

3701-31-01

**Definitions.**

- (A) "Automatic chemical controller" means equipment that continuously and automatically monitors the pH and biocidal activity (disinfectant residual or oxidation reduction potential (ORP) of the chlorine or bromine in the spa (or [an applicable public swimming pool](#)) through the use of an ORP sensor to regulate the dosing rate of added disinfectant between the desired set point and the actual measured value.
- (B) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.
- (C) "Circulation system" means an arrangement of mechanical equipment and/or components designed to ensure even distribution of heat, chemicals and filtration of recycled water throughout the public swimming pool. Circulation system includes filters, pumps, disinfection or other chemical reagent feed devices, piping, inlets, outlets, gutters or skimmers, and other components.
- (D) "Deep" means a water depth of more than five feet.
- (E) "Director" means the director of the department of health or his authorized representative.
- (F) "Health district" means any city or general health district created pursuant to section 3709.01 of the Revised Code.
- (G) "Imminent health hazard" means any condition that would present an undue risk of injury or illness including but not limited to the items listed in paragraphs (B)(1)(a) to (B)(1)(~~h~~[m](#)) of rule 3701-31-04 of the Administrative Code.
- (H) "Inlet" means a fitting or location in a public swimming pool through which water is returned to the public swimming pool from the circulation.
- (I) "Licensee" means the person specified on the application for a license to operate or maintain a public swimming pool, and to whom a currently valid license has been issued by the licensor having jurisdiction. If a transfer of the right to operate or maintain the public swimming pool has occurred and a license has been transferred under paragraph (B)(3) of rule 3701-31-03 of the Administrative Code, "licensee" means the person who is specified on the license application and to whom the license was transferred and does not mean the person who formerly operated or maintained the public swimming pool.

- (J) "Licensor" means a city board of health or a general health district, an authority having the duties of a city board of health as authorized pursuant to section 3709.05 of the Revised Code, or the director of the department of health when acting under section 3749.07 of the Revised Code. "Licensor" also means an authorized representative of any of these entities.
- (K) "Main drain" means an outlet located at or near the deepest portion of a public swimming pool.
- (L) "ORP" means oxidation-reduction potential, the measurement of the oxidizing and disinfecting condition of water as measured in millivolts.
- (M) "Outlet" means a fitting or location in a public swimming pool through which water is drawn from the pool to the circulation system.
- (N) "Person" means the state, any political subdivision, special district, public or private corporation, individual, firm, partnership, association, or any other entity.
- (O) "Plans" means all items that are required to be submitted to the director in accordance with paragraph ~~(D)~~(D) of rule 3701-31-05 of the Administrative Code and any additional information requested by the director for purposes of determining whether the public swimming pool will meet the requirements of this chapter.
- (P) "Project" means construction, installation, or substantial alteration of a public swimming pool.
- (Q) "Private residential swimming pool" means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the residents and their non-paying guests. For the purposes of this paragraph, "dwelling" includes an individual room or individual suite of rooms at a hotel, motel, or other establishment providing temporary lodging.
- (R) "Public bathing area" means an impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water.
- (S) "Public spa" means any public swimming pool that is typically operated as a smaller, higher temperature pool for recreational or nonmedical uses.
- (1) "Smaller" means less than five thousand gallons in volume.

- (2) "Higher temperature" means greater than ninety degrees Fahrenheit.
- (T) "Public swimming pool" means any indoor or outdoor structure, chamber, or tank containing a body of water that is intended to be used collectively for swimming, diving, or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for use. A public swimming pool does not mean any public bathing area or private residential swimming pool. As used within these rules, public swimming pool collectively means a public swimming pool, wading pool, public spa, special use pool or a spray ground, unless specifically identified. Any public swimming pool that received an exemption from licensure due to medical uses shall be licensed as a public swimming pool within one year of the effective date of this rule. Failure to become licensed will result in the public swimming pool being required to submit an application for plan review and approval in accordance with rules 3701-31-05 and 3701-31-05.1 of the Administrative Code.
- (1) "Diving" does not include professional stunt diving, theatrical diving performances and similar attractions if the body of water used for the stunt diving, theatrical performance, or other attraction is used exclusively for that purpose.
- (2) "Bathing" means any activity with a body of water, except for the following when used exclusively for the purpose of: ~~personal cleansing, religious ceremonies, medical purposes under the care of a professional certified by the Ohio state medical board pursuant to division (D)(1) of section 4731.053 of the Revised Code or participation in aquarium shows, professional stunt diving, theatrical performances, dunking tanks, and similar attractions if the body of water is used exclusively for that purpose.~~
- (a) Personal cleansing;
- (b) Religious ceremonies;
- (c) Participation in aquarium shows;
- (d) Professional stunt diving;
- (e) Theatrical performances; or
- (f) Dunking tanks and similar attractions.
- (3) "Structure, chamber or tank" means any container that does not possess both of the following characteristics:

