

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

**ORDER OF FORT BEND COUNTY ORDERING THE ADOPTION OF
FORT BEND COUNTY REGULATIONS FOR SWIMMING POOLS AND SPAS**

WHEREAS, the authority to promulgate and enforce this Order is granted to the Fort Bend County Commissioners Court by §341.064(n), *et seq.* and as amended of the Texas Health & Safety Code and § 341.0695(i), *et seq.*, and as amended of the Texas Health & Safety Code; and

WHEREAS, Fort Bend County desires to establish reasonable and uniform regulations for “Artificial Swimming Lagoons”, “Public Swimming Pools and Spas”, and “Public Interactive Water Features and Fountains (PIWFs)” (collectively referred to in herein as “Pool Facility” or “Pool Facilities”), to promote and protect the health, safety, and general welfare of the residents of Fort Bend County; and

WHEREAS, the regulation of Pool Facilities is needed to protect the health and safety of the public at Pool Facilities from health hazards associated with the operation of a Pool Facilities; and

WHEREAS the foregoing negative acts constitutes a harm to the residents of Fort Bend County which the County has a substantial governmental interest in preventing and abating; and

THEREFORE BE IT HEREBY ORDERED, ADJUDGED, AND DECREED BY THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS, THAT THE REGULATIONS ATTACHED HERETO, ENTITLED FORT BEND COUNTY REGULATIONS FOR SWIMMING POOLS AND SPAS ARE MADE A PART OF THIS ORDER AND ARE ADOPTED AS THE REGULATIONS OF FORT BEND COUNTY, EFFECTIVE May 23rd, 2023 AND ALL OFFICIALS OF FORT BEND COUNTY HAVING DUTIES UNDER SAID REGULATIONS ARE ORDERED AND DIRECTED TO PERFORM SUCH DUTIES AS REQUIRED OF THEM UNDER SAID REGULATIONS.

PASSED, APPROVED and ORDERED on this the 23rd day of May 2023.

KP GEORGE, COUNTY JUDGE

ATTEST:

Laura Richard, County Clerk

(COMMISSIONERS COURT SEAL)

FORT BEND COUNTY

**REGULATIONS FOR SWIMMING POOLS, SPAS,
ARTIFICIAL SWIMMING LAGOONS, AND INTERACTIVE
WATER FEATURES IN FORT BEND COUNTY**



ADOPTED BY
FORT BEND COUNTY COMMISSIONERS COURT

COUNTY JUDGE
KP GEORGE

COUNTY COMMISSIONERS

VINCENT MORALES, Precinct 1

JAMES "GRADY" PRESTAGE, Precinct 2

W. A. "ANDY" MEYERS, Precinct 3

DEXTER MCCOY, Precinct 4

Adopted _____, 2023

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**FORT BEND COUNTY REGULATIONS
FOR SWIMMING POOLS AND SPAS
Effective _____, 2023**

SECTION 1. STATUTORY AUTHORIZATION, PURPOSE, ADMINISTRATION, AREA OF APPLICATION, AND DEFINITIONS

1.1 Authority to Regulate; Purpose

- (a) The Fort Bend County Regulations for Swimming Pools and Spas (“Regulations”) are promulgated pursuant to and in conformity with Chapter 341 of the Texas Health and Safety Code, as amended, which states that a County may by order regulate the operation of public swimming pools, or artificial swimming lagoons including the requirement to obtain a permit, conduct inspections, and impose and collect a reasonable fee in connection with a permit or inspections, and Texas Administrative Code Title 25, Chapter 265, as amended, which sets minimum standards for “Artificial Swimming Lagoons”, “Public Swimming Pools and Spas”, and “Public Interactive Water Features and Fountains (PIWFs)” (collectively referred to in herein as “Pool Facility” or “Pool Facilities”).
- (b) It is the purpose of the Fort Bend County Commissioners Court to exercise its police power, as established under Chapter 341 of the Texas Health and Safety Code to provide for the elimination and prevention of health hazards associated with the operation of a Pool Facility by regulating the planning and operation of Pool Facilities in Fort Bend County and to ensure good public health engineering and safety practices.
- (c) Through these Regulations, the County shall establish a Pool Facility permitting program to protect the health and safety of the public at swimming pools, artificial swimming lagoons, spas, interactive water features and fountains by inspecting, permitting and providing for citizen complaint investigations.
- (d) As defined in 25 Tex. Adm. Code Chapter 265, a public pool, artificial swimming lagoon, spa, interactive water feature or fountain, or artificial swimming lagoon located on private property under the control of the property owner or the property owner’s tenant serving a single-family residence or duplex and that are intended for use by not more than two resident families and their guests regardless of whether the pool, spa, interactive water feature or fountain, or swimming lagoon is permanently or temporarily installed in or above the ground, is exempt from these Regulations.

