

ORDINANCE # BOC 2026-01

TIPTON COUNTY BOARD OF COMMISSIONERS  
AN ORDINANCE REGULATING PUBLIC and SEMI-PUBLIC POOLS and SPAS

WHEREAS, the State of Indiana has statutes, regulations and rules which relate to and govern the design, construction and operation of public and semi-public pools and spas; and,

WHEREAS, the Tipton County Board of Commissioners has deemed it necessary to pass a new ordinance as requested by the Tipton County Health Department; and

WHEREAS; IC 36-1-3-2 grants the Board of Commissioners all of the powers they need for the effective operation of government as to local affairs; and

WHEREAS, IC 36-1-3-6 states that there is no constitutional or statutory provision requiring a specific manner for exercising a power, the Board of County Commissioners may adopt an ordinance prescribing the manner for exercising a power; and

WHEREAS, IC 16-20-1-19 authorizes and empowers the Tipton County Health Officer by and through the staff of the Tipton County Health Department to enforce the Indiana State Department of Health rules relating to public and semi-public pools and spas, as promulgated at 410 IAC 6-2.1-1 *et seq*; and

WHEREAS, the Tipton County Board of Commissioners desire to authorize and empower the Tipton County Health Officer by and through the staff of the Tipton County Health Department to implement enforcement of the Indiana State Department of Health rules relating to public and semi-public pools and spas.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Tipton County Board of Commissioners as follows:

1. This ordinance shall be in full force and effect upon its final adoption and publication as provided by law.
2. The Tipton County Auditor is instructed to publish notice of this ordinance and arrange for it to be codified as part of the Tipton County Code of Ordinances.

**Section 1.0 Incorporation of Provisions of the Indiana Administrative Code.**

The provisions of Indiana Administrative Code Title 410 IAC 6-2.1 *et seq* entitled Rule 2.1 - Public and Semi-Public Pools, as amended, and the provisions of 675 IAC 20 *et seq*

entitled Swimming Pool Code, as amended, are hereby incorporated and adopted by reference as part of this Ordinance, as if fully set forth herein. All references in this Ordinance to a provision of the Indiana Code (IC) or the Indiana Administrative Code (IAC) shall be understood as a reference to the code provision as it presently exists, and as it may be amended in the future.

**Section 2.0 Definitions.** For purposes of this ordinance, the definitions contained in 410 IAC 6-2.1-1 *et seq* are adopted herein and made a part hereof. The following additional definitions shall also be applied to assist the interpretation and enforcement of this ordinance.

- (a) "Certified Pool Operator ("CPO")" or "Certified Pool Technician ("CPT")" means an individual who has passed the certified pool-spa operator test by the National Swimming Pool Foundation or Aquatic Training Institute.
- (b) "Health Officer" means the Tipton County Health Officer, or their authorized representative. Authorized representatives may be agents or employees of the Tipton County Health Department acting on behalf of, or under authority delegated by, the Tipton County Health Officer in performing any duties of the Tipton County Health Officer.
- (c) "Owner" mean any individual, association, company, corporation, partnership, division of government or other group acting as a unit, trust, estate, agent or legal representative thereof who shall hold title to the real estate upon which the pool is placed, or who shall be legally responsible for the operations of the pool, or who shall be so named as the owner on the pool permit application.
- (d) "Person" means any individual, association, company, corporation, partnership, and division of government, agent, or other legal representative.
- (e) "Pool" means a structure, basin, chamber, or tank containing an artificial body of water for purposes of swimming, bathing, competition, instructional, relaxation, or recreational use and includes all related equipment, bath houses, structures, areas, and enclosures intended for the use of individuals using or operating the pool. This definition encompasses any type of swimming pool, slide pool, spa pool, wave pool, wading pool, diving pool, water slide, whirlpool, hot tub, spa, or similar structure. "Pool" shall include public or semi-public pools, but shall not include:
  - 1. Residential pools or residential spas constructed at and serving one (1) or two (2) family dwellings and maintained for the sole use of the private household and house guests;
  - 2. Portable hot tubs or other pools or spas operated for medical treatment, physical therapy, or other special purposes, that are drained and cleaned between each use and filled directly prior to each use;

(f) "Public pool" means any pool, other than those pools defined as a semi-public pool, which is intended to be used for swimming or bathing and is operated by a concessionaire, owner, lessee, operator, or licensee, regardless of whether a fee is charged for use. Nothing in this ordinance shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained for the sole use of the private household and house guests.

