



Requirements for use of Kane Area High School Swimming Pool

Due to liability concerns surrounding the use of the Kane Area High School by the public, the District must comply with regulations as articulated in the PA Code.

Please note that requirements insist upon TWO (2) lifeguards being present at all times. Therefore, as a condition of the approval for the use of a facility for the Kane Area High School swimming pool, a requester must agree to provide TWO (2) lifeguards.

Below is a link to the PA code regarding lifeguard requirements as well as an excerpt from the code.

<http://www.pacode.com/secure/data/028/chapter18/s18.42.html>

Required number of lifeguards. A recreational swimming establishment shall have on duty an adequate number of certified lifeguards to protect the safety of users. To ensure an adequate number of certified lifeguards, the operator of a recreational swimming establishment shall comply with the following requirements:

- (1) At least one certified lifeguard for every 4,000 square feet of water surface area, plus one certified lifeguard for any fraction thereof, equal to or greater than 1,000 square feet, shall be on duty at the waterside at all times the recreational swimming establishment is open to use by bathers for general swim purposes. At no time may there be less than two certified lifeguards present and available to aid bathers when the recreational swimming establishment is open to the general public for recreational swimming.

Thank you for your immediate attention to this regulatory requirement.

See attachment for a complete copy of Lifeguard Requirements from the PA Code.

§ 18.42. Certified lifeguards.

(a) *Recognized lifeguard certifying authorities.* The Department recognizes the American Red Cross, the YMCA and Jeff Ellis and Associates, Inc. as lifeguard certifying authorities.

(1) Other organizations that intend to qualify as certifying authorities shall submit materials, on an annual basis, to the Department to establish that their lifeguard training courses satisfy the criteria in subsection (b).

(2) The materials shall be submitted to the Department on or before June 30 of each year and shall include a completed form entitled “Application for Recognition as a Lifeguard Certifying Authority” in the submission.

(3) This form is available from the Department.

(4) The Department will publish a list of approved certifying authorities annually, on or before December 1 of each year, in the *Pennsylvania Bulletin*.

(b) *Requirements for a lifeguard certifying authority.* The Department will consider approval of a lifeguard certifying authority if the certifying authority’s lifeguard training course satisfies the following requirements:

(1) The course is conducted pursuant to a written training plan, instructor’s manual and text book.

(2) The course provides for confirmation of course completion for certification in cardiopulmonary resuscitation.

(3) The course provides for certification in first aid.

(4) The course includes a system for evaluating swimming ability.

(5) The course provides for instruction in lifeguarding responsibilities.

(6) The course provides a method for testing and certification.

(7) The course includes a certificate which expires, in no longer than 3 years, if renewal criteria are not satisfied.

(8) The instructors of the course have successfully completed a training course that includes:

(i) Certification in lifeguard instruction.

- (ii) Student evaluation.
- (iii) Program planning.
- (iv) Cardiopulmonary resuscitation.
- (v) Conducting practice first aid and rescue sessions.

(c) *Required number of lifeguards.* A recreational swimming establishment shall have on duty an adequate number of certified lifeguards to protect the safety of users. To ensure an adequate number of certified lifeguards, the operator of a recreational swimming establishment shall comply with the following requirements:

(1) At least one certified lifeguard for every 4,000 square feet of water surface area, plus one certified lifeguard for any fraction thereof, equal to or greater than 1,000 square feet, shall be on duty at the waterside at all times the recreational swimming establishment is open to use by bathers for general swim purposes. At no time may there be less than two certified lifeguards present and available to aid bathers when the recreational swimming establishment is open to the general public for recreational swimming.

(i) The water surface area means the total surface area of water accessible to the bathers, including any wading pools.

(ii) The operator may reduce the water surface area by closing portions of the swimming area with a rope and float line, provided that the operator maintains adequate notification and supervision to prevent patrons from entering the closed portions of the swimming area. For the purposes of this section, “adequate” means sufficient to accomplish the task, but it does not require any additional certified lifeguards above the minimum number established in this section.

(iii) Under circumstances when the ability of a certified lifeguard to survey 4,000 square feet of water surface area is impaired, such as when the size or shape, or both, of the recreational swimming establishment prevents the certified lifeguard from monitoring the assigned area from a designated location, the Department may require additional certified lifeguards to assure the safety of the bathers.

(2) The bather load of the recreational swimming establishment may not exceed the maximum bather load as defined in the permit application.

(3) During periods when swim meets, swim team practices, learn-to-swim programs, lifeguard training, or other special events in which the use of the recreational swimming establishment is restricted to only those persons participating in the special events, at least one certified lifeguard, whose sole duty is to protect the bathers, shall be present at waterside during the event.

(4) When a wading pool is open to the public, the certified lifeguard shall have an unobstructed view of the entire wading pool from a certified lifeguard’s assigned station. If the

certified lifeguard does not have an unobstructed view, an additional certified lifeguard shall be on duty to guard only the wading pool.

(5) If the recreational swimming establishment has a diving board or water slide, a certified lifeguard shall be on duty to monitor the diving well or catch area when the diving board or water slide is open to the public.

(i) The certified lifeguard shall be stationed within 50 feet of the diving well or slide catch area.

(ii) If the swimming area includes both a diving well and slide catch area, or the recreational swimming establishment has multiple slides or diving boards, the operator may not assign a certified lifeguard to monitor both areas unless that lifeguard is stationed within 50 feet of each and can monitor both areas simultaneously.

(iii) If the diving well or slide catch area is physically separated from the main swimming area, a certified lifeguard shall be assigned to monitor the diving well or slide catch area exclusively, and the operator shall exclude the water surface area of the diving well or slide catch area from the water surface area of the recreational swimming establishment for the purpose of determining the number of additional certified lifeguards required under paragraph (1).

(6) While on duty to watch bathers, a certified lifeguard may not be assigned other tasks which may divert attention from the safety of the bathers, or which are outside the lifeguard's training and certification.

(d) *Violation of certified lifeguard requirement.* The Department may order to be closed to the public any recreational swimming establishment that it finds to be in violation of any of the provisions of subsection (c), until the Department has done the following:

(1) Performed a follow-up inspection. (2) Found that the facility has met the requirements of subsection (c).

(3)Provided that facility with written authorization to reopen.

Source: The provisions of this § 18.42 amended November 29, 1974, effective December 16, 1974, 4 Pa.B. 2453; amended December 30, 2004, effective January 1, 2005, 35 Pa.B. 14. Immediately preceding text appears at serial pages (304632) to (304633).

Notes of Decisions: Parents of handicapped student who drowned in an unguarded pool failed to satisfy “dangerous condition of realty” exception to governmental immunity absent showing artificial condition or defects of land itself. *Musheno v. Lock Haven University of Pennsylvania*, 574 A.2d 129 (Pa. Cmwlth. 1990).

The Supreme Court affirmed the Commonwealth Court unreported opinion and order on motions for judgment on the pleadings which declared 25 Pa. Code § 193.42 (later redesignated 28 Pa. Code § 18.42) invalid and beyond the power granted to the Department of Environmental Resources. *Spooner v. Secretary of Commonwealth*, 574 A.2d 600 (Pa. 1990).