1.2 Administration

- (a) The Fort Bend County Commissioners Court hereby designates the Fort Bend County Health and Human Services Department (“the Department”) under the supervision of the Director or the Local Health Authority or the Director’s duly

authorized representative to enforce, investigate and implement the provisions of these Regulations.

- (b) Department employees who are not police officers but who have been trained to enforce the health and safety laws relating to food, water, waste control, general sanitation, or vector control are authorized to issue citations for violations occurring in Fort Bend County pursuant to Sections 121.003, 121.031 and 121.032 of the Texas Health and Safety Code, by Notice of Meeting - Fort Bend County Commissioners Court dated October 1, 1996 and by these Regulations.

1.3 Areas Covered by these Regulations

These Regulations apply to all unincorporated areas located within Fort Bend County, Texas, including areas in the extra-territorial jurisdiction of municipalities within the County. Areas within the boundaries of incorporated areas of a municipality are not included in the area of jurisdiction unless that municipality has entered into an interlocal agreement with the County under which the municipality has elected to utilize these Pool Rules.

1.4 Definitions

Words and phrases used in these Regulations shall have the meanings provided in the Texas Health and Safety Code, Chapter 341 and Texas Administrative Code Chapter 265, Subchapter K “Artificial Swimming Lagoons”, Subchapter L “Public Swimming Pools and Spas”, and Subchapter M “Interactive Water Features and Fountains”, and as amended.

- (a) “Artificial swimming lagoon” means an artificial body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant. The term does not include a body of water open to the public that continuously recirculates water from a spring or a pool.
- (b) “Date of construction” means the date that excavation or electrical service begins, whichever is earlier, in which case the Permittee must produce adequate written documentation of that fact.
- (c) “Department” or “Fort Bend County Health and Human Services” (FBCHHS) means the County's Local Health Authority.
- (d) “Nonactive Pool” means any Pool Facility as defined whose use for swimming has been abandoned or discontinued shall nevertheless remain a Pool Facility for purposes of the application of these Regulations unless filled to the surface with earth, bank sand, or other similar material.
- (e) “Owner or Operator” means the owner, operator, business manager, complex manager, property owners association manager, rental agent, lessee, licensee, concessionaire, or other individual who is in charge of the day to day operations or

maintenance of the property upon which the Pool Facility is located, or a person who has an ownership interest in or receives profits from the Pool Facility.

- (f) “Permit” means the document evidencing the authority of the holder of the Permit to operate a Swimming Pool under these Pool Rules.
- (g) “Permittee” means an individual or natural person to whom a Permit has been issued pursuant to these Regulations or an individual or natural person who has applied for a Permit. The Permittee shall be legally responsible for compliance with these Regulations and all other local and state requirements including appearing in court for violations of these Regulations.
- (h) “Person” means, unless stated otherwise in these Regulations, any individual or natural person, partnership, association, or legal entity (including corporations and limited liability companies) able to conduct business under State and local laws.
- (i) “Pool Facility” means a “public pool”, “spa”, “public interactive water feature or fountain”, and “artificial swimming lagoon”, and the restrooms, dressing rooms, equipment rooms, deck or walkways, beach entries, enclosure, and other appurtenances directly serving those features.
- (j) “Pool Operator” means a person who is responsible for the sanitation and proper maintenance of the Pool Facility and who has received training and certification by completion of one of the accredited courses listed in Texas Administrative Code, Title 25, Chapter 265 including:
 - (1) the NRPA (National Recreation and Parks Association) “Aquatic Facility Operator” (A.F.O.);
 - (2) the NSPF “Certified Pool Operator” (C.P.O.);
 - (3) the PHTA “Certified Pool Operator” (C.P.O.)
 - (4) the ASPHA (American Swimming Pool and Spa Association) “Licensed Aquatic Facility Technician” (L.A.F.T.);
 - (5) the AquaTech Pool and Aquatic Facility Operator;
 - (6) or an equivalent course which requires testing and provides certification that is approved by the Texas Department of State Health Services.
- (k) “Public Interactive water feature or fountain (PIWF)” means any indoor or outdoor installation maintained for public recreation that includes water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons in various arrays for the purpose of wetting the persons playing in the spray streams. It may be a stand-alone PIWF, also known as a splash pad, spray pad, or wet deck, or may share a water supply, disinfection system, filtration system, circulation system, or other treatment system that allows water to co-mingle with a pool.

