

RULES CERTIFICATE

Department of Commerce

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

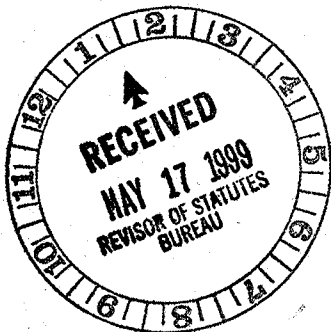
Brenda J. Blanchard

, Secretary of the Department of Commerce,

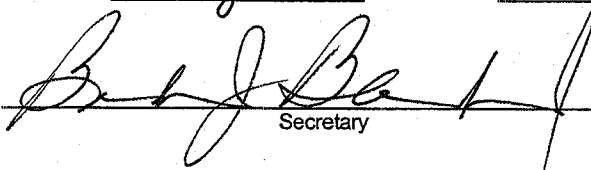
and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to the Design and Installation of Public Swimming Pools
(Subject)

were duly approved and adopted by this department.

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand at 201 West Washington Avenue in the city of Madison, this 14th day of May A.D. 1999


Secretary



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM



Rule No.: Chapter Comm 90

Relating to: Design and Installation of Public Swimming Pools

Clearinghouse Rule No.: 98-207

The Wisconsin Department of Commerce proposes an order to amend s. Comm 90.04 (4) (c) and s. Comm 90.19 (6) (c); repeal and recreate s. Comm 90.09 (5), s. Comm 90.19 (6) (a) and s. Comm 90.19 (8) (c); and create s. Comm 90.03 (6m) and s. Comm 90.19 (2) (d) relating to the design and construction of public swimming pools.

ANALYSIS OF RULES

Statutory authority: ss. 145.26, Stats.
Statutes interpreted: ss. 145.26, Stats.

This rule revision was created in response to issues brought to the attention of the Joint Committee for Review of Administrative Rules, by the Bed and Breakfast Industry. The proposed revisions are specific to provisions for drinking water sources at pools, pool rim dimensions, and observation windows, as well as providing exceptions for the tourist industry where health and safety are not considered to be compromised.

The proposed rule revisions were developed by the department with advice from the Pool Advisory Code Council who met on three occasions on this rule package. The Council consists of: Dave Baker, pool operators; Bill Branson, plumbing inspectors; Bob Holling, City of Sun Prairie - Parks; Duane Jackson, City of Madison - Environmental Health; Hal Maier, pool contractors; Tim Mirkes, City of Appleton - Health; Chuck Neuman, Water World Park Assoc.; Doug Voegeli, Wisconsin DHFS; and Jack Waterman, Wisconsin Innkeepers Assoc.

SECTION 1. Comm 90.03 (2e) is created to read:

Comm 90.03 (2e) "Bed and breakfast establishment" has the meaning found in s. 254.61 (12), Stats.

Note: Section s. 254.61 (1), Stats., reads: "Bed and breakfast establishment" means any place of lodging that:

- (a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients;
- (b) Provides no meals other than breakfast and provides the breakfast only to renters of the place;
- (c) Is the owner's personal residence;
- (d) Is occupied by the owner at the time of rental;

(e) Was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence; and

(f) Has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that a structural addition, including a renovation, to the structure may, after May 11, 1990, be made within the dimensions of the original structure.

SECTION 2. Comm 90.03 (12e) is created to read:

Comm 90.03 (12e) "Private guest room" means a room or rooms that provide sleeping accommodation offered for pay to tourists or transients.

SECTION 3. Comm 90.03 (18m) is created to read:

Comm 90.03 (18m) "Suction outlet" means a discharge port installed in the wall or floor of a pool which connects by way of piping to a pump. A suction outlet does not include a skimmer.

SECTION 4. Comm 90.03 (18m) is created to read:

Comm 90.03 (18m) "Tourist rooming house" has the meaning found in s. 254.61(6), Stats.

Note: Section s. 254.61(6), Stats., reads: "Tourist rooming house" means any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourists or transients.

"Tourist rooming house" does not include:

- (a) A private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
- (b) A hotel.
- (c) Bed and breakfast establishments.

