EFFECTIVE DATE
JULY 15, 2026

NORTHEAST NEBRASKA PUBLIC HEALTH DEPARTMENT

SANITARY AND SAFETY REQUIREMENTS FOR THE EQUIPMENT AND OPERATION OF SWIMMING POOLS AND BATHER PREPARATION FACILITIES

TABLE OF CONTENTS

001. PURPOSE 2
002. SCOPE AND AUTHORITY 2
003. DEFINITIONS. 2
004. PLANS; APPROVAL FOR CONSTRUCTION; REQUIRED 4
005. DESIGN AND CONSTRUCTION STANDARDS 4
006. VARIANCES 4
007. PERMIT TO OPERATE 4
008. PERMIT; APPLICATION 4
009. PERMIT; SCHEDULE OF FEES 5
010. OPERATIONAL STANDARDS 6
011. RECORDS RETENTION 6
012. POLLUTED OR UNSAFE WATER 6
013. INSPECTIONS AND ENFORCEMENT 6
014. PERMIT; SUSPENSION, REVOCATION 7
015. NOTICE; SERVICE 8
016. ENFORCEMENT HEARINGS 8
017. APPEALS 9
018. LIABILITY OF OWNER; LIMITS 9
019. PENALTY 10
020. SEVERABILITY AND SAVINGS CLAUSE 10

001. **PURPOSE.** These regulations establish minimum sanitary and safety requirements for public swimming pools within the jurisdiction of the Northeast Nebraska Public Health Department and provide for the permitting, inspection, operation, maintenance, and enforcement of such facilities to protect public health and safety. The Board of Health authorizes the Health Director to administer and enforce these regulations.

002. **SCOPE AND AUTHORITY.** These regulations are adopted pursuant to **Neb. Rev. Stat. §§ 71-1626(3), 71-1631(7), 71-1631(8), 71-1631(14), 71-1631.01, 81-15,263(3), 81-15,265(2), 81-15,268(1), 81-15,268(2), 81-15,268(3), 81-15,268(4), 81-15,268(5), 81-15,268(6), 81-15,268(7), 81-15,268(8),** and **81-15,270.**

003. **DEFINITIONS.** The following definitions apply:

003.01 ADDITIONAL POOL shall mean any public swimming pool that is co-located with another permitted public swimming pool.

003.02 BOARD OF HEALTH shall mean the Northeast Nebraska Public Health Department Board of Health.

003.03 CLOSED shall mean that the enclosure surrounding a swimming pool remains locked and patrons are unable to access the swimming pool or its deck until such time that the Health Director notifies the owner or swimming pool operator that the pool may be opened.

003.04 GOVERNMENTAL AGENCY shall mean the same as **Neb. Rev. Stat. § 86-622** Governmental agency, defined. Governmental agency means an executive, legislative, judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a state or a county, municipality, or other political subdivision of a state.

003.05 HEALTH DEPARTMENT shall mean the Northeast Nebraska Public Health Department.

003.06 HEALTH DIRECTOR shall mean the director of the Northeast Nebraska Public Health Department or an authorized representative of the director.

003.07 SIGNIFICANT HEALTH RISK shall mean a threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or closure to prevent injury, illness or disease.

003.08 OWNER shall mean a person, individual, firm, partnership, association, corporation, company, municipality, political subdivision, community, government

agency, club, organization, or other entity that owns a public swimming pool or the owner's representative.

003.09 PERSON shall mean any individual, firm, partnership, association, corporation, company, municipality, political subdivision, community governmental agency, club, organization, or other entity owning or operating a public swimming pool.

003.10 POLITICAL SUBDIVISION shall mean the same as in **Rev. Neb Stat. §13-1612.** Political subdivision, defined. Political subdivision shall include villages, cities, counties, school districts, public power districts, community colleges, natural resources districts, and all other units of local government.

003.11 PUBLIC SWIMMING POOL shall mean any artificial basin of water modified, improved, constructed, or installed which is used for the purpose of public swimming, wading, diving, recreation, or instruction. Public swimming pool does not include an artificial lake, a pool at a private residence intended only for the use of the owner and guests, or a pool operated exclusively for medical treatment, physical therapy, water rescue training, or training of divers. All public swimming pools shall be divided into the following classes:

003.11(A) CLASS A POOL shall mean a swimming pool operated by a municipality, political subdivision, or governmental agency.