- (l) “Public Pool” means any man-made permanently installed or non-portable structure, basin, chamber or tank containing an artificial body of water that is maintained or used expressly for public recreation, swimming, diving, aquatic sports, or other aquatic activity. Public Pools include but are not limited to activity pools, catch pools, lazy or leisure river pools, wave action pools, vortex pools, therapy pools, and wading pools. A Public Pool may be publicly or privately owned and may be operated by an owner, lessee, operator, licensee or concessionaire. A fee for use may or not be charged. The term does not include a residential pool, artificial swimming lagoon, floatation system or chamber, or a body of water that continuously recirculates water from a spring. Any Public Pool, as defined above, whose use for swimming or bathing has been abandoned or discontinued shall nevertheless remain a Public Pool for purposes of these Regulations unless filled to the surface with earth, bank sand or other similar material.

- (m) “Spa” means a body of water intended for the immersion of persons in either hot or cold water, circulated in a closed system, and not intended to be drained and refilled after each use. A spa can include a filter, heater, a pump or pumps, blowers and water sanitizing equipment. The term includes a swim spa or exercise spa.

SECTION 2. PERMITS, APPLICATION PROCESS, FEES

2.1 Permits Required for Artificial Swimming Lagoons, Public Swimming Pools and Spas, and Interactive Water Features and Fountains

- (a) An Owner or Operator shall be required to obtain a Permit for All Pool Facilities located on property within the unincorporated areas of the County.
- (b) No person shall operate a Pool Facility which does not have a valid Permit, issued by the Department.
- (c) A Permit shall be valid for one (1) year from the date of issuance. The date of issuance shall be stated on the Permit.
- (d) Permits must be renewed annually. Applications for renewal shall contain the same information as is required for an initial Permit.
- (e) Any change in ownership of a Pool Facility shall be reported to the Department within ten days after assuming ownership of the pool, spa or interactive water feature. Non-compliance with this section shall be deemed a violation of these Regulations.
- (f) A Permit issued in accordance with these Regulations is not transferable, assignable or divisible, and it is a violation of these Regulations for any person to do so. Any changes to the information listed on the Permit, including but not limited to, changes in ownership or management shall require a new Permit. Until a new

Permit is received, the Pool Facility shall be deemed unpermitted. A new Permit must be obtained before operating the Pool Facility.

- (g) Permits must be applied for within 180 days after the effective date of these Regulations or upon receipt of a Notice of Adverse Action.
- (h) A Pool Facility operated solely by an educational institution that is operated as part of a public school or a private school accredited by the Texas Education Agency or a Pool Facility owned and operated by Fort Bend County is exempt from a permitting fee, including inspection or re-inspection fees, but shall not be exempt from compliance with state law and these Regulations. An organization claiming exemption from these Regulations shall provide the Department with such documentation.