(g) "Semi-public pool" means any pool restricted for use by residents, members, or registered guests that is intended to be used for swimming or bathing and is operated solely for and in conjunction with: (1) hotels, motels, apartments, condominiums, bed and breakfasts, tourist homes, or similar facilities associated with lodgings; (2) camps or mobile home parks; or (3) membership clubs, churches, or associations. Nothing in this article shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained for the sole use of the private household and house guests.

(h) "Spa" means a pool designed for recreational or therapeutic, or both, use, commonly known as a hot tub or therapy pool, that is not drained, cleaned, and refilled after each use. The term may include, but is not limited to: hydrojet circulation; hot water; cold water; mineral baths; air induction systems; or any combination thereof.

### **Section 3.0 Minimum Operating Requirements for Pools and Spas.**

(a) All persons owning or operating a public pool or semi-public pool in Tipton County shall comply with the minimum sanitation and operation requirements specified by the Indiana Department of Health as now provided in 410 IAC 6-2.1 *et seq*, or as the same may be hereafter amended. Such regulation and any amendments thereto which may be hereafter adopted or promulgated are by reference incorporated herein and made part hereof, two (2) copies of which are on file in the Office of the Tipton County Health Department, available for public inspection.

(b) Each public pool or semi-public pool facility shall have at least one employee who is a Certified Pool Operator (CPO) or if a third-party service company provides routine maintenance, the outside service technician must be a CPO or CPT. Any individual who makes changes to the water quality, or performs routine maintenance of the pool/spa system components, must also be a Certified Pool Operator or Certified Pool Technician.

### **Section 4.0 Permit and Fee Requirements.**

(a) Permit Required. It shall be unlawful for any person to operate a public/semi-public pool or spa in Tipton County, Indiana, who does not possess a valid permit from the Health Officer. Such permit shall be posted in a conspicuous place on the premises of such pool or spa. Only persons who comply with the applicable provisions of the ordinance shall be entitled to receive and

retain such a license. Such permits shall be for a term of either one (1) year or for six (6) months, with such permits to be renewed annually on or before April 30, each year.

- (1) Any permit issued by the Health Officer shall contain the name and address of the person to whom a license is issued and such other data as the Health Officer deems necessary.

**(b) Permit Fees.**

(1) Public/Semi-public pools, or spas operating less than 6 months per year shall pay to the Tipton County Health Department, a license fee of one hundred fifty dollars (\$150.00) per pool, or spa, each year, submitted with the initial or annual permit renewal application, due on or before April 30. All license fees shall be payable on or before April 30, and shall be subject to the addition of a late penalty charge of one hundred fifty dollars (\$150.00) per pool, if submitted after the permit expiration date of that year.

(2) Public/Semi-public pools and spas operating year round, or for periods of 6 months or longer in Tipton County shall pay the Tipton County Health Department, a permit fee of Two hundred dollars (\$200.00) each year per each pool or spa. All license fees shall be payable on or before April 30, and shall be subject to the addition of a late penalty charge of Two hundred dollars (\$200.00) per pool or spa, if submitted after the permit expiration date of that year. Tax supported units of government and schools shall be exempt from the payment of the above-described fees.

(c) Pre-Operational/Opening Inspection Fees - All new and non-licensed Public/Semi-Public pools or spas are subject to a plan review and facility opening fee of one hundred dollars (\$100.00) due prior to permit issuance for the respective operational year. If a pool or spa has not been operational for a period of (1) one year they may become subject to the pre-operational/opening fee and pre-opening inspection, at the discretion of the Health Officer.

(d) Re-Inspection Fees - Public/Semi-public pools or spas operating during the respective operational year shall pay to the Tipton County Health Department, a re-inspection fee of \$100.00 submitted prior to the re-inspection by the Tipton County Health Department and re-opening of the pool. This fee must be paid each time the pool must be re-inspected for re-opening. The need for a re-inspection of any Public/Semi-public pool or spa facility is up to the sole discretion of the Health Officer if it is found that the facility is out of compliance with 410 IAC 6-2.1 et seq.