003.11(B) CLASS B POOL shall mean a swimming pool operated at a facility including, but not limited to, an apartment, a condominium, a property owner association, a childcare facility, and lodgings such as hotels and motels.

003.11(C) CLASS C POOL shall mean a spa, hot tub, whirlpool, cold plunge, etc. which is not intended to be drained, cleaned, and refilled after each use.

003.11(D) CLASS D POOL shall mean a wading pool that is no more than 24 inches deep.

003.11(E) CLASS E POOL shall mean a spray park providing recirculated water to spray features with no permanent standing water accessible to pool patrons designed so that users have full body contact with the water.

003.11(F) CLASS F POOL shall mean a swimming pool at a health club, fitness center, or community fitness center.

003.12 PUBLIC SWIMMING POOL OPERATOR shall mean an individual of at least 19 years of age who has a current certificate of competency from a swimming pool operator course approved by or offered by the Health Department.

003.13 VARIANCE shall mean a written approval from the Nebraska Department of Water, Energy and Environment to allow a modification that does not conform to the requirements in Title 178 Nebraska Administrative Code Chapter 4: Public Swimming Pool Design and Construction Standards, as amended.

004. **PLANS; APPROVAL FOR CONSTRUCTION; REQUIRED.** No person shall begin construction or installation of, or make modification to, any public swimming pool until it is approved by the Nebraska Department of Water, Energy and Environment.

005. **DESIGN AND CONSTRUCTION STANDARDS.** Except as hereinafter provided by specific amendment, the standards and requirements set forth in Title 178 Nebraska Administrative Code Chapter 4: Public Swimming Pool Design and Construction Standards, as amended, are hereby adopted by reference as Board of Health regulations.

006. **VARIANCES.** Requests for variances from the design and construction standards must be submitted to and approved by the Nebraska Department of Water, Energy and Environment. The owner shall provide the Health Director with a copy of the request for variance.

007. **PERMIT TO OPERATE.** No person shall operate or maintain a public swimming pool in the jurisdictional area of the Health Department without a valid permit to operate issued by the Health Director. A permit shall not be considered valid if suspended or revoked. Each permit shall be valid through March 31 following issuance of the permit. A renewal permit shall be secured on or before March 31of each year, which will expire on March 31 of the following year. All permits shall state the conditions and term thereof. A public swimming pool operator responsible for operating the pool shall be identified. It shall be unlawful for any person to conduct, operate, maintain, or manage a public swimming pool without complying with the requirements of these regulations. A permit to operate a public swimming pool shall not be transferable. Any change of ownership shall necessitate the new owner to obtain a new public swimming pool permit to operate before operating the pool. The permit must be conspicuously posted on the pool premises.

008. **PERMIT; APPLICATION.** An application for a permit to operate a public swimming pool shall be made to the Health Director on forms furnished for such purpose. Such forms shall require the owner's full name, mailing address, business phone number, cell phone number, email address, the establishment name and address, and the number and types of pools or spas on the premises, the public swimming pool operator(s) designated for the pool,

the signature of the owner(s), and such other relevant information as may be required by the Health Director.

009. **PERMIT; SCHEDULE OF FEES.** Public swimming pools within the jurisdiction of the Health Department shall submit fees to the Health Department prior to being issued a permit to operate as outlined below:

009.01 Annual Public Swimming Pool Permit Fees.

009.01(A) A fee of $400.00 shall be paid to obtain an annual operating permit for a public swimming pool owned by a political subdivision or governmental agency.

009.01(B) A fee of $500.00 shall be paid to obtain an annual operating permit for a public swimming pool owned by a person other than a political subdivision or governmental agency.

009.01(C) A fee of $200.00 shall be paid to obtain an annual operating permit for each additional pool. The fee established in this subsection shall be assessed in addition to the fee established in subsection 009.01(A) or 009.01(B), as applicable.

009.02 Late Fees.

009.02(A) A permit holder who fails to renew the permit before its expiration date, but renews within 30 days after expiration, shall pay a late fee equal to 33% of the annual fee, in addition to the annual fee.