2.2 Permit Applications

- (a) A complete application shall be submitted to the Department. All applications for Permits shall be filed on the form or forms prescribed and issued by the Department and all information required shall be stated therein.
- (b) Incomplete applications shall not be accepted. Failure to recognize an incomplete application by the Department shall not deem the application accepted. Even if initially accepted, an incomplete application will not be processed. Once a complete application has been submitted, the application process will begin.
- (c) The application shall include:
 - (1) All fees as required in Section 2.5 Permit Fees;
 - (2) Pool Facility. The name and location of the Pool Facility;
 - (3) Pool Facility Owner Information:
 - (i) The Pool Facility Owner's full name and mailing address. Where there are multiple Owners, each Owner must provide a full name and mailing address;
 - (ii) The Owner's driver's license or other photographic identification issued by the State of Texas or another local, state or federal agency or department.
 - (iii) Where the Owner is a corporation or other legal entity, the Owner shall include the full name and address for service of the legal entity's registered agent as filed with the Secretary of State's office of the State of Texas; and

- (4) Permittee Information:
 - (i) The Permittee’s full name and mailing address;
 - (ii) The Permittee’s driver’s license or other photographic identification issued by the State of Texas or another local, state or federal agency or department.
 - (iii) Where the Permittee is a corporation or other legal entity, the Permittee shall include the full name and address for service of the legal entity’s registered agent as filed with the Secretary of State’s Office of the State of Texas; and,
- (5) Pool Operator:
 - (i) The Pool Operator’s full name and mailing address, which must be in Fort Bend County or in a neighboring county, and where the Pool Operator may be contacted during normal business hours;
 - (ii) The Pool Operator’s driver’s license or other photographic identification issued by the State of Texas or another local, state or federal agency or department.
- (6) a copy of a Fort Bend County Development Permit, if applicable;
- (7) a certification by the Permittee that neither the Owner, nor the Permittee, has any outstanding fees or fines required by the Department or other local or state agency. Any outstanding fines or fees owed must be paid before an application shall be accepted for approval;
- (8) a copy of the Pool Operator’s certification as described in Sec 1.4 (i); and
- (9) one set of properly prepared plans and specifications, when required, as detailed in Section 2.3.;
- (10) Any other documents or information as required by the Department.
- (d) Failure to provide all required information or falsifying information required may result in denial or revocation of the Permit.

2.3 Pool Facility Plan Specifications

- (a) The provisions of this Section shall apply to Pool Facilities constructed on or after the effective dates of these Regulations.

- (b) All persons desiring to install, construct or reconstruct a new Pool Facility or modify an existing Pool Facility shall submit plans and specifications for approval by the Department.
- (c) Written approval must be received before the Date of Construction, as defined in Section 1.4.
- (d) Plans must be in the format required by the Department.
- (e) The plans and specifications shall be to scale and shall indicate the proposed layout, equipment arrangement, mechanical plans and construction materials.
- (f) The Department shall approve the plans only if the plans and specifications meet the requirements of State law and regulations and any additional requirements imposed by Fort Bend County.
- (g) Review and approval of plans and specifications is contingent upon the review and approval of all other applicable Fort Bend County Regulations including the Fort Bend County Regulations for Floodplain Management and the Fort Bend County Fire Code.
- (h) No Permit shall be issued until the Department determines by inspection that all construction has been performed in accordance with the approved plans and specification.

2.4 Pool Facility Permit Issuance

A Permit shall be issued by the Department after the following requirements have been successfully completed:

- (a) An application has been received and approved by the Department.
- (b) The Pool Facility has been inspected by the Department and is shown to be in compliance with these Regulations and all other local and state requirements as related to swimming pools, spas, interactive water features and artificial swimming lagoons.
- (c) EACH PERMITTEE SHALL ENSURE THAT THE POOL FACILITY CONFORMS AT ALL TIMES TO ALL APPLICABLE REQUIREMENTS OF TEXAS HEALTH AND SAFETY CODE, CHAPTER 341 AND TEXAS ADMINISTRATIVE CODE TITLE 25, CHAPTER 265, SUBCHAPTERS K, L, AND M. A VIOLATION OF THIS SECTION SHALL BE CONSIDERED A VIOLATION OF THESE REGULATIONS. TO THE EXTENT OF ANY CONFLICT BETWEEN THESE REGULATIONS AND STATE LAW, RULE OR REQUIREMENTS, THE STATE LAW, RULE OR REQUIREMENTS SHALL PREVAIL.

