

This is a portion of CMR 105 435.000 that applies to a public pool permit. For a complete copy of the regulations, please go to: www.mass.gov/eohhs/docs/dph/regs/105cmr435.rtf

435.21: Permit Requirements for Swimming, Wading, and Special Purpose Pools: Pool Records

- (1) No person shall operate or maintain any swimming, wading or special purpose pool without obtaining a permit from the Board of Health on a form prescribed by the Commissioner of Public Health. The permit shall state the method of water treatment, the number of trained lifeguards required and the maximum number of people allowed in the water at any time (*see* 105 CMR 435.27). The permit shall be subject to the requirements of 105 CMR 435.00 and to any regulations as may be adopted by the Board of Health, provided, however, that said local board of health regulations shall not be applicable to a state owned or operated swimming, wading or special purpose pool. A Board of Health may issue a permit with any desired restrictions for the use of any swimming, wading or special purpose pool which fails to meet the requirements for design or construction if the pool was in use prior to April 30, 1964 and if such failure does not materially impair the safety or sanitary operation of the pool.
- (2) The operator shall post the permit in a conspicuous location near the swimming, wading or special purpose pool.
- (3) All permits shall expire no more than 12 months following the date of issue, and may be revoked for cause at any time by the Board of Health (*see* 105 CMR 435.42). The Board of Health may issue a permit for less than one year in those instances where there is only seasonal use of the swimming, wading or special purpose pool.
- (4) Application for a permit shall be made to the Board of Health at least 15 days before the expiration of a permit, or otherwise at least 15 days before the opening of the swimming, wading or special purpose pool.
- (5) The operator shall maintain a current written record of all data pertaining to the operation and condition of the pool and s/he shall keep it available for inspection by the Board of Health at all reasonable times. The record shall include daily attendance, amounts and types of chemicals used daily, results of chemical and bacteriological tests, dates and times of emptying and cleaning the pool and backwashing of filters, the daily number of hours of operation of purification equipment, and any other pertinent information which the Board of Health may require. The records shall be initialed by the person making the required tests.