009.02(B) A permit holder who fails to renew a permit within 30 days after its expiration date shall pay a late fee equal to 67% of the annual fee, in addition to the annual fee.

009.02(C) Late fees shall not be assessed if a renewal notice was not mailed at least 30 days prior to the permit expiration date.

009.03 Failure to Pay

009.03(A) Failure to pay public swimming pool permit fees shall constitute grounds for the Health Director to issue an order to cease operations and to initiate appropriate legal action against the owner.

009.04 Method of Payment

009.04(A) The Health Department shall accept payment by personal check, certified check, cashier's check, money order, or currency. Checks shall be

made payable to the "Northeast Nebraska Public Health Department." Payment in currency is not the responsibility of the Health Department until properly receipted. The Health Department shall not accept payment by stamps, third-party endorsed checks, or credit or debit cards.

009.05 Refunds

009.05(A) The Health Department shall not refund any fee paid except in cases of mistake or fraud.

010. **OPERATIONAL STANDARDS.** The minimum sanitary and safety requirements provided in Title 178 Nebraska Administrative Code Chapter 2: Operation and Management of Public Swimming Pools, as amended, are hereby adopted by reference as Board of Health regulations. The owner and operator of any public swimming pool shall operate in compliance with these minimum sanitary and safety requirements.

011. **RECORDS RETENTION.** The owner and operator of any public swimming pool shall retain required operational and analytical records for 3 years. Upon request of the Health Director, such records shall be provided within 5 business days.

012. **POLLUTED OR UNSAFE WATER.** No body of water in the Health Department's jurisdiction shall be used for public swimming or bathing purposes by any person if it:

012.01 Contains sewage, waste, microorganisms, toxins, or other contaminants, pollutants or hazardous substances rendering the water a significant health risk, or

012.02 Is determined by the Health Director to be unsafe for any other reason due to a significant health risk.

013. **INSPECTIONS AND ENFORCEMENT.** The Health Director is hereby authorized and directed to make such inspections to determine satisfactory compliance with these regulations, provide technical assistance and education, and take enforcement action when necessary to gain compliance.

013.01 The Health Director shall conduct inspections as frequently as deemed necessary to protect public health and ensure compliance with these regulations.

013.02 Upon presentation of proper credentials, the Health Director may enter any building, structure, or premises having a public swimming pool at any reasonable time to conduct an inspection to determine compliance with these regulations.

013.03 An owner or operator shall allow the Health Director to inspect at any reasonable time for the purpose of determining compliance with the provisions of these regulations. Denying the Health Director right of entry to conduct an inspection

shall be grounds for immediate suspension or revocation of the public swimming pool permit.

013.04 The Health Director shall record inspection findings on a report. Upon completion of the inspection, a copy of the inspection report shall be provided to the public swimming pool owner, owner's representative, and to the public swimming pool operator responsible for the pool.

013.05 Whenever the Health Director finds a violation that poses a significant health risk that cannot be immediately corrected, the Health Director shall order the public swimming pool to be immediately closed by issuing a closure notice, a suspension notice, or revocation notice. Such notice shall:

013.05(A) Identify the specific provision(s) of these regulations found to be in violation.

013.05(B) Be issued to the owner, operator or owner's representative as provided in Section 015.

013.05(C) Require the pool to be kept closed until the Health Director determines by inspection, or other acceptable proof, that compliance has been achieved, or until a hearing has been held and a determination made regarding any additional requirements that might be necessary to ensure that significant health risks will not reoccur.

013.05(D) State that failure to correct the violations may result in prosecution as provided in Section 019.

013.05(E) State that the owner may request a hearing before the Health Director by submitting a written or electronic request with the Health Director.

013.06 The completed inspection report form and any notice are public documents that shall be made available according to State law.