- (d) Posting. A valid Permit shall be posted in public view in a conspicuous place at the Pool Facility for which it is issued or on file in a secure area of the permitted facility's premises.
- (e) Contact information, including the name, address and phone number for the Permittee be posted in public view at the main entrance to the Pool Facility.
- (f) Prior to the approval of an initial Permit or the renewal of an existing Permit, the Department shall inspect the proposed Pool Facility to determine compliance with state laws and regulations.

2.5 Permit Fees

- (a) All Permit or inspection fees shall be collected by the Department at the time of application.
 - (i) Payment for a Permit by a check that is returned for insufficient funds may result in revocation of the Permit;
 - (ii) There shall be no refunds or credits of fees. No fees shall be prorated if a license bought does not cover one full year.
 - (iii) Prior to the issuance of a Permit, the Permittee must pay all outstanding and applicable fees required by law or by the Department policy or both.
- (b) Fees shall be defined in the attached Permit fee schedule, and any subsequent amendments to the Fee Schedule as ordered by the Fort Bend County Commissioners Court, attached here as "Exhibit A".
- (c) The fees shall be deposited by the County Treasurer in a separate "Swimming Pool Permit Fund".

SECTION 3. INSPECTION OF FACILITIES

3.1. Right to Enter and Inspect

- (a) In accordance with the authority granted in Title 25, Sections 265.173, 265.210, and 265.307 of the Texas Administrative Code, the Department, Peace Officers, Fire Safety Officials or other designated County Employees, upon presenting credentials, shall have the right to enter at all reasonable times any area or environment including the Pool Facility, building, storage, equipment room, bathhouse, or office to inspect and investigate for compliance with these Regulation to review records, to question any person, or to locate, identify and assess the condition of the Pool Facility.

- (b) Advance notice or permission for entry is not required.
- (c) The Department, Peace Officer, Fire Safety Official or other designated County employee shall not be impeded or refused entry during its official duties by reason of any company policy.
- (d) It is a violation of these Regulations for a person to interfere with deny, or delay an inspection or investigation conducted pursuant to this Section.

3.2 Inspections for New and Renewing Permits

- (a) Prior to the approval of an initial Permit or the renewal of an existing Permit, the Department shall inspect the proposed Pool Facility to determine compliance with these Regulations and other local and state law.
- (b) If a Pool Facility fails inspection, a re-inspection of the Pool Facility will be required. A re-inspection fee will be assessed. Non-payment will result in the immediate denial or suspension of the Pool Facility Permit.

SECTION 4. OPERATIONAL REQUIREMENTS

4.1 Pool Operator

- (a) Every Pool Facility shall be operated and maintained under the supervision and direction of a properly trained and certified Pool Operator.
- (b) The Pool Operator is not required to be on-site whenever the Pool Facility is open; however, the Pool Operator shall be available on-call whenever the Pool Facility is open.
- (c) The Pool Operator's name and contact information shall be made available to on-site staff, such as lifeguards, and to property management companies, or property managers;
- (d) The Pool Operator shall be responsible to the Permittee for the operations, maintenance and sanitation of the Pool Facility.
- (e) The Pool Operator shall have authority from the Permittee to take any action necessary to enforce these Regulations.
- (f) All Pool Operators must possess a valid and current pool operator certificate, as defined in Section 1.4.

4.2 Circumstances Requiring Closure of a Pool Facility

- (a) A Pool Facility shall be closed if any of the following conditions occur:
 - (1) pH excursion – pH above 7.8 or below 7.0 units;
 - (2) Turbidity – water is not clear, main drain not visible;
 - (3) Failure to disinfect – levels of disinfectant chemical residuals are out of parameter;
 - (4) Temperature excursion – temperature exceeds 104° F (spa only);
 - (5) Missing, damaged, or unapproved main drain cover;
 - (6) Pool/spa, bathrooms, dressing rooms, showers and immediate area are not being maintained in a sanitary condition or;
 - (7) Any other imminent health hazards.
- (b) The Department may issue an Order for Pool Facility Closure which shall be posted immediately by the Department on the entrance or door of the Pool Facility. The Order for Pool Facility Closure shall include a provision requiring that the Pool Facility access gate(s) shall be locked and all public access to the Pool Facility be restricted until all violations have been corrected. A compliance inspection conducted by the Department shall be required before a Pool Facility may re-open.
- (c) An Order for Pool Closure is effective immediately with or without notice and with or without a hearing.