SECTION 5. Comm 90.04 (4) (c) is amended to read:

Comm 90.04 (4) (c) Plot plan. A general map and detailed drawings showing the floor plan of pertinent portions of the structure, pool orientation, pool surface area and volume. In addition, water supply facilities, source of drinking water, public or private sewers and relative elevations of paved or other walkways and the equipment room floor, and the designed pool water level shall be shown in the detailed drawing. When public water and sewer systems are proposed to serve the public swimming pool, the elevations of storm and sanitary sewer inverts and street grade shall be shown.

SECTION 6. Comm 90.09 (5) is repealed and recreated to read:

Comm 90.09 (5) DRINKING WATER. (a) Except as provided under par. (b), one or more drinking fountains installed in accordance with ch. Comm 82 shall be provided in the immediate pool area.

(b) For a bed and breakfast establishment, tourist rooming house, or private guest room, a source of potable drinking water supplied by a fixture plumbed and drained according to ch. Comm 82 or commercially bottled drinking water shall be provided within the pool enclosure or the establishment.

SECTION 7. Comm 90.19 (6) (a) is repealed and recreated to read:

Comm 90.19 (6) DECKS. (a) Dimensions. 1. Except as provided under subd. 2., a continuous, unobstructed deck at least 5 feet wide and at the same level as the top of the pool wall shall be provided around 50% or more of the perimeter of a whirlpool.

2. A minimum 3-inch coping may be provided around the perimeter of a whirlpool.

3. The deck width at any point of egress from a whirlpool shall be a minimum of 5 feet as measured in a perpendicular direction of travel from the edge of the deck at the point of egress.

SECTION 8. Comm 90.19 (6) (c) is amended to read:

Comm 90.19 (6) (c) Deck width between pools. The deck width between a whirlpool and any other pool shall be at least 6 feet (~~1.8 m~~), except when a common wall not more than 18 inches (~~40.6 cm~~) wide, designed to prevent someone from standing on it, separates a whirlpool and a swimming pool. A minimum 11 ft. (~~3.4 m~~) deck width shall be provided between any pool and a whirlpool when the whirlpool is located near the portion of the other pool where the depth is greater than 4.5 ft. (~~1.4 m~~) feet.

Note: See also sub. (3).

SECTION 9. Comm 90.19 (8) (c) is repealed and recreated to read:

Comm 90.19 (8) (c) Outlets. Outlets shall be installed so as to produce circulation throughout the whirlpool. The outlets shall meet all of the following requirements:

1. A main drain shall be installed in the bottom of each whirlpool as specified in s. Comm 90.11 (6).

2. A minimum of two suction outlets shall be provided. Multiple sets of pump suction shall be allowed into two or more suction outlets as long as they are hydraulically balanced and approved by the department.

3. Suction outlets shall be located on two separate vertical walls.

4. Suction outlets shall be located to conform with any of the following:

a. Each suction outlet shall be installed with a minimum separation of 3 feet.

b. One suction outlet shall be located on the bottom of the whirlpool and one suction outlet shall be located on one of the vertical walls.

5. When suction outlets are used, no piping or valve arrangement is allowed that will isolate one suction fitting as the sole source of fluid to the pump. The single pipe to a pump suction inlet may be valved to allow shut off of the flow to the pump.

6. Suction outlets shall be located within 3 inches of the bottom of a whirlpool.

SECTION 10. Comm 90.19 (2) (d) is created to read:

Comm 90.19 (2) (d) Observation window. Except for a private guest room with a telephone, an observation window shall be provided if the whirlpool is located in a separate, enclosed room so as to allow the owner or operator a clear observation of the whirlpool area from outside the room.

(end)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

201 West Washington Avenue
P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018



Tommy G. Thompson, Governor
Brenda J. Blanchard, Secretary

5/14/99

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 98-207

RULE NO.: Chapter Comm 90

RELATING TO: Design and Installation of Public Swimming Pools

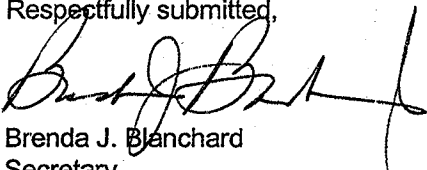
Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,


Brenda J. Blanchard
Secretary

