



Town of Barnstable

Regulatory Services Department

Public Health Division

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The Town of Barnstable Board of Health requires lifeguards at all public and semi-public swimming pools, as described within State Sanitary Code, Chapter V, Minimum Standards for Swimming Pools, Section 105 CMR 435.23 as provided below:

105 CMR 435.23: Lifeguards

- (1) The operator shall provide one or more lifeguards 16 years of age or older if the Board of Health determines that they are necessary for the safe use of the swimming or wading pool. The Board, when determining whether there is a need for one or more lifeguards and the number of on-duty lifeguards to be present at the pool at any one time, shall take into account the size, shape and capacity of the swimming or wading pool. As a guideline, it is suggested that one lifeguard be provided for each 25 bathers. All lifeguards shall hold the following certifications:
 - (a) A current Red Cross Lifeguard Training Certificate, or Royal Bronze Medallion, or Boy Scouts of America Lifeguard Certificate or National Y.M.C.A. Lifeguard Certificate or an equivalent certification, provided however, that no such alternative certification shall be deemed equivalent unless it shall contain all of the minimum requirements mandated or required by one or more of the foregoing certification programs; and
 - (b) A current American Red Cross CPR Certificate for the Professional Rescuer or American Heart Association CPR Certificate for the Health Care Provider, or National Safety Council CPR Training; and
 - (c) A Red Cross Standard First Aid Certificate, or a Red Cross Community First Aid and Safety Certificate (which certification may be evidenced by a notation on the back of any Red Cross Lifeguard Training Certificate), or National Safety Council First Aid Training, Level 2, or an equivalent certification, provided however, that no such alternative certification shall be deemed equivalent unless it shall contain all of the minimum requirements of one of the foregoing certification programs.
- (2) If no lifeguards are required by the Board of Health, a warning sign shall be posted in a conspicuous location and shall state "WARNING-NO LIFEGUARD ON DUTY" in easy to read, legible letters which are at least four inches. (ten cm) high. In addition, there shall be signs which are readily visible stating "CHILDREN UNDER AGE 16 SHOULD NOT USE SWIMMING POOL WITHOUT AN ADULT IN ATTENDANCE" and "ADULTS SHOULD NOT SWIM ALONE."
- (3) The number of trained lifeguards determined necessary by the Board of Health in accordance with 105 CMR 435.23(1) shall be in constant attendance during bathing hours and no bather shall be admitted to the swimming pool unless this number of lifeguards is present.
- (4) All lifeguards while on duty shall wear a red or bright orange bathing suit. Any shirt or jacket worn as an outer garment by a lifeguard shall also be red or bright orange and have the word GUARD printed in 4" lettering on the back. An orange hat or sun helmet shall be worn by all lifeguards out-of-doors while on duty. A sunblock or other skin protection should be made available to all lifeguards.
- (5) The operator shall provide whistles and bull horns or other appropriate voice amplification devices to all lifeguards on duty.
- (6) All lifeguards shall direct their attention to all persons in their assigned areas while on duty. For swimming pools with a bather load capacity of greater than 75, it is recommended that lifeguards be isolated from pool crowds by occupying elevated seats on stands high enough to give them complete and unobstructed views of persons in their assigned areas.

**CRITERIA FOR GRANTING MODIFICATION OR VARIANCE FROM THE RECOMMENDATION OF THE STATE SANITARY
CODE REGARDING SWIMMING POOLS AND LIFEGUARD REQUIREMENTS**

Upon an appearance before the Board of Health, the Board may grant a variance from the lifeguard requirement if the following conditions can be met:

QUALIFIED SWIMMER: A person who shall be 16 years of age or older, who is in constant attendance when pool is open, and who meets the following (A-C) criteria below:

- A. **CPR CERTIFICATION:** The qualified swimmer(s) shall be 16 years of age or older holding a current American Heart Association or American Red Cross CPR certificate with training in child, adult, and pediatric CPR
- B. **FAMILIARITY WITH FIRST AID:** The qualified swimmer(s) must demonstrate familiarity with lifesaving equipment, including rescue procedures and administering first aid.
- C. **GENERAL SWIM TEST REQUIREMENTS:**
The swimming test, administered by the operator of the pool, shall consist of:
 - Swimming 2 lengths of pool;
 - Treading water for 5 minutes; and
 - Retrieving an object from the bottom of the pool.

