguard must be provided for every seventy-five (75) bathers.
- (c) Lifeguards shall possess a current nationally recognized certification in each of the following:

- (1) Beach, waterfront, or open water lifeguard training
- (2) Adult/infant/child cardiopulmonary resuscitation
- (3) First aid
- (d) Lifeguard certifications must be kept on site and available on request.
- (e) When on patron surveillance duty, lifeguards shall not perform any other duties, including instruction of a class or coaching, and shall not be in the water except in the line of duty.
- (f) Lifeguards on duty shall be identified with distinguishing equipment, apparel, or emblems.

Article 7. Closure Of Public Bathing Facilities.

Sec. 16-701.

- (a) An operator must close aquatic venue in accordance with 410 IAC 6-2.1. Such aquatic venues shall not be reopened for use until the hazardous condition has been corrected.
- (b) If an operator fails to close an aquatic venue as required in Sec. 16-701(a), the Division may take appropriate action to ensure that the aquatic venue is closed until the hazardous condition has been corrected.
- (c) The Division may post a sign notifying the public that the aquatic venue has been closed. It is a violation of this Chapter for any person other than the Division to remove or tamper with this sign.
- (d) It is a violation of this Chapter to reopen the aquatic venue without prior license reinstatement.

Article 8. Fecal Accidents

Section 16-801. In addition to complying with 410 IAC 6-2.1-44 and this Chapter, aquatic facility operators must immediately contact the Division to report any solid or nonsolid fecal accident. Aquatic facility operators shall report the following information:

- (a) Name and address of the aquatic facility.
- (b) Date and time of the fecal accident.
- (c) Approximate age of the person having the fecal accident; and
- (d) Any remedial or corrective actions taken.

[Gen.Ord. 1-2025 Passed 4/15/25 Effective Date 6/1/25]