SECTION 5. PERMIT DENIALS, SUSPENSIONS OR REVOCATIONS

5.1 Denial, Suspension, or Revocation of Permit

- (a) Any violation of any Section or Subsection of these Regulations or failure to meet all requirements of any Section or Subsection of these Regulations, where applicable, will be grounds for denial, revocation, or suspension of a Permit.
- (b) The Department reserves the right to deny, suspend, or revoke any Permit where the operation of the Pool Facility constitutes a substantial or immediate hazard to public health, life or safety or where there is a necessity for immediate action to protect the public from injury or imminent danger.
- (c) The Department may deny, revoke or suspend a Permit if the Permittee, or any agent of the Permittee, provided false, fraudulent, or untruthful information in the application for a Permit, and/or withheld pertinent information in the application for a Permit;
- (d) If the Department denies, revokes or suspends a Permit, the Department shall document the denial, suspension or revocation and provide Notice of the Adverse Action to the Permittee within seven (7) days of the date on which the basis for the

adverse action or violation was observed by the Department. The Notice shall provide the reason(s) for the Department's actions.

- (e) Revocation shall take effect immediately upon service of Notice of the Adverse Action by the Department, as described in Section 5.2.
- (f) Reinstatement. A former Permit holder may apply for reinstatement of a suspended or denied Permit by demonstrating that all reasons and/or conditions that led to the suspension or revocation have been corrected and that all necessary controls have been implemented to prevent recurrence of conditions causing the violation. The Department shall first make a finding that the pool no longer poses a risk to public health and safety.

5.2 Notice of Adverse Action

- (a) Notice Required. A Permit may be denied, suspended, or revoked only after notice of an adverse action including notice of an opportunity for a hearing, as described in Section 6, has been given.
- (b) Service of Notice. Notice is deemed effective on the date written notice to the Permittee, or agent of the Permittee is hand-delivered or upon deposit of the Notice of Adverse Action by certified mail sent to the address listed on the Permit application. If Notice is sent by mail, then Notice is deemed received three days after the date of deposit in the mail, unless the Department receives evidence from the Permittee and deems that more time may be allotted.

SECTION 6. APPEALS

6.1 Request for an Appeal

- (a) By submitting an application for a Permit, a Permittee waives the right to challenge these Regulations in a court of law without first timely exhausting the requirements set in this Section.
- (b) The Permittee shall have the opportunity to request an appeal of the decision of the Department.
- (c) IF A PERMIT HAS BEEN REVOKED, DENIED, OR SUSPENDED, THE POOL FACILITY SHALL NOT OPERATE DURING THE PENDENCY OF ANY APPEAL FROM THE REVOCATION, DENIAL, OR SUSPENSION OF A PERMIT.
- (d) All requests for an appeal must be in writing and may be delivered in person, emailed, or sent by certified mail to the Department to an address designated by the

Director no later than three (3) business days after the date when the Notice for the denial, revocation, or suspension was received.

- (e) The Permittee waives the right to an appeal if the request is not timely received.
- (f) The request shall include the Permittee's address for the receipt of notices related to the appeal. The address may not be a PO Box.

6.2 Hearing Procedures

- (a) The Hearing shall be held within ten (10) days of the receipt of request for a hearing. The Department or Local Health Authority shall provide written notice of the hearing date and time to the Permittee. Notice will be sent by regular mail, facsimile, or electronic mail to the address as set forth above in Section 6.1(f). If the Permittee fails to request a hearing or fails to appear at a scheduled hearing, then the Permit will be denied, suspended, or revoked.
- (b) The Local Health Authority shall preside over the proceedings.
- (c) The Permittee must be present (or by virtual appearance) at the appeal hearing. If the Permittee is not present at the appeal hearing, the appeal will be automatically denied. Representatives of the Department, including attorneys, may also be present at the hearing.
- (d) The Permittee and the Department shall be provided an opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel. The formal rules of evidence do not apply.
- (e) It shall be the responsibility of the Permittee to provide a court reporter if requested by either party for the appeal hearing. The requirement for a court reporter may be waived if the appeal hearing is recorded electronically or if the requirement is waived by mutual agreement by both Parties on the record.