(e) Fee Amounts Subject to Change. All fees set forth in this ordinance are subject to change, from time to time. Any fee amount identified herein may be subsequently revised or amended to a different amount by being specifically added to, included as a part of, or set forth on the Health Department's approved schedule of fees, or by any fee ordinance amendment which is hereafter adopted by the Tipton County Board of Commissioners. In such case, the revised or new fee amount shall be that amount which is reflected in the most recent official action taken by the Tipton County Board of Commissioners.

## **Section 5.0 Inspection of Pools and Spas.**

(a) Authority to Inspect Facilities and to Copy Records. The Tipton County Health Officer, or their authorized representative, may enter public or private property at all reasonable times, upon producing proper identification, to inspect any public pool, semi-public pool or any spa in Tipton County for which a permit is or may be required. The person operating or owning any public pool, semi-public pool and/or spa in Tipton County shall, upon the request of the Health Officer, grant the Health Officer access to all pool and/or spa facilities and shall allow the Health Officer to inspect, conduct tests, collect samples and/or exhibits, and to examine and/or copy records maintained by the operator, and to carry out the requirements of this ordinance.

(b) Inspection of Facilities. The Tipton County Health Officer shall implement a program of inspecting facilities permitted under this ordinance. Each Public/Semi public pool facility will be subject to at least one (1) inspection annually, however, inspections may be performed as often as necessary for the efficient and effective enforcement of this ordinance.

(c) Written Report Serves As Official Notice and Order To Correct. If upon inspection, the Health Officer finds that the permitted facility is in violation of or any of the provisions of this ordinance, the Health Officer (or their authorized representative) shall issue a written narrative report which describes such violation(s) and fixes a time period within which to correct or remediate such violation(s). A copy of the written report shall be provided to the owner or permit holder or certified pool operator, and a copy shall be filed with the records of the Tipton County Health Department. The completed written inspection report or narrative report constitutes an official Notice of the inspection findings and an Order of the Health Officer to correct all violations found.

(d) Follow-up Inspections. The Health Officer's authorized representative, using their best professional judgment, after considering the nature of the violation(s) discovered, the actions

reasonably required to correct such violations, and any other relevant facts within their knowledge, shall determine and set the appropriate time frame for any secondary or follow-up inspection(s) that are needed.

## **Section 6.0 Compliance and Enforcement.**

(a) Immediate Temporary Suspension of Permit and Closure of Facility Possible. Certain violations may exist which create a greater risk or more immediate threat to the public health, if prompt action is not taken. Where certain violations are found to exist, the Tipton County Health Officer may temporarily and immediately suspend any permit issued under this ordinance, and, may further require the immediate closure of the pool or spa for which the permit has been temporarily suspended, until the Health Officer confirms that the conditions cited in the notice of suspension and/or a closure order have been remediated or no longer exist.

(b) Reasons or Conditions Which May Require Closure.

(1) The failure to meet Indiana State Dept. Of Health rule requirements relating to public and semi-public pools and spas concerning:

- (A) bacteriological requirements of 410 IAC 6-2.1, section 31(f);
- (B) disinfectant concentrations of 410 IAC 6-2.1, section 30(b); or
- (C) water clarity requirements of 410 IAC 6-2.1, section 31(a).

(2) The grate on the main drain is missing or broken, or failure to meet the drain safety requirements of 410 IAC 6-2.1-32(e).

(3) Failure to meet lifeguard requirements of 410 IAC 6-2.1, section 35, where applicable.

(4) A pump, filter, or disinfectant chemical feeder is not operational.

(5) A non-solid fecal accident.

(6) The spa water temperature exceeds one hundred four (104) degrees Fahrenheit.

(7) pH values less than 6.8 or equal to or greater than 8.0.

(8) If the Health Department determines a condition, situation, or installation is created, installed or maintained that may:

- (A) cause or result in a health or safety hazard; or
- (B) cause or transmit disease.

(c) Suspension of Permit. Any permit issued under this ordinance may be temporarily suspended by the Health Officer without notice of hearing, for a period not to exceed thirty (30) days, for any of the following reasons:

1. Unsanitary or other conditions which in the Health Officer's opinion endanger public health, or constitutes an imminent health hazard;
2. Interference with the Health Officer in the performance of their duties;
3. Repeated violations of 410 IAC 6-2.1 *et seq* as noted by the Health Officer or any of their authorized representatives, or failure to correct the same specifically identified violation on two (2) or more consecutive inspections.
4. The existence of any Reasons or Conditions Which May Require Closure which are identified in subsection (b) above.

