

Union County Health Department

Bathing Beach Regulations

Section 1: Definitions

1.1: "Bathing" shall mean to become partially or totally immersed in a body of water related to swimming, wading, or diving, but excluding fishing, scuba diving, boating, waterskiing and wakeboarding.

1.2: "Bathing Beach" shall mean an impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water intended to be used by the general public for bathing.

1.2.1 "Public Bathing Beach" shall mean an impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water intended to be used by the general public for bathing, whether or not a fee is charged."

1.2.2. "Community Bathing Beach" shall mean public bathing beach, which is not offered for use by the general public, but is for the exclusive use of the members of an association, partnership, corporation, or other select group, whether or not a fee is charged.

1.3: "Beach Closure" shall mean the closure of a bathing beach due to an imminent public health hazard, such as a sewage overflow, pollution spill, harmful algal bloom, or similar pollution problem occurring at or proximate to a bathing beach.

1.4: "Board of Health" shall mean the Board of Health of the Union County combined general health district.

1.5: "*Escherichia coli (E. coli)*" shall mean a specific bacterial species included in the fecal coliform bacteria group, the presence of which in surface waters has been correlated with gastrointestinal illness in swimmers, as specified in Rule 3745-1-02 of the Ohio Administrative Code.

1.6: "Inspection" shall mean an environmental evaluation of a beach that will identify potential health and safety hazards associated with a bathing beach conducted by the Board of Health.

1.7: Omitted.

1.8: "Operator" shall mean any person, firm, company, corporation, or association that owns, controls, operates, conducts, or manages a bathing beach.

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1.9: "Permit", for the purposes of these rules, shall mean a certificate issued by the Board of Health permitting the Operator to operate a bathing beach.

1.10: "Person" shall mean the state, any political subdivision, special district, public or private corporation, individual, firm, partnership, association, or any other entity.

1.11: "Surface Waters (of the state)" shall mean all streams, lakes, reservoirs, ponds, marshes, wetlands, or other waterways situated wholly or partially within the boundaries of the state, except those private waters which do not combine or effect a junction with natural surface or underground waters, as specified in Rule 3745-1-02 of the Ohio Administrative Code.

1.12: "Water Quality Advisory" shall mean a notification to the public of an exceedance of applicable water quality standards based upon water quality monitoring tests.

1.13: "Water Quality" refers to the standard used to determine whether a body of water poses a risk to human health as a result of bacterial contamination or the presence of harmful algal bloom and/or toxins.

1.14: "Watershed" shall mean an area of land that drains to a stream, river, lake, or other body of water.

Section 2: Permits

2.1: Any person operating a community or public bathing beach in the Union County Combined General Health District shall obtain an annual permit to operate from the Board of Health. The permit shall serve as written authorization to operate the beach, as required under these regulations.

2.2: The permit period shall coincide with the state's swimming pool program (OAC 3749.04) licensing period. If the state does not have a pool program licensing period then the permit shall be valid from May 1st, through April 30th of the following year.

2.3: Existing bathing beach permits shall be renewed annually by May 1st.

2.4: The permit shall be posted in a conspicuous location at the bathing beach facility.

2.5: Facilities in operation before the effective date of these regulations shall have until May 1st, 2026 to come into compliance and secure a license.

Section 3: Fees

3.1: The Board of Health may establish fees for permitting, inspecting, and water quality monitoring of bathing beaches under the parameters in Section 3709.09 of the Revised Code.

3.2: If a permit is not renewed by May 1st for existing bathing beaches, the Board of Health may require payment of a late fee of twenty five percent (25%) of the permit fee.

Section 4: Plan Review

4.1: No person shall construct a new bathing beach, or substantially modify an existing bathing beach, until plans and specifications have been submitted to and approved by the Board of Health.

4.2: Plans shall include the following information:

4.2.1: A topographical map of the proposed or existing bathing beach.

4.2.2: A map showing the total acres, slopes and depths of the proposed or existing bathing area.

4.2.3: A detailed description of the watershed and any possible sources of contamination.

4.2.4: The location of any utility services that may be near or cross the proposed bathing area.

4.2.5: The locations of roads, sanitary sewers, storm sewers, household and commercial sewage treatment systems, drinking water supplies, bath houses, toilet facilities, and any other pertinent information to the area.

4.2.6: The location of life guard chairs, swim and dive platforms, and any special features (slides, etc.), if applicable.

4.3: Within thirty days of receiving plans the Board of Health shall conduct a preliminary sanitary survey of the proposed or existing bathing beach and issue a report within 30 days of the survey. The written report shall be provided to the operator regarding the suitability of the bathing beach and will include any required changes to the submitted plans to assure compliance with these rules and/or recommendations regarding additional factors which may affect bather health and safety.

4.4: If the proposed bathing beach does not have a record of safe water samples, then a water sample must be submitted as required under Section 8 or these rules, "Water Quality". Additional samples may be required during the first year of operation to establish a baseline.

4.5: A fee shall be charged for the review of plans, which will be fifty percent (50%) of the permit fee.