ONCE AN INITIAL LIFEGUARD MODIFICATION VARIANCE HAS BEEN GRANTED, A **QUALIFIED SWIMMER AGREEMENT FORM** MAY BE SIGNED AND SUBMITTED **ANNUALLY** STATING THE REQUIREMENTS FOR SUCH A VARIANCE WILL BE PROPERLY FOLLOWED WHEN HIRING QUALIFIED SWIMMERS, IN LIEU OF LIFEGUARDS.

INSURANCE: The insurance policy of the pool must name the Town as co-insured in the **amount of \$1,000,000**.
Suggested wording: "Town of Barnstable is additional insured under General Liability with respect to the swimming pool."

SWIMWEAR: All qualified swimmers while on duty shall wear an orange hat or visor with the words "POOL STAFF" in 15 millimeter (5/8 inch) black colored lettering on the front of the hat.

POOL CAPACITY: The maximum capacity at the swimming pool site is restricted not to exceed 19 persons.

THE FOLLOWING ITEMS MUST BE SUBMITTED FOR POOL PERMIT RENEWAL:

- A) CERTIFIED POOL OPERATOR CERTIFICATE
- B) If lifeguards are provided, submit CURRENT Pediatric, child, and Adult CPR Certificate AND FIRST AID CERTIFICATES, and advanced lifesaving certifications. If qualified swimmer(s) are provided, submit CURRENT Pediatric, child, and Adult CPR certifications.
- C) If qualified swimmer(s) are provided, the INSURANCE POLICY of the pool must name the Town as co-insured in the amount of \$1,000,000 with:
DESCRIPTION: "Town of Barnstable is additional insured under General Liability with respect to the swimming pool."

CERTIFICATE HOLDER:

Must be listed as:	Town of Barnstable	mail to:	Public Health Division
	200 Main Street		200 Main Street
	Hyannis, MA 02601"		Hyannis, MA 02601

- D) WATER TEST RESULTS

Lifeguard Exemption

November 13, 2017

The Board of Health voted in favor of removing the lifeguard and qualified swimmer requirements for only those low usage semi-public swimming pools associated with facilities containing 75 units or less which meet the following criteria:

- Signage shall be posted which reads as follows:**

WARNING NO LIFEGUARD ON DUTY

- *Children under age 16 should not use swimming pool without a responsible adult in attendance.*
- *No alcohol allowed in the pool area.*
- *Maximum occupancy of pool is limited to 19 persons.*
- *Adults should not swim alone.*

- Access to pool area by key or key card. The swimming pool gate shall be locked at all times.**
- No diving boards, slides, or other such appliances in pool area.**
- Pool hours no later than 10:00 p.m.** *The pool may be open later if there is a lifeguard or qualified swimmer in attendance at pool site*
- No organized/scheduled children's activities (including birthday parties)** *without a lifeguard or qualified swimmer in attendance at pool site*
- No variances needed or granted in regards to protruding steps or stairs into the swimming pool.**
- Staff member, with adult and child CPR certification, shall be on premises all times pool is open.**
- No more than 75 units exist on the premises.**

This deregulation shall continue to be in effect until such time alternative guidelines or regulations are provided by the MDPH in this regard; but in no case shall this deregulation continue after December 31, 2022 without approval by the BOH.

I agree to comply with all of the requirements listed above:

Name of Facility

Address

Name (Signature)

Date

Name (Print)

Position Title (i.e. motel owner, certified pool operator)