014. **PERMIT; SUSPENSION, REVOCATION**. Any permit issued under these regulations may be suspended or revoked at any time by the Health Director for violation of **Neb. Rev. Stat. §§ 81-15,264 to 81-15,270**, Title 178 Nebraska Administrative Code (NAC) 2 Operation and Management of Public Swimming Pools, as amended, Title 178 Nebraska Administrative Code (NAC) 4 Public Swimming Pool Design and Construction Standards, as amended, or any of the provisions of these regulations or other regulations adopted by the Board of Health. Any permits granted under these regulations shall be subject to suspension or revocation in the following manner:

014.01 The Health Director shall serve notice as provided in Section 015.

014.02 The Health Director may suspend or revoke the permit for a period of time not to exceed 90 days.

014.03 The suspension or revocation shall be effective immediately upon issuance of notice.

014.04 The person notified shall have a right to a hearing which the Health Director shall conduct in accordance with Section 016.

014.05 Continuing to operate or cause, permit or allow use of the public swimming pool after receiving notice of suspension or revocation of the permit is a violation of these regulations.

014.06 Requests for reinstatement, hearing, or appeal shall not stay or delay a suspension or revocation in any manner.

015. NOTICE; SERVICE.

015.01 The Health Director may serve notice regarding any suspension or revocation of a permit under these regulations as follows:

015.01(A) By personal service to the owner, operator or owner's representative, or

015.01(B) By certified mail, postage prepaid, return receipt requested to the owner's or permit holder's last known address as indicated on the application for the permit.

015.02 The person making personal service may provide a written declaration under penalty of perjury identifying the person served and the time, date, and manner of service as proof of service.

015.03 If the service of notice is to a person other than the owner, the Health Director may send a copy of the notice to the owner by regular mail. The copy is not required as part of the notice, and receipt of the copy does not affect the notice.

016. ENFORCEMENT HEARINGS.

016.01 The Health Director shall conduct hearings within the following timeframes:

016.01(A) Five business days after a request for a hearing after a suspension or revocation, or

016.01(B) Ten business days after any other request.

016.02 The Health Director may serve as the hearing officer or appoint a suitable hearing officer to hear the matter. If the Health Director appoints a hearing officer, they shall make recommendations based on the evidence adduced at the hearing for the Health Director's final determination of the matter.

016.03 The hearing does not have to be conducted according to the technical rules relating to evidence and witnesses. The person requesting the hearing and the Health Director may:

016.03(A) Call and question witnesses on any matter relevant to the issues of the hearing;

016.03(B) Introduce documentary and physical evidence; and

016.03(C) Ask questions on any matter relevant to the issues of the hearing.

016.04 The Health Director may uphold, reverse, or modify the findings prompting the request for hearing and may take such other reasonable action as determined proper in relation to the request.

016.05 The Health Director shall make a final determination within 10 business days after the day of the hearing.

016.06 The Health Director's decision shall be final and binding upon the person making the request. Such decision may be appealed to district court as provided by law.

017. **APPEALS.**

017.01 If the Health Director denies any application or fails or refuses to issue a permit under these regulations within 30 business days from the date of receiving a complete application, such decision may be appealed to the district court as provided for by law.

017.02 Any public swimming pool owner aggrieved by a final decision by the Health Director in the administration or enforcement of these regulations may appeal such decision to the district court as provided by law.

018. **LIABILITY OF OWNER; LIMITS.** Every act or omission of whatsoever nature constituting a violation of any of the provisions of these regulations, by an officer, director, manager or other agent or employee of any owner if said act is committed or omission is made with the authorization, knowledge, or approval of the owner, shall be deemed and held to be the act of such owner.

019. **PENALTY.** Any person upon whom a duty is placed by the provisions of these regulations who shall fail, neglect, or refuse to perform such duty or who shall violate any of the provisions of these regulations may be prosecuted in accord with Nebraska statute for a Class III misdemeanor. Each day that a violation of these regulations continues shall constitute a separate and distinct offense.

020. **SEVERABILITY AND SAVINGS CLAUSE.**

020.01 Each section and each subdivision of a section of these regulations is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the passage of these regulations is concerned and invalidity of any section or subdivision of a section of this title shall not invalidate any other section or subdivision of a section thereof.

020.02 These regulations shall in no manner affect pending actions, either civil or criminal, founded on or growing out of any regulation or part of any regulation hereby repealed; and this title shall in no manner affect rights or causes of action, either civil or criminal, not in suit that may have already accrued or grown out of any regulation or part of any regulation hereby repealed.