(d) An owner or permittee may request a hearing to address concerns regarding the compliance actions taken by the Health Officer, however, a hearing request does not stay the Health Officer's imposition of a summary suspension and/or closure order. If a permit is suspended or revoked, the pool or spa must be made inaccessible to all bathers or other users, by use of locked doors or other effective barriers.

(e) Upon written application from the owner or permittee, served upon the Health Officer within fifteen (15) days after such notice of suspension was served, the Health Officer shall conduct a hearing upon the matter after giving at least five (5) days written notice of the time, place and purpose thereof to the suspended permittee; provided further, that any such suspension order shall be issued by the Health Officer in writing and served upon the permittee either by leaving a copy at his usual place of business or via a certified mailing to such address. Any person whose permit has been suspended may at any time make application to the local Health Officer for the reinstatement of his permit.

(f) At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why compliance with this ordinance should not be met. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitive evidence may be excluded.

(g) After such hearing, the Health Officer shall sustain, modify, or withdraw the notice, depending upon his or her findings as to whether compliance with the provisions of this ordinance has been met. If the Health Officer shall sustain or modify such notice, it shall be deemed to be a final Order, subject to the right of appeal and hearing before to the Tipton County Health Board.

(h) Revocation of Permit. The Health Officer may, after providing reasonable opportunity for hearing, revoke any permit issued under this ordinance for any of the following reasons:

1. Repeated violations of this ordinance or of 410 IAC 6-2.1 *et seq*, as noted by the Health Officer or any authorized representative, found in consecutive inspections;

2. Interference with the Health Officer in the performance of his or her duties; or
3. As a result of a license suspension which has exceeded 30 days.

(i) Before revocation, the Health Officer shall notify the owner or permit holder or the person(s) in charge, in writing, of the reasons for which such permit is subject to revocation. The permit to operate the pool or spa shall be revoked at the end of fifteen (15) days following service of such notice unless a written request for a hearing is filed with the Health Officer within the fifteen (15) day period. If no request for hearing is filed within the fifteen (15) day period, the revocation of the permit to operate the pool or spa pool becomes final.

**Section 7.0 Enforcement Interpretation.** The Health Officer may initiate any procedures as he or she deems necessary or convenient for proper enforcement of the purpose and intent of this ordinance. Such procedures may include, for example, the issuance of: violation notices, orders to abate, permit suspensions, and facility closure orders. Procedures may further include, but are not limited to, establishing reasonable rules for hearing procedure, scheduling and conducting administrative hearings, assessing monetary penalties which are authorized under this ordinance, or, requesting the county attorney to institute a court proceeding for the enforcement of any ordinance violation.

**Section 8.0 Penalties.**

(a) Upon finding a violation of this ordinance, the violator shall be punished for the first offense by a fine of not more than Five Hundred Dollars (\$500.00); for the second offense by a fine of not more than One Thousand Dollars (\$1,000.00); and for a third offense and each subsequent offense by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00). Each day of operation of a permitted facility in violation of this ordinance or after the expiration of the time limit for abating unsanitary conditions or in completing improvements or any other violations as described in 410 IAC 6-2.1 *et seq* to abate such conditions as ordered by the Health Officer shall constitute a distinct and separate offense.

**Section 9.0 Conflict of Interest.**

(a) No Tipton County official shall conduct himself or herself in a manner that is or could have the appearance of a Conflict of Interest.

**Section 10.0 Severability Clause.**

(a) Should a section, paragraph, sentence, or part of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

**Section 11.0 Repeal of Conflicting Ordinances and Effective Date.**

(a) Any existing ordinances or parts of those ordinances which are in conflict with this ordinance are hereby repealed, and, this ordinance shall be in full force and effect after its adoption and publication as provided by law.

SO ORDAINED THIS \_\_\_\_ day of \_\_\_\_\_ 202\_\_ .

TIPTON COUNTY BOARD OF COMMISSIONERS by:

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Dennis L. Henderson

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Nancy Cline

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Tracy Powell

ATTEST:

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Jon DeBaun  
Tipton County Auditor

Reviewed by: \_\_\_\_\_  
Mark R. Regnier #13757-80  
Tipton County Attorney