Section 5: Health and Safety Requirements

5.1: Bathing beaches with diluting water shall provide a minimum 500 gallons of diluting water per bather per day.

5.2: Bathing beaches without diluting water shall not be less than three acres water surface area in size.

5.3: Bathing beaches without diluting water shall maintain a bather load of not more than fifty persons per acre of water surface.

5.4: All bathing areas shall be clearly marked with ropes, buoys, poles or another type of conspicuous marking that is easily identified.

5.5: The bottom of the bathing area shall be free from holes, steep slopes, and sharp objects.

5.6: Bathing areas less than five feet in depth shall have a bottom that consists of sand, gravel, stone, or another acceptable material to eliminate any unusually turbid (muddy) condition of the bathing water under normal use conditions.

5.7 Bathing shall not be permitted during time of undue high turbidity due to natural occurrences.

5.8: Bathing in waters of extreme depth, defined as twelve (12) feet or more, should be prohibited.

5.9: Water depths in diving areas shall conform to the standards in Chapter 3701-31 of the Ohio Administrative Code.

5.10: All equipment and property shall be maintained in good repair at all times.

5.11: Night swimming shall only be permitted where adequate artificial lighting is available to illuminate the beach area.

5.12: Health and safety rules shall be developed by the operator and the rules shall be posted conspicuously near the bathing area.

5.13: All community bathing beach bathing areas shall maintain a first-aid kit containing the contents of a twenty-four-unit kit as recommended by the American Red Cross, or equivalent as approved by the Board of Health.

5.14: A telephone shall be readily available at all bathing areas. A list of emergency numbers shall be posted near the telephone. If a phone cannot be readily provided, then signs must be posted indicating that no phone is available.

5.15: It is recommended, but not required, that a minimum of one square-sterned boat equipped with oars that holds at least two persons and a ring life buoy shall be provided for bathing areas greater than 3 acres water surface area in size.

5.16: Any person suspected of having an infectious and/or communicable disease shall not be permitted to use the bathing area. Any person who has been refused entry to the bathing area under this section may be granted such entry upon presentation of a written statement from a physician that the condition is not infectious and/or communicable.

5.17: All community bathing beaches shall provide a ring life buoy is required for each 300 lineal feet of bathing area shoreline or fraction thereof. Ring life buoys shall be at least fifteen inches in diameter with seventy-five feet of rope attached. Equipment provided in the boat identified in 5.15 and/or at life guard stations count towards this total.

5.18: All beach areas shall be kept free of litter, dead fish, broken glass, and all other types of solid waste. On days of operation, community bathing beaches shall be checked daily before opening; public bathing beaches shall be checked at least once per week during the operating season.

5.19: Refuse containers shall be provided in sufficient numbers to assure that litter and other types of solid waste do not accumulate on the beach area.

5.20: Diving areas, drop offs, underwater obstructions, or any other water safety hazards should be identified utilizing marker lines with floats, or equivalent.

Section 6: Life Safety

6.1: It is highly recommended that Bathing Beaches provide qualified lifeguards.

6.1.1: A qualified lifeguard shall mean an individual who meets or surpasses the minimum requirements for a lifeguard as enumerated in Chapter 3701-31 Swimming Pools of the Ohio Administrative Code.

6.2; In the absence of qualified lifeguards, Bathing Beaches shall comply with the following:

6.2.1: No swimming shall be permitted greater than sixty (60) feet from the shore.

6.2.2: No swimming in water deeper than sixty (60) inches deep

6.2.3: The perimeter of this area must be clearly identified by marker lines with floats, buoys or the equivalent.

6.2.4: A sign shall be conspicuously placed stating the following, at a minimum:

“DANGER - NO LIFEGUARD ON DUTY
Children must be supervised by an adult. Swim in buoyed areas only.
In case of emergency – call 9-1-1.”

6.2.5. The signal word shall be readable at a minimum distance of five feet (1.52 m) or such greater distance as warranted by the hazard.

6.3: If a Bathing Beach provides lifeguards then at least one qualified lifeguard shall be on duty for each 300 linear feet of occupied bathing area shoreline at all times of operation.

6.3.1: At least one elevated lifeguard station shall be provided for each 300 lineal feet of bathing area shoreline.

6.3.2: Each occupied lifeguard station shall have the following equipment: a ring life buoys with at least fifteen inches in diameter and including seventy-five feet of attached rope and at least 1 rescue tube or rescue buoy.

6.3.3: All water surface areas being used by bathers shall be within the field of vision of a qualified, on duty, lifeguard.

6.3.4: A lifeguard shall be considered on duty when he/she is occupying an elevated lifeguard chair situated to provide the lifeguard with a clear, unobstructed view of his/her respective territory of observation.

Section 7: Bathhouse Areas

7.1: If provided, all bathhouses shall be constructed in accordance with all applicable state and local building and plumbing codes and shall contain the required number of fixtures (urinals, toilets, sinks, showers, drinking fountains, etc.).

7.2: If permanent toilet facilities are available then such facilities will conform to the applicable building code. If permanent facilities are not provided, then temporary facilities, i.e. a holding tanks and/or privies, or portable toilets and/or portable sewage tanks, shall only be installed by a registered installer when authorized and permitted by the board of health in compliance with chapter 3701-29 of the administrative code.

