

**CHAPTER 26**

**PUBLIC RECREATIONAL BATHING**

**Authority**

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

**Source and Effective Date**

R.2004 d.134, effective March 10, 2004.  
See: 35 N.J.R. 3005(a), 36 N.J.R. 1810(a)

**Chapter Expiration Date**

Chapter 26, Public Recreational Bathing, expires on March 10, 2009.

**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: Source and Effective Date. See, also, section annotations.

**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.

**CHAPTER TABLE OF CONTENTS**

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

- 8:26-1.1 Purpose
- 8:26-1.2 Scope
- 8:26-1.3 Definitions
- 8:26-1.4 Waiver

**SUBCHAPTER 2. ADMINISTRATION**

- 8:26-2.1 Review of plans for a public recreational bathing place
- 8:26-2.2 Procedure for obtaining written approval to locate and/or construct a public recreational bathing place
- 8:26-2.3 Procedure for obtaining approval to alter a public recreational bathing place
- 8:26-2.4 Denial of approval for location, construction, or alteration of a public recreational bathing place
- 8:26-2.5 Pre-operational inspection of a public recreational bathing place
- 8:26-2.6 Approval to operate a public recreational bathing place
- 8:26-2.7 through 8:26-2.9 (Reserved)

**SUBCHAPTER 3. SWIMMING POOLS**

- 8:26-3.1 General layout and design
- 8:26-3.2 Construction materials
- 8:26-3.3 Dimensional design
- 8:26-3.4 Diving area design
- 8:26-3.5 Bottom slope
- 8:26-3.6 Walls
- 8:26-3.7 Offset ledges
- 8:26-3.8 Underwater seat benches
- 8:26-3.9 Surface skimming system
- 8:26-3.10 Decks and walkways
- 8:26-3.11 Ladders and stairs
- 8:26-3.12 Fencing and enclosures
- 8:26-3.13 Electrical, illumination, and ventilation requirements
- 8:26-3.14 Diving stands, boards, slides and floats
- 8:26-3.15 Circulation systems
- 8:26-3.16 Inlets and outlets
- 8:26-3.17 Protection of potable water
- 8:26-3.18 Wading pools
- 8:26-3.19 Water slides
- 8:26-3.20 Rope drops
- 8:26-3.21 Floats and fixed platforms
- 8:26-3.22 Disinfection
- 8:26-3.23 Depth markings
- 8:26-3.24 Existing swimming pools and wading pools

**SUBCHAPTER 4. HOT TUBS AND SPAS**

- 8:26-4.1 General construction and design
- 8:26-4.2 Decks
- 8:26-4.3 Heater and temperature requirements
- 8:26-4.4 Electrical, illumination, and ventilation requirements
- 8:26-4.5 Protection of potable water
- 8:26-4.6 Inlets and outlets
- 8:26-4.7 Circulation systems
- 8:26-4.8 Disinfection
- 8:26-4.9 Air induction systems
- 8:26-4.10 Surface skimming systems
- 8:26-4.11 Fencing and enclosures
- 8:26-4.12 Depth markings
- 8:26-4.13 Existing hot tubs and spas

**SUBCHAPTER 5. WATERFRONT SAFETY**

- 8:26-5.1 Specially exempt facilities
- 8:26-5.2 Swimming pool supervision
- 8:26-5.3 Emergency equipment for swimming pools
- 8:26-5.4 Bather rules for swimming pools, wading pools, hot tubs and spas
- 8:26-5.5 Diving in swimming pools
- 8:26-5.6 Wading pool supervision
- 8:26-5.7 Water slides
- 8:26-5.8 Hot tub and spa supervision
- 8:26-5.9 Emergency equipment for hot tubs or spas
- 8:26-5.10 Bathing beach supervision
- 8:26-5.11 Bather rules for bathing beaches
- 8:26-5.12 Lifesaving equipment for bathing beaches
- 8:26-5.13 Diving stands and boards for bathing beaches
- 8:26-5.14 Waterfront restrictions for bathing beaches

**SUBCHAPTER 6. GENERAL SANITATION AND MAINTENANCE**

- 8:26-6.1 General provisions
- 8:26-6.2 Dressing rooms and bathhouses
- 8:26-6.3 Showers
- 8:26-6.4 Water closets and lavatories
- 8:26-6.5 Wastewater disposal
- 8:26-6.6 Solid waste disposal
- 8:26-6.7 Potable water supply
- 8:26-6.8 Drinking water fountains
- 8:26-6.9 Food service

- 8:26-6.10 Plumbing
- 8:26-6.11 Insect, rodent and weed control
- 8:26-6.12 Recreational equipment

## SUBCHAPTER 7. SAMPLING AND WATER QUALITY CRITERIA

- 8:26-7.1 Water source
- 8:26-7.2 Microbiological sampling for public recreational bathing places
- 8:26-7.3 Sample collection for swimming pools, wading pools, hot tubs, and spas
- 8:26-7.4 Disposition of water samples from public recreational bathing places
- 8:26-7.5 Microbiological water quality standards for swimming pools and wading pools
- 8:26-7.6 Samples not meeting standards
- 8:26-7.7 Chemical and physical water quality analyses for swimming pools and wading pools
- 8:26-7.8 Chemical water quality standards for swimming pools and wading pools
- 8:26-7.9 Physical water quality standards for swimming pools and wading pools
- 8:26-7.10 Salt water swimming and wading pools utilizing ocean and/or bay water
- 8:26-7.11 Microbiological water quality standards for hot tubs and spas
- 8:26-7.12 Chemical water quality standards for hot tubs and spas
- 8:26-7.13 Algae
- 8:26-7.14 Physical water quality standards for hot tubs and spas
- 8:26-7.15 Pre-operational assessment for bathing beaches
- 8:26-7.16 Sample collection at bathing beaches
- 8:26-7.17 Sampling techniques for bathing beaches
- 8:26-7.18 Microbiological water quality standards for bathing beaches
- 8:26-7.19 Chemical water quality standards for bathing beaches
- 8:26-7.20 Physical water quality standards for bathing beaches
- 8:26-7.21 (Reserved)

## SUBCHAPTER 8. ENFORCEMENT PROCEDURES

- 8:26-8.1 Legal authority
- 8:26-8.2 Inspection of public swimming pools, wading pools, hot tubs, spas, or bathing beaches
- 8:26-8.3 Report of inspections
- 8:26-8.4 Public availability of inspection reports
- 8:26-8.5 Criteria for closure of public recreational bathing places
- 8:26-8.6 Closure of swimming pools and wading pools
- 8:26-8.7 Closure of hot tubs or spas
- 8:26-8.8 Closure of bathing beaches
- 8:26-8.9 Recordkeeping
- 8:26-8.10 Deaths and/or serious injuries
- 8:26-8.11 Penalties
- 8:26-8.12 (Reserved)

## 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).

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.