- (a) The container is easily portable when empty; and
  - (b) The container is not capable of holding more than ~~one~~ two hundred fifty gallons of water.
- (U) "Recreational water illness" (RWI) means any illness spread by swallowing, breathing, or having contact with contaminated water or air at a public swimming pool.
- (V) "Safety vacuum release system" (SVRS) means a device that meets the requirements within ~~ANSI/ASME A112.19.17-2010~~ ANSI/APSP-16 2011 and when properly installed per manufacturer specifications, will release the vacuum or disable the pump immediately when a drain outlet becomes blocked and includes automatic pump shut-off systems (APSOS).
- (W) "Shallow" means a water depth of five feet or less.
- (X) "Slides" means a special feature at a public swimming pool that includes the following:
- (1) "~~Kiddee~~ Kiddie slide" means a slide not more than thirty-six inches in height and designed for use by young children.
  - (2) "Playground slide" means a straight or twisting slide with high sides, a starting platform and is not more than forty-two inches in height.
  - (3) "Recreational slide" means a slide with a starting platform less than three meters in height from the deck level.
  - (4) "Water slide" means a straight or twisting slide along which a continuous stream of water passes, down which patrons slide independently or riding on a sled or mat, and which empties into a catch pool or special use pool.
- "Catch pool" as used in these rules, means a pool specially designed and sized only to provide a safe splash down area for a water slide at a public amusement area licensed and inspected by the Ohio department of agriculture.
- (Y) "Special use pool" means a public swimming pool containing slides, wave generating equipment or other special features that necessitate different design and safety requirements. "Special use pool" does not include any water slide catch pool or

wave generating pool at a public amusement area which is licensed and inspected by the Ohio department of agriculture, pursuant to sections 1711.50 to 1711.57 of the Revised Code. As used in this paragraph:

- (1) "Special feature" includes, but is not limited to slides, wave-generating equipment, a zero depth entrance, a slow river, fountains, climbing walls, play features, [underwater shelf](#), or other water features.
- (2) "Public amusement area" means any place at which one or more water slides or wave-generating pools are located unless:
  - (a) Payment for using the water slide or wave-generating pool is included in the fee charged for using a facility that is not intended primarily for operation of amusement rides, as defined in section 1711.50 of the Revised Code, games, or similar attractions. Facilities not intended primarily for operation of amusement rides, games, or similar attractions include, but are not limited to, campgrounds, municipal parks, hotels, motels, apartment or condominium complexes, athletic clubs, and public swimming pools that also are used for swimming or diving; or
  - (b) The water slide or wave-generating pool is part of a facility that is not intended primarily for operation of amusement rides, games, or similar attractions and either no payment is required or a separate fee is charged for use of the slide or public swimming pool.
- (3) "Spray ground" means a special use public swimming pool for bathing and/or interaction with fountains, sprays, jets and other special features designed without standing water when the fountains are turned off so that users have full body exposure with circulated water.

