

**CHAPTER 26  
PUBLIC RECREATIONAL BATHING**

**Authority**

N.J.S.A. 26:1A-7 and 26:4A-7.

**Source and Effective Date**

R.2009 d.298, effective September 6, 2009.  
See: 41 N.J.R. 1629(a), 41 N.J.R. 3799(a).

**Chapter Expiration Date**

Chapter 26, Public Recreational Bathing, expires on September 6, 2014.

**Chapter Historical Note**

Chapter 26, Public Recreational Bathing, was adopted as R.1986 d.328, effective August 4, 1986. See: 18 N.J.R. 1040(a), 18 N.J.R. 1576(b). Rules affecting tidal bathing waters became operative on August 4, 1986. All other requirements became operative on November 4, 1986.

Pursuant to Executive Order No. 66(1978), Chapter 26, Public Recreational Bathing, was readopted as R.1991 d.245, effective April 12, 1991. See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Pursuant to Executive Order No. 66(1978), Chapter 26, Public Recreational Bathing, was readopted as R.1996 d.210, effective April 4, 1996. See: 28 N.J.R. 753(a), 28 N.J.R. 2385(a).

Pursuant to Executive Order No. 66(1978), Chapter 26, Public Recreational Bathing, was readopted as R.2000 d.241, effective May 12, 2000 (operative October 1, 2000). See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Chapter 26, Public Recreational Bathing, was readopted as R.2004 d.134, effective March 10, 2004. See: 35 N.J.R. 3005(a), 36 N.J.R. 1810(a).

Chapter 26, Public Recreational Bathing, was readopted as R.2009 d.298, effective September 6, 2009. See: Source and Effective Date.

**Cross References**

Child care center physical facility requirements, see N.J.A.C. 10:122-5.1 et seq.

Residential child care facility maintenance and sanitation requirements, see N.J.A.C. 10:127-4.4.

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#### APPENDIX

#### SUBCHAPTER 1. PURPOSE, SCOPE AND DEFINITIONS

##### 8:26-1.1 Purpose

The purpose of this chapter shall be to set reasonable sanitary and safety regulations for public recreational bathing places and to preserve and improve the public health in this state as provided for in N.J.S.A. 26:1A-7.

##### 8:26-1.2 Scope

These rules shall govern all public recreational bathing places in New Jersey. Pursuant to N.J.S.A. 26:1A-9, the

provisions of this chapter are enforceable by the New Jersey Department of Health and Senior Services, local departments of health, local police authorities, local sheriff's departments, and other enforcement agencies.

Amended by R.1988 d.229, effective May 16, 1988.

See: 20 N.J.R. 464(a), 20 N.J.R. 1079(a).

Substituted "rules" for "regulations".

Amended by R.1991 d.245, effective May 6, 1991.

See: 23 N.J.R. 376(a), 23 N.J.R. 1433(a).

Added authority reference; deleted subsection (b) regarding chapter operative dates.

Amended by R.2000 d.241, effective June 5, 2000 (operative October 1, 2000).

See: 31 N.J.R. 3589(a), 32 N.J.R. 2111(b).

Rewrote the section.

##### 8:26-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Adult" means a person aged 18 years or older.

"Alter" means and includes any modification, or relocation of any structure or equipment, or diversion and change of water flow patterns in an existing public recreational bathing place such that the design, configuration and/or operating characteristics are different from the original design, configuration and/or operating characteristics. The term does not include normal maintenance, repair, or replacement of previously approved equipment.

"American National Standards Institute, Inc. (ANSI)" means that private nonprofit organization which, for the purposes of this chapter, provides technical materials and expertise and is located at 11 West 42nd Street, 13th Floor, New York, New York 10036-8002 at (212) 642-4949.

"American Society of Mechanical Engineers (ASME)" means that nonprofit educational and technical organization which, for the purpose of this chapter, provides technical materials and expertise and is located at 3 Park Avenue, New York, New York 10016-5990 at (212) 591-7722.

"Approved" means acceptable to the State Department of Health and Senior Services or the local health authority based on its determination as to conformance with appropriate standards and good public health practices.

"Authorized agent" means a licensed health officer, sanitary inspector, or any other properly qualified and licensed person who is delegated to function within specified limits as the agent of the local health authority or the department.

"Bathing beach" means the designated area of a natural or artificially constructed pond, lake, stream, river, bay, tidal waters, ocean or other body of fresh or salt water, which is used for bathing and swimming purposes together with buildings, equipment, and appurtenances, if any, and the land areas used in connection therewith.