

Chelmsford Board of Health Lifeguard Variance Regulations

Revised June 5, 2017

PURSUANT TO 105 CMR 435. "MINIMUM STANDARDS FOR SWIMMING POOLS-STATE SANITARY CODE, CHAPTER V"- THE CHELMSFORD BOARD OF HEALTH HAS DETERMINED THAT LIFEGUARDS (105 CMR 435.23) ARE NECESSARY AT ALL FACILITIES DEFINED BY THIS CODE.

PURSUANT TO THE PROVISIONS OF THE VARIANCE SECTION (105 CMR 435.46) THE CHELMSFORD BOARD OF HEALTH WILL MAKE AVAILABLE TO APPLICANT'S WITH SWIMMING POOLS EXISTING AND IN OPERATION ON JUNE 5, 2017 A VARIANCE UPON THE FOLLOWING TERMS:

The applicant must show the following:

- 1.) Enforcement thereof would do manifest injustice. (Note: must show more than the burden of the cost)
- 2.) The applicant has to prove the same degree of protection can be achieved without strict application of the provision requiring lifeguards while the facility is open.

At a minimum, the applicant must demonstrate supervision which meets the following criteria:

- A. During the operational days and times for the Lifeguard Variance, the pool water testing must be performed by a Certified Pool Operator (CPO) and not a pool monitor.

The CPO will have the following duties:

1. Supervises and monitors the bacteriological, chemical and clarity issues of the pool water to be in compliance with Section 435.29 "Chemical Standards"; includes 4x testing and bodily fluid accident control; the water testing must be spaced to include at least one peak usage time; failure in any of these areas requires immediate pool closure.
 2. Balance pool water quality based on the chemical testing results.
 3. Maintain and sign a written log that includes chemical and clarity testing in accordance with MA law 105 CMR 435.00 Minimum Standards for Swimming Pools (State Sanitary Code: Chapter V). The information shall be set forth on the applicable MA form "Appendix A Swimming Pool Testing Records" as per Section 435.47 of the Pool Code.
 4. Supervises and monitors the activities on site to control bathing load, prohibition of diving, restrict breath holding practices and unsafe objects at poolside or in the water and unwanted guests.
 5. Provide First Aid/CPR and Water Rescue.
- 3.) If applying for a Variance not to have a Lifeguard (Mid-Week Only (Monday thru Friday) not including any Federal Holidays), the application must be accompanied by the following:
 - a. A minimum of 8 weeks of records showing attendance within the pool area during posted hours. (anyone inside the fence, on the deck, or in the pool) to set mid week average.
 - b. Above records must be certified by the individual making the request as true and accurate.
 - c. Documentation of the Certified Pool Operator who will perform all duties listed above.

- 4.) In the case of any expected/scheduled high volume (>10 people) use of the pool during hours which this variance applies, Lifeguards will be required.
- 5.) Evidence of prior written notification to all owners/occupants/members about variance request must be documented.
 - a. In the case of hotels/motels a posting of notice at the pool on or before February 25 for the upcoming season will be sufficient.
- 6.) A reapplication with no changes is \$100.00.
- 7.) The grant of a variance is at the discretion of the Board; the grant of a variance in one year is not a guarantee of the grant of a variance in any subsequent year. Without exception, a variance will be withheld if the Board identifies manifest error in the Application submitted or determines that the information being provided in support of the Application has been fabricated and/or does not evidence proper and timely maintenance and testing of the pool or reporting of the required information.
- 8.) THIS VARIANCE WILL NOT BE AVAILABLE TO APPLICANTS WITH SWIMMING POOLS NOT EXISTING AND IN OPERATION ON JUNE 5, 2017, EXCLUDING SWIMMING POOLS IN EXISTENCE AS OF JUNE 5, 2017 BUT NOT IN OPERATION DUE TO PENDING REPAIRS OR MAINTENANCE.