[\(Z\) "Substantial alteration" means:](#)

- [\(1\) Construction that changes the depth, shape or other basic design features of a public swimming pool in a manner that affects patron safety or the circulation systems design;](#)
- [\(2\) Construction that adds a special feature;](#)
- [\(3\) Replacement of a deck, or changes to a deck slope, surface finish, or the basic design of the deck;](#)
- [\(4\) Construction, other than maintenance, that changes the perimeter barrier](#)

including, but not limited to design, height, configuration, and routes of access;

(5) Complete replacement of the circulation system, as defined in paragraph (C) of this rule;

(6) Installation of a diving board or diving stand, except for a replacement as provided in paragraph (B)(6)(bb)(vii) of rule 3701-31-04 of the Administrative Code, adding a movable fulcrum, changing the length of a board, installing or moving a stand, or changing the basic design of a diving board or diving stand;

(7) Replacement of all return piping, or all skimmer piping, from the filter room to the public swimming pool, or the main drain fitting and pipe;

(8) Replacement of a gutter overflow system or any number of outlets or more than fifty per cent of the total number of inlets; or

(9) Replacement of the following types of equipment:

(a) Any circulation, jet or special feature pump. Replacement of a pump motor with one that is similar and does not change the pump output beyond ten per cent is not a substantial alteration;

(b) Replacement of a disinfectant feeding device with a different method, capacity or disinfectant. Replacement of a disinfectant feeding device with one that uses the same method, capacity or disinfectant is not a substantial alteration; or

(c) Replacement of an individual filter with a filter using different media, a different filtration rate or backwash capacity. Replacement of a filter with one that uses the same media, and has the same filtration rate or backwash capacity is not a substantial alteration. All filter replacements shall be in accordance with paragraph (F)(5) of rule 3701-31-05.1 of the Administrative Code.

~~(Z)~~(AA) "Wading pool" means a public swimming pool that is a maximum of twenty-four inches deep.

~~(AA)~~(BB) "Water depth" means the depth as measured from the water level to the bottom of a public swimming pool.

~~(BB)~~(CC) "Water level" means the operating water level of the overflow system on a public swimming pool; for a skimmer system: that is the midpoint of the skimmer throat or, for a gutter system: that is the overflow rim of the gutter.

~~(CC)~~(DD) Incorporation by reference. This chapter includes references to certain matter or materials. The text of the incorporated materials is not included in the regulations contained in this chapter. The materials are hereby made a part of the regulations in this chapter. For materials subject to change, only the specific version specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.

(1) Availability. The materials incorporated by reference are available as follows:

(a) American society for testing and materials ([ASTM](#)). Information and copies may be obtained by writing to: "ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426-2959." These documents are available for purchase at [www.astm.org](http://www.astm.org). ASTM documents are also generally available at local public libraries and the state library of Ohio.

(b) American society of mechanical engineers ([ASME](#)). Information and copies may be obtained by writing to: "Information Central Orders/Inquiries, [Two Park Avenue, New York, New York 10016-5990](#) ~~P.O. Box 2300, Fairfield, New Jersey 07007-2300~~." These documents are available for purchase at ~~<http://catalog-asme.org>~~/<https://www.asme.org/shop>. ASME documents are also generally available at the state library of Ohio.

(c) American national standards institute ([ANSI](#)). Information and copies may be obtained by writing to: "ANSI Attn: Customer Service Department, 25 ~~W.~~[West](#) 43rd Street, 4th floor, New York, New York 10036." These documents are available for purchase at <http://webstore.ansi.org/default.aspx>. ANSI documents are also generally available at the state library of Ohio.

(d) Association of pool & spa professionals (APSP). Information and copies may be obtained by writing to: "Association of Pool & Spa Professionals, 2111 Eisenhower Ave., Alexandria, VA 22314." These documents are available for purchase at <http://apsp.org>. APSP documents are also generally available at the state library of Ohio.

(2) Incorporated materials.

- (a) ASTM ~~F441/F441M-99~~D1785 (2011), "Standard Specification for ~~Chlorinated~~ Poly (Vinyl Chloride) (~~CPVC~~PVC) Plastic Pipe, Schedules 40, ~~and 80, and 120.~~"
- (b) A112.19.8-2007 (2011), "Suction Fittings for Use in Swimming Pools, Wading Pools, Spas and Hot Tubs."
- (c) A112.19.17-2010, "Manufactured Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub, and Wading Pool Suction Systems."