

Ordinance 2025-06

Whereas rules and Regulations of the Grant County Health District Provide Amendments and Additions to WAC 246-260 Regarding Water Recreation Facilities, BE IT ORDAINED BY THE BOARD OF HEALTH OF THE GRANT COUNTY HEALTH DISTRICT AS FOLLOWS:

Section 1 Amends WAC 246-260-001 Authority.

- (1) Pursuant to the authority of R.C.W. 70.05.060 (Powers and duties of local board of health.), these regulations are hereby established as minimum requirements of the Grant County Board of Health governing water recreation facilities.

Section 2 Amends WAC 246 -260-020 Administration.

- (1) Washington Administrative Code Chapter 246-260 governs water recreation facilities as now written or as it may be hereafter amended and this Ordinance supplements those rules. Where the provisions of Chapter 246-260 and the amendments of this ordinance conflict, the stricter regulation shall apply.
- (2) Where the provisions of any local, State, or Federal regulation shall conflict with this ordinance, the stricter regulation shall apply, with the order of enforcement proceeding from federal, state, then Health District.

Section 3 Amends WAC 246-260-010 Definitions

“Annual” means a Water Recreation Facility operating more than 180 days per year.

“Critical Violation” means any violation of WAC 246-260 for which closure is recommended on the Water Recreation Facility inspection report and which is potentially an immediate cause of injury or illness to include the following:

- a. Improper disinfectant level, (Enforcement of Pool Regulations, Guidelines for Local Health Jurisdictions, Appendix B defines “very low” and “very high” levels of disinfectant WAC 246-260-999 Appendix A, Table 111.1)
- b. Inadequate barrier, (WAC 246-260-031 (4))
- c. Main drain grate broken, missing or not secured. (WAC 246-260- 031 (8) (e))

- d. Pump not operating (WAC 246-260-031 (9))
- e. Filtration system not operating (WAC 246-230-031 (16))
- f. No lifeguard or other attendant when required (WAC 246-260-131 (6))
- g. PH level too high or too low (WAC 246-260-999 Appendix A, Table 111.2)
- h. Water clarity inadequate: main drain or pool bottom not visible (WAC 246-260-999 Appendix A, Table 111.2)
- i. Spa temperature exceeds 104F (WAC 246-260-999 Appendix A, Table 111.2)

“**GCHD**” means Grant County Health District.

“**Health Officer**” means the Health Officer of Grant County or designee.

“**Operator**” means the person responsible for the maintenance and water quality of a water recreation facility.

“**Ordinance**” means this Grant County Health District ordinance regulating water recreation facilities.

“**Regulatory Authority**” means an employee of the Grant County Health District authorized to conduct inspections of water recreation facilities.

“**Seasonal**” means a Water Recreation Facility operating up to 180 days in a calendar year.

“**WRF**” means water recreation facility, including but not limited to swimming pools, spas, and wading pools.

Section 4 Amends WAC 246-260 Inspections and Enforcement

- (1) Whenever the Regulatory Authority inspects a water recreation facility and discovers that any of the requirements of WAC 246-260 or this ordinance have been violated, he/she shall notify the person in charge of such violations by means of an inspection report or other written notice.
 - (2) Whenever the Regulatory Authority finds a Critical Violation or other condition which poses an immediate hazard to health and safety the following action shall be taken.
 - a. A written description of the violation shall be made on the inspection report and a copy given to the permit holder or operator citing the condition and specifying the corrective action to be taken
 - b. If the violation cannot be corrected during the time of inspection, the inspection report shall include a notice of permit suspension until such time that correction of the condition cited can be verified by the Regulatory Authority.
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- c. Any WRF requiring a suspension of the permit to operate shall be closed.
- d. If a WRF with a suspended permit continues to operate or re-opens without the authorization of the Regulatory Authority, the operation shall be considered in violation of this ordinance.
- e. Any WRF requiring a suspension of the permit to operate shall be closed

(3) Closure of the WRF is required if a critical violation as defined in this policy is found during an inspection.

(4) For critical violations regarding level of disinfectant, pH, water temperature, or no lifeguard, closure is required until the required correction is completed unless otherwise specified below.

