

**TITLE 64
LEGISLATIVE RULE
BUREAU FOR PUBLIC HEALTH**

**SERIES 16
RECREATIONAL WATER FACILITIES**

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WEST VIRGINIA
SECRETARY OF STATE

§64-16-1. General.

1.1. **Scope.** -- This legislative rule establishes the minimum requirements for the design, construction, management and operation of recreational water facilities. The W. Va. Code is available in public libraries and on the Legislature's web page, <http://www.legis.state.wv.us/>.

1.2. **Authority.** -- W. Va. Code §16-1-4.

1.3. **Filing Date.** -- April 17, 2002.

1.4. **Effective Date.** -- July 1, 2002.

1.5. **Repeal and Replacement of Former Rules.** -- This legislative rule repeals and replaces Division of Health rule 64CSR16, "Swimming Pool and Bathing Beach", effective April 22, 1992, and repeals Division of Health rule 64CSR25, "Design Standards for Swimming Pools", effective May 5, 1980.

1.6. **Applicability.** -- This rule applies to the owners and operators of recreational water facilities.

1.7. **Enforcement.** -- This rule is enforced by the Director of the Division of Health.¹

§64-16-2. Definitions.

2.1. **Bathing Beach.** -- An organized and controlled bathing place located on a natural stream, pond or lake, or on an artificial pond or lake which is formed by impounding a natural waterway.

2.2. **Director.** -- The Director of the Division of Health or his or her designee.

2.3. **Fecal Accident.** -- The release of visible fecal matter into the water of a recreational water facility.

¹ The Department of Health and Human Resources (DHHR) was created by the Legislature's reorganization of the executive branch of State government in 1989. The Department of Health was renamed the Division of Health and made a part of the DHHR (W. Va. Code § 5F-1-1 et seq.). Administratively within the DHHR the Bureau for Public Health through its Commissioner carries out the public health function of the Division of Health.