

CHAPTER 135I
SWIMMING POOLS, SPAS, AND SPRAY PADS

Referred to in §89.4, 669.14, 670.4

For provisions relating to requirement that department of inspections, appeals, and licensing regulate certain residential swimming pools used for private swimming lessons, see 2015 Acts, ch 138, §97, 98; 2023 Acts, ch 19, §1710; 2023 Acts, ch 119, §30

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135I.1 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Department*” means the department of inspections, appeals, and licensing.
2. “*Local board of health*” means a city, county, or district board of health as defined in [section 137.102](#).
3. “*Spa*” means a bathing facility such as a hot tub or whirlpool designed for recreational or therapeutic use.
 4. a. “*Spray pad*” means a constructed area that is described by all of the following:
 - (1) The area has no standing water.
 - (2) The area is equipped with water sprays or other water play features where the water is intended to contact the users.
 - (3) The area uses or has a feature that uses water that is recirculated independently or from an associated swimming pool.
 - b. “*Spray pad*” includes an interactive fountain, and a splash pad, spray park, wet deck, and water recreation attraction.
 - c. “*Spray pad*” does not include an area that uses only potable water that is not circulated and is drained directly to waste.
5. “*Swimming pool*” means an artificial basin and its appurtenances, either constructed or operated for swimming, wading, or diving, and includes a swimming pool, wading pool, waterslide, or associated bathhouse. “*Swimming pool*” does not include a decorative fountain which does not serve primarily as a wading or swimming pool and the drain of which fountain is not connected to any type of suction device for removing or recirculating the water.
6. “*Swimming pool or spa water heater*” means an appliance designed for heating nonpotable water stored at atmospheric pressure, such as water in a swimming pool, spa, hot tub, or for similar uses.

[89 Acts, ch 291, §1; 91 Acts, ch 75, §1; 92 Acts, ch 1194, §1; 2001 Acts, ch 58, §5; 2010 Acts, ch 1036, §20; 2023 Acts, ch 19, §1618; 2023 Acts, ch 57, §1, 7](#)

Referred to in §669.14, 670.4

135I.2 Applicability.

[This chapter](#) applies to all spray pads, swimming pools, and spas owned or operated by local or state government, or commercial interests or private entities including but not limited to facilities operated by cities, counties, public or private school corporations, hotels, motels, camps, apartments, condominiums, and health or country clubs. [This chapter](#) does not apply to facilities intended for single family use or to a spray pad, swimming pool, or spa operated by a homeowners’ association or housing cooperative representing seventy-two or fewer dwelling units if the bylaws of the association or cooperative, which also apply to a rental agreement relative to any of the dwelling units, include an exemption from the requirements of [this chapter](#), provide for inspection of the spray pad, swimming pool, or spa by an entity other than the department or local board of health, and assume any liability associated with operation of the spray pad, swimming pool, or spa. [This chapter](#) does not apply to a spray pad, swimming pool, or spa used exclusively for therapy under the direct supervision of qualified medical personnel. To avoid duplication and promote coordination

of inspection activities, the department may enter into written agreements with a local board of health to provide for inspection and enforcement in accordance with [this chapter](#).

[89 Acts, ch 291, §2](#); [92 Acts, ch 1194, §2](#); [92 Acts, ch 1237, §8](#); [96 Acts, ch 1097, §1](#); [2001 Acts, ch 58, §6](#); [2008 Acts, ch 1058, §5](#); [2023 Acts, ch 57, §2, 7](#)

135I.3 Registration required.

A person shall not operate a spray pad, swimming pool, or spa without first having registered with the department. Registration shall be renewed annually.

[89 Acts, ch 291, §3](#); [2023 Acts, ch 57, §3, 7](#)

135I.4 Powers and duties.

The department is responsible for registering and regulating the operation of spray pads, swimming pools, spas, and, notwithstanding [chapter 89](#), spray pad, swimming pool, or spa water heaters. The department shall conduct seminars and training sessions, and disseminate information regarding health practices, safety measures, and operating procedures required under [this chapter](#). The department may:

1. Inspect, at the time of installation and periodically thereafter, all spray pads, swimming pools, and spas for the purpose of detecting and eliminating health or safety hazards.

2. Establish minimum safety and sanitation criteria for the operation and use of spray pads, swimming pools, and spas.

3. Establish minimum qualifications for swimming pool, spa, and waterslide operators and lifeguards. Swimming pools operated by apartments, condominiums, country clubs, neighborhoods, or manufactured home communities or mobile home parks are exempt from requirements regarding lifeguards.

4. Establish and collect fees to defray the cost of administering [this chapter](#). It is the intent of the general assembly that fees collected under [this chapter](#) be used to defray the cost of administering [this chapter](#). However, the portion of fees needed to defray the costs of a local board of health in implementing [this chapter](#) shall be established by the local board of health. A fee imposed for the inspection of a spray pad, swimming pool, or spa shall not be collected until the inspection has actually been performed.

5. Adopt rules in accordance with [chapter 17A](#) for the implementation and enforcement of [this chapter](#) and the establishment of fees.

6. Enter into agreements with a local board of health to implement the inspection and enforcement provisions of [this chapter](#). The agreements shall provide that the fees established by the local board of health for inspection and enforcement shall be retained by the local board. However, inspection fees shall not be charged by the department for facilities which are inspected by third-party authorities. Third-party authorities shall be approved by the department. The department shall monitor and certify the inspection and enforcement programs of local boards of health and approved third-party authorities.

[89 Acts, ch 291, §4](#); [92 Acts, ch 1194, §3](#); [92 Acts, ch 1237, §9](#); [2001 Acts, ch 153, §16](#); [2007 Acts, ch 159, §22](#); [2023 Acts, ch 57, §4, 5, 7](#)

135I.5 Penalty.

A person who violates a provision of [this chapter](#) commits a simple misdemeanor. Each day upon which a violation occurs constitutes a separate violation.

[89 Acts, ch 291, §5](#)

135I.6 Enforcement.

If the department or a local board of health acting pursuant to agreement with the department determines that a provision of [this chapter](#) or a rule adopted pursuant to [this chapter](#) has been or is being violated, the department may withhold or revoke the registration of a spray pad, swimming pool, or spa, or the department or the local board of health may order that a facility or item of equipment not be used, until the necessary corrective action has been taken. The department or the local board of health may request the county attorney to bring appropriate legal proceedings to enforce [this chapter](#), including an action to enjoin violations. The attorney general may also institute appropriate legal

proceedings at the request of the department. This remedy is in addition to any other legal remedy available to the department or a local board of health.

89 Acts, ch 291, §6; 92 Acts, ch 1194, §4; 92 Acts, ch 1237, §10; 2007 Acts, ch 159, §23; 2023 Acts, ch 57, §6, 7