



## Ohio Administrative Code

### Rule 3701-31-02 License to operate or maintain; licensing inspections.

Effective: April 1, 2011

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(A) Forms. The director shall approve forms to be used by the department and licensor for plan approval, construction verification inspection, compliance inspections and the equipment inventory of public swimming pools.

(B) State program fees. The director shall ensure that the following fees are collected and used for administration and enforcement of this chapter:

(1) Individual license. An annual license fee established under this rule shall include an additional amount of seventy-two dollars for each license issued on or after April 1, 2011 and eighty dollars for each license issued on or after April 1, 2012.

(2) Additional license(s). If multiple public swimming pools are located at the same address, each additional license shall be assessed an amount of forty-seven dollars for each license issued on or after April 1, 2011 and fifty-five dollars for each license issued on or after April 1, 2012.

(C) Plan review. The director of health shall, within thirty days of receiving complete plans for approval, either approve or disapprove the plans or, in the case of incomplete plans, request additional information. If the director requests additional information, the director shall approve or disapprove the plans within thirty days after receiving the additional requested information.

(1) Design variance. The director may grant a design variance request submitted under paragraph (G)(1) of rule 3701-31-05 of the Administrative Code if the requested variance is not contrary to Chapter 3749. of the Revised Code, there is good cause for the variance and the variance will not result in any adverse effect on the public health or safety.

(2) Shorter turnover rates. In accordance with paragraph (F)(1)(e) of rule 3701-31-05.1 of the Administrative Code the director may require a shorter turnover rate during plan review.



(3) Plan approval. The director shall issue a letter to the owner and a copy shall be issued to the licensor that the plans have been approved.

(a) Plan approval period. Except as otherwise provided in this rule, a plan approval issued by the director shall be valid for two years after the date on which the director issues the approval.

(b) Plan approval extension. The director may grant one extension for a period not to exceed two years from the date the approved plans expire, if the director finds that the applicant has made a good-faith effort to complete the construction, installation, renovation, or substantial alteration but has failed to complete it for reasons beyond the applicant's control. A request for an extension shall be filed with the director in writing before the expiration of the two-year period. If the construction, installation, or substantial alteration has not been completed within the two-year period or within the limit of any extension granted under this paragraph, the plans shall be resubmitted in accordance with paragraphs (D) and (F) of rule 3701-31-05 of the Administrative Code.

(c) Revision to approved plans. A person who has received a plan approval under paragraph (G)(2) of rule 3701-31-05 of the Administrative Code who wishes to alter any aspect of the approved plans, other than as provided in paragraph (C)(3)(d) of this rule or as otherwise provided in this paragraph, shall file a written request, including drawings when necessary, for amendment of the approved plans. The director shall grant the request unless the amendments will result in noncompliance with a requirement of Chapter 3749. of the Revised Code or this chapter, subject to any variances that the director may grant.

(d) Substantial revisions to the design. A person who has received a plan approval under paragraph (G)(2) of rule 3701-31-05 of the Administrative Code who wishes to make substantial changes to the design from the originally approved plans shall file new plans in accordance with paragraphs (D) and (F) of rule 3701-31-05 of the Administrative Code.

As used in this paragraph, "substantial revision from the originally approved plans" means a redesign of the circulation system components and/or equipment, a change from a skimmer overflow system to a gutter overflow system or from a gutter overflow system to a skimmer overflow system, an increase of more than five per cent in pool volume, or a change in layout, depths, or other dimensional features that significantly affects safety.



(e) Plan approval transfer. A plan approval issued under this rule may be transferred. The person to whom the plan approval is transferred shall notify the director no more than ten days after the transfer occurs and otherwise shall comply with the requirements of this rule.

(4) Plan disapproval. The director may disapprove plans at any time for either of the following reasons: The applicant for plan approval fails to comply with any requirement for Chapter 3749. of the Revised Code or this chapter; or the proposed construction, installation, renovation, or other substantial alteration would not comply with any requirement of Chapter 3749. of the Revised Code or this chapter.

(a) Hearing request. Any person aggrieved by the director's disapproval of plans under this rule may, within thirty days following receipt of the director's notice of disapproval, request a hearing on the matter. The hearing shall be held in accordance with Chapter 119. of the Revised Code and may be appealed in the manner provided in that chapter.

(D) Plan verification construction inspections. The director or a licensor authorized by the director shall verify, in accordance with paragraph (H) of rule 3701-31-05 of the Administrative Code, that the construction or alterations are consistent with the approved plans.

(E) Limited variance - director review. Upon receipt of a variance request from a licensor in accordance with paragraph (H) of rule 3701-31-03 of the Administrative Code, the director may approve a limited variance.

(F) Surveys of health districts; list of approved districts. The director of health shall annually survey each health district that licenses public swimming pools to determine whether or not the health district is in substantial compliance with this chapter and the rules adopted thereunder. If the director determines that a health district is in substantial compliance, the health district shall be placed on an approved health district licensing list. The director shall, as determined necessary, conduct additional surveys of health districts and shall remove from the approved health district licensing list any health district not in substantial compliance with this chapter and the rules adopted thereunder.

(1) Noncompliance. If the director determines that a health district is not eligible to be placed on the



approved health district licensing list, the director shall certify the same to the board of health of the health district and shall perform the duties of the health district in that area until the health district is eligible for placement on the approved list. All fees payable to the health district during the time that the director performs the duties of the health district and all other such fees that have not been expended or otherwise encumbered shall be deposited by the director in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code, to be used by the director in his capacity as a licensor. The director shall keep a record of the fees so deposited and, when the health district is placed on the approved list, shall transfer any remaining balance of the fees to the health district swimming pool fund created under division (E) of section 3749.04 of the Revised Code.

(2) Survey reports shall be sent to the board of health within sixty days of the survey being completed.

(G) Other director duties. The director shall maintain a listing of the following approvals:

(1) Logos. The director shall review all logos prior to approval and installation or application on the bottom of a public swimming pool.

(2) Interior surface colors. A list of approved colors for the interior surface of public swimming pools in accordance with paragraph (C)(1)(b) of rule 3701-31-05.1 of the Administrative Code.

(3) Automatic chemical controllers. A list of acceptable automatic chemical controllers in accordance with paragraph (D)(7)(e) of rule 3701-31-04 of the Administrative Code.

(4) Life guard, first aid and CPR training. A list of approved training organizations in accordance with paragraphs (E)(4)(e)(viii) to (E)(4)(e)(x) of rule 3701-31-04 of the Administrative Code.