

Public Health Bylaw (Public Pools)

Introduction

This bylaw is made under section 145 of the Local Government Act 2002 and section 64 of the Health Act 1956. The bylaw was adopted on 1 July 2008 and amended on 26 June 2019.

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1. Purpose

- 1.1 The purpose of this bylaw is to promote, protect and maintain public health and safety at public swimming pools.

2. Interpretation

- 2.1 In this bylaw, unless the context otherwise requires—

authorised officer means an enforcement officer authorised under the Local Government Act 2002, a public health inspector authorised under the Health Act 1956, or any other person appointed as an authorised officer by Council for the purposes of administering and enforcing this bylaw

actively supervised means watching any dependent child at all times and being able to provide immediate assistance

certificate of registration means a certificate issued by the Council in accordance with clause 3.3 of this bylaw

operator means any person who operates a public pool

public pool means a water-retaining structure, wholly or partially of artificial construction and generally having a circulation and filtration system, designed for recreational, training or therapeutic use and includes commercial, school, institutional, club, hospitality, community, local authority pools and splash pads. It does not include pools for domestic use only.

- 2.2 Any explanatory notes and attachments are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without formality.

3. Public pools to have certificate of registration

- 3.1 Any person who operates a public pool must:

- (a) hold a valid and unexpired certificate of registration; and
- (b) clearly display the certificate at the principal entrance or reception of the pool so as to be readily visible to the public to the satisfaction of an authorised officer.

- 3.2 An application for a certificate of registration for a public pool must be made:

- (a) on the form provided by the Council for that purpose;
- (b) include all information required; and
- (c) be signed by the operator.

- 3.3 The Council may issue a certificate of registration for a public pool, with or without conditions, having regard to:

- (a) the results of any inspection of the public pool by an authorised officer;
- (b) whether water quality complies with the New Zealand Standard on Pool Water Quality (NZS5826:2010) and, if not, the extent of any non-compliance;
- (c) whether there has been any non-compliance with this bylaw; and
- (d) whether at least one person involved in water treatment and testing of the pool has successfully completed training from a registered New Zealand Qualifications Authority (NZQA) training establishment covering *Unit Standard 20046 monitor pool water quality and store pool water treatment chemicals*.

- 3.5 A certificate of registration expires 12 months from date of issue unless otherwise provided by condition.

- 3.6 A certificate is personal to the operator and is not transferable.

4. Premises and equipment to be clean

- 4.1 All public pool areas and associated facilities and equipment must be maintained in a clean and hygienic condition.

5. Compliance with pool water quality standard

- 5.1 The operator of a public pool must ensure that the pool and premises comply with the New Zealand Standard on Pool Water Quality (NZS 5826:2010).

- 5.2 The operator of a public pool must ensure that, at all times during the currency of a certificate, at least one person who is involved in water treatment and testing of

the pool has successfully completed training from a registered NZQA training establishment covering *Unit Standard 20046 monitor pool water quality and store pool water treatment chemicals*.

6. Children to be supervised

- 6.1 Children under eight years old in public pool premises must be actively supervised by a caregiver aged 16 years or over.

7. Signs to be displayed

- 7.1 At all times that a public pool is operated, the operator of the pool must display signage relating to appropriate behaviour, supervision of children, safety and disease prevention measures.
- 7.2 The signage must be in full and unobscured view to the public and displayed at:
- (a) the principal entrance or reception of the pool; and
 - (b) any other public areas at the pool, as may be required by an authorised officer.
- 7.3 The signage about supervision of children must explain that all children under eight years old must be actively supervised by a caregiver aged 16 years or over.

8. Fees

- 8.1 The Council may by resolution set fees and charges to be payable for functions undertaken by the Council under this bylaw.

9. Notices to remedy public health risks

- 9.1 An authorised officer may issue a written notice to an operator requiring that the operator carry out any specified corrective action or otherwise undertake any action required to comply with this bylaw or address a public health risk at a public pool.
- 9.2 If the operator of a public pool does not comply with the written notice an authorised officer may initiate a review of the relevant registration. As a result of that review the officer may:
- (a) suspend the certificate of registration;
 - (b) amend or impose additional conditions of registration; or
 - (c) cancel the registration.

10. Offences

- 10.1 A person who breaches this bylaw commits an offence and is liable to a penalty under the Local Government Act 2002 or the Health Act 1956.