6.3 Findings of the Hearing

- (a) The Local Health Authority shall provide a written recommendation to the Department and the Permittee within five (5) business days of the hearing.
- (b) Based upon the evidence and arguments presented at the hearing, the Local Health Authority shall either sustain, modify, or rescind any notice, Order or action considered at the hearing. A decision by the Local Health Authority shall be final.
- (c) The Local Health Authority shall provide written notice of the final decision to the Permittee by certified mail within five (5) business days of rendering the decision.

- (d) A Permittee may appeal the final decision by filing a petition in a court of competent jurisdiction in Fort Bend County within thirty (30) days after the date of the decision.

SECTION 7. ENFORCEMENT OF REGULATIONS, CIVIL AND CRIMINAL PENALITIES

Any of the following remedies may be pursued by the County either separately or in conjunction:

7.1 Civil Penalty

- (a) Pursuant to the Texas Health & Safety Code Ann. §341.092, a person who violates these Regulations, or a permitting or inspection requirement imposed by these Regulations, or an Order for Pool Facility Closure shall be assessed a civil penalty.
 - (1) A civil penalty under this section may not be less than \$10 or more than \$200 for each violation and for each day of a continuing violation.
 - (2) If it is shown on the trial of the defendant that the defendant has previously violated this section, the defendant shall be assessed a civil penalty of not less than \$10 or more than \$1,000 for each violation and for each day of a continuing violation.
- (b) Each day of a continuing violation is a separate violation.

7.2 Criminal Penalty

- (a) Pursuant to the Texas Health & Safety Code Ann. § 341.091, a person commits an offense if the person violates any portion of these Regulations, including a permitting or inspection requirement imposed by these Regulations, or an Order for Pool Facility Closure:
 - (1) An offense is a misdemeanor, unless otherwise noted or enhanced by law, punishable by a fine of not less than \$10 or more than \$200.
 - (2) If it is shown on the trial of the defendant that the defendant has been convicted of an offense under this chapter within a year before the date on which the offense being tried occurred, the defendant shall be punished by a fine of not less than \$10 or more than \$1,000, confinement in jail for not more than 30 days, or both.
- (b) Each day of a continuing violation is a separate offense.

7.3 Injunction

The County Attorney may sue in district court to enjoin any person from violating or threatening to violate these Regulations, or a permitting or inspection requirement of these Regulations, or an Order for Pool Facility Closure.

SECTION 8. CUMULATIVE EFFECT OF REGULATIONS; SEVERABILITY; ABROGATION

- 8.1 Cumulative Effect of Regulations.** Authority under these Regulations is cumulative of any other authority that Fort Bend County has to regulate Pool Facilities and does not limit that authority.
- 8.2 Severability.** If a Section or Subsection of these Regulations, or certain applications of a Section or Subsection of these Regulations is held invalid or unconstitutional by a court of competent jurisdiction, the remaining Sections or Subsections, or applications of those Sections or Subsections, will continue in force as law.
- 8.3 Abrogation.** Except as specifically set forth herein, these Regulations are not intended to repeal, abrogate, or impair any existing laws, regulations, easements, covenants, or deed restrictions.

“Exhibit A”

The following fees are to be paid in connection with applications submitted pursuant to these Regulations for the issuance or renewal of a Permit.

Swimming Pool/Spa Permit Fee	
Permit (Swimming Pool/Spa) per separate filter system	\$150
Interactive Water Features and Fountains	\$150
Permit (Artificial Swimming Lagoon)	\$150
Initial Inspection (included in Permit Fee)	\$0
Re-Inspection Fee	\$225
Nonactive Pool Surveillance Fee	\$75
New Facility/Change of Ownership Plan Review	\$300
New Facility/Change of Ownership Inspection Fee	\$150
New Facility/Change of Ownership Re-Inspection Fee	\$150
Duplicate or Replacement Permit	\$50