- a. The Regulatory Authority may allow the operator to re-open the WRF following correction without verification by the GCHD if the following conditions are met:
 - i. A written or electronic (fax or e-mail) message is sent to the GCHD by the WRF operator regarding the action taken before re-opening.
 - ii. The WRF operator makes an entry in the daily water quality log of the time closed, action taken, and time re-opened.
 - iii. A reinspection is conducted.
 - iv. If the Regulatory Authority finds during a reinspection that the WRF continued operation although the correction was not completed, the WRF may be closed until the correction is completed and verified by reinspection.
 - b. At the discretion of the Regulatory Authority, the WRF may be required to remain closed until correction is verified by reinspection.
 - c. If the operator is available to immediately begin work on disinfectant levels defined as “low” but not “very low” and “high” but not “very high” closure is required but a reinspection may not be required as long as the operator submits disinfection and pH records to GCHD in writing for the five days following the inspection.
 - i. The records must be submitted by the sixth day following the inspection.
 - ii. If the operator fails to submit the required records and/or follow reopening procedures in 4(4)(a)i and ii of this policy, a reinspection and any associated fees will be required.
 - d. If the manager of the WRF or other responsible person is not available, notice of closure will be posted by the Regulatory Authority.
 - i. If notice of closure is posted by the Regulatory Authority, the WRF may not be re-opened without first obtaining permission of the Regulatory Authority.
 - ii. If the Regulatory Authority posts a notice of closure, he/she shall notify the owner/manager listed on the permit application by telephone or e-mail the day the notice is posted.
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- (5) For critical violations regarding water clarity, main drains, filtration system, inadequate barrier, and pump operation, the WRF will be closed until correction is verified by reinspection and permission is given by GCHD to reopen.
- (6) Whenever a reinspection is required, the current GCHD fee schedule shall apply.
 - a. A written inspection report shall be required to document a reinspection.
- (7) GCHD staff may conduct non-regulatory visits to the water recreation facility or in the GCHD office for educational purposes at its discretion and after consultation with the Environmental Health Manager. GCHD staff will provide a written report documenting the educational visit. There is a maximum of one educational visit per calendar year per water recreation facility.

Section 5 Amends WAC 246-260-9901 Fees

- (1) The fee for WRF permits is established by the current GCHD fee ordinance.
 - (2) Permits for WRF shall expire on December 31 and must be renewed each year. Permits cannot be transferred between people or locations.
 - (3) Permits for an annual WRF must be obtained by January 1.
 - a. If the permit fee and renewal application for an annual operation are received after January 31, a fine equivalent to the amount of the permit will be levied.
 - b. If the permit fee and renewal application for an annual operation are received after February 28 (or 29), the operation shall be considered in violation of this ordinance.
 - c. Payment and renewal application must be received by close of business in the Health District office on the day due for payment or postmarked on the day due for payment.
 - (4) Permits for a seasonal WRF must be obtained before the first day of operation.
 - a. If a seasonal WRF fails to obtain a permit prior to opening, a fine equivalent to the amount of the permit will be levied and if more than (thirty) 30 days delinquent, the operation shall be considered in violation of this ordinance.
 - (5) If the new owner of a permitted WRF does not obtain a permit within thirty (30) days after beginning operation, a fine equivalent to the amount of the permit will be levied, and if more than sixty (60) days delinquent, the operation shall be considered in violation of this ordinance.
 - (6) If a WRF has reinspection fees that are more than forty-five (45) days delinquent, its permit to operate may be suspended upon written notice. If a WRF has reinspection fees that are more than ninety (90) days delinquent, its permit to operate shall be suspended upon written notice.
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Section 6 Penalty

- (1) Anyone failing to comply with any of the terms of this ordinance shall be in violation of this ordinance. The Health District may proceed to commence a civil action to recover a penalty of \$500 for each violation of this ordinance. Each day a continuing violation exists shall be considered a separate violation.
- (2) In conjunction with or as an alternative to civil action the Health District may move to enjoin any violations of this ordinance.

Section 7 Appeals

- (1) Any person requesting appeal of an action by GCHD staff regarding the administration of these rules may appeal in writing to the Health Officer within ten (10) days of a written notice or directive of the District. If the written appeal does not provide sufficient evidence for the Health Officer to change the GCHD staff decision:
 - a. First Appeal: Within 30 days after receipt of an appeal, the Health Officer may conduct an administrative hearing in the disputed matter.
 - i. The hearing may include taking evidence oral and written from GCHD staff, the party aggrieved, and witnesses.
 - ii. A decision will be given in writing to the person or party making the appeal.
 - iii. Such administrative hearing may take place sooner than 30 calendar days if the aggrieved party shows extraordinary hardship or duress caused by the GCHD staff decision
 - b. Second Appeal: Following a written request to the Health Officer, within ten (10) days of the Health Officer's written decision, any person not satisfied with the Health Officer's decision or the results of the administrative hearing shall make a written request for a meeting with the Grant County Board of Health.
 - i. The appellant will be provided the opportunity to address the Board of Health at the next regularly scheduled meeting, or sooner if the aggrieved party demonstrates extraordinary hardship or duress caused by the Health Officer's decision.
 - ii. The matter under appeal will be decided by a majority vote of the Board of Health.
 - (2) Any WRF who has had their permit denied, suspended, or revoked or had a civil penalty levied may request an administrative hearing. The hearing must be requested in writing within ten (10) days of permit denial, suspension, or revocation or levied civil penalty.
 - (3) Pending hearings or appeals shall not stay the orders of the Regulatory Authority.
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Section 8 Corrections

The Board Clerk is authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance number, section/subsection numbers and any thereto.

Section 9 Severability

If any section, sentence, clause, or phrase of this ordinance should be held to be invalid, the invalidity thereof shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance

Section 10 Effective Date

This ordinance will take effect January 1, 2026 upon passage by the Board of Health, notice of consideration having previously been published.

Passed by the Grant County Board of Health and signed by its chair on December 10, 2025.

ATTEST:

Rita Morfin, Clerk of the Board

Tom Harris, Chair

Approved as to form

Katherine Kennison, Health District Attorney