7.3: If hand washing facilities are provided, then the facilities shall be supplied with hot and cold or warm water, soap and a mechanism to allow individuals to properly dry their hands. Using an alcohol-based hand sanitizer shall be considered an acceptable method of hand washing, if no hand washing facilities are provided.

7.4: If provided, all bathhouses and their components shall be maintained in good repair and shall be kept clean and free from any accumulations of filth, garbage, rubbish, or other waste.

7.5: All sewage shall be disposed of in a public sanitary sewerage system or by another method approved by the Ohio Department of Health, Board of Health or Ohio Environmental Protection Agency, whichever is applicable.

7.7: All water used for human consumption and/or as part of preparing food in a food service operation as defined in Chapter 3701-21 of the Ohio Administrative Code shall be of adequate quantity and potable quality.

Section 8: Water Quality

8.1: As a condition of the permit, the operator consents to the Board of Health or its designee entering the premises to collect water quality samples.

8.2: Samples taken from bathing areas shall not contain more than 235 colony forming units of *E. coli* per 100 ml of water sampled.

8.3: If the results of water sample analysis indicate the water quality standard in rule of this section has been exceeded, the Board of Health shall issue a water quality advisory to the operator of the bathing beach.

8.4: Upon receipt of the water quality advisory, the operator shall post a water quality advisory sign to inform the public that the current water quality standard has been exceeded. The sign shall contain the following language:

“WATER QUALITY ADVISORY

Bacterial levels currently exceed State standards. Children, the elderly, and those in ill health are advised not to swim. Full body water contact may cause illness.”

The sign shall be weatherproof and posted in a conspicuous location and sized so it can be easily seen by all bathing beach patrons and readable at a minimum distance of five feet (1.52 m) or such greater distance as warranted by the physical environment.

8.5: A water quality advisory shall be withdrawn when water samples taken from bathing areas do not exceed the water quality standard in rule 8.2 of this section.

8.6: The Board of Health may increase water sampling frequency at bathing beaches where it issued a water quality advisory in order to withdraw the advisory in an expedited manner. The bathing beach operator may be assessed the cost of additional samples resulting from a water quality advisory.

8.7: Water samples shall be obtained through approved sampling methods.

8.8: The Board of Health shall issue a beach closure due to an imminent public health hazard such as a sewage overflow, pollution spill, or similar pollution concern occurring at or proximate to a bathing beach.

8.9: The Board of Health shall issue a beach closure due to the identification of Harmful Algal Bloom as determined by a state authority.

8.10: When a bathing beach is closed under paragraph 8.8 above, the operator shall conspicuously post signs stating, “WARNING – BATHING BEACH CLOSED” at all entrances, and shall prohibit entry into the bathing beach area.

Section 9: Inspections

9.1: The Board of Health shall conduct an inspection at each permitted bathing beach in the Union County Combined General Health District at least two times during the operating season.

9.1.2. The Board of Health shall collect a water quality sample at least once per operating season. The sample will be drawn while conducting an inspection.

9.2: Information gathered during each inspection shall be documented on a form provided by the Board of Health, and the results of each sanitary survey shall be provided to the operator.

Section 10: Responsibility of Owner

10.1: Each bathing beach shall be under the supervision of a competent operator or designee who shall maintain the bathing beach and all its components in a safe and sanitary manner.

10.2: The operator shall maintain documentation indicating all on duty lifeguards meet the requirements in section 6 of this rule if applicable.

10.3: The operator shall maintain a record of all accidents, rescues, and cases where first-aid treatment was provided by a qualified lifeguard. These records shall be provided promptly to the Board of Health upon request. Animal bites shall be reported to the Board of Health within 24 hours on a form provided.

Section 11: Variances

11.1: The Board of Health may grant a variance from the requirements of these rules if such variance will not be contrary to the public interest, where a person shows that, because of practical difficulties or other special conditions, their strict application will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of these rules or be otherwise contrary to the public interest. A variance request shall follow the normal procedure for variance requests review by the Board of Health.

Section 12: Penalties

12.1: Any person who violates any requirement of this regulation or any order issued pursuant thereto, shall be subject to the penalties in the Ohio Revised Code and any other administrative and/or legal action that may be deemed appropriate by the Board of Health of the Union County General Health District. Specifically, any person who violates, or causes to be violated, any of the stipulations and/or requirements in this regulation shall violate Section 3707.48 of the Ohio Revised Code and shall be subject to the penalties provided for in Section 3707.99 of the Ohio Revised Code. Each and every violation of this regulation shall constitute a separate offense.

Section 13: Unconstitutionality Clause

13.1: If any section, subsection, sentence, clause, or phrase of these regulations for any reason is held to be unconstitutional, void, or invalid, the validity of the remaining portion of these regulations shall not be affected.

Section 14: Rule Review

14.1: The Union County Board of Health shall review, and revise as necessary, these regulations at least every five years.

These regulations have been reviewed and adopted by the Union County Board of Health on October 20, 2021.