

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Public Health

Division of Public Health Protection and Safety

(Amended at ARRS Committee)

902 KAR 10:121. Plan review, annual permitting, and inspection fees for public swimming and bathing facilities, including splash pads operated by local governments.

RELATES TO: KRS ~~211.185~~~~[211.180(1)(e)]~~, 211.990(2)~~], 2000 Ky. Acts ch. 549, part I.A.41]~~

STATUTORY AUTHORITY: KRS 194A.050, ~~211.180(2)~~~~[(1), (3), 2000 Ky. Acts ch. 549, part I.A.41]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050 ~~and 211.180(2)~~~~[(3) and 2000 Ky. Acts ch. 549, part I.A.41]~~ authorize the Secretary of the Cabinet for Health and Family Services to adopt a schedule of reasonable fees covering the costs for permitting and inspection of efforts regarding compliance with program standards administered by the cabinet. The fees shall be the total of the operational and administrative costs of the programs to the cabinet and to agencies as defined in KRS 211.185~~[cost of annual inspections performed by the Cabinet for Health Services or a local health department]~~. This administrative regulation establishes a schedule of fees for the cost of annual permitting and inspections of public swimming and bathing facilities, construction plan review, and construction inspection.

Section 1. Fees for Inspections.

- (1) A fee shall be required for inspections conducted by the cabinet or the local health department to determine compliance with:
 - (a) 902 KAR 10:120 for public swimming and bathing facilities; and
 - (b) 902 KAR 10:190 for splash pads operated by local governments.
- (2) For public swimming and bathing facilities the annual inspection fee shall be:
 - (a) Assessed according to the total square footage of the water surface area;
 - (b) Calculated as established in this paragraph:
 1. 1,000 square feet or less, the fee shall be ninety (90) dollars;
 2. 1,001 to 1,500 square feet, the fee shall be \$150;
 3. 1,501 to 2,000 square feet, the fee shall be \$200; and
 4. 2,001 and above, the fee shall be \$200 plus fifty (50) dollars for each additional 500 square feet of water surface area; and
 - (c) Include seventy-five (75) dollars for ~~each~~ interactive water features ~~feature~~ .
- (3) For all beaches, the annual inspection fee shall be:
 - (a) Assessed according to the linear ~~square~~ footage of beach front;
 - (b) Calculated as established in this paragraph:
 1. 149 or less linear ~~square~~ feet, the fee shall be ninety (90) dollars;
 2. 150 to 200 linear ~~square~~ feet, the fee shall be \$175; and
 3. 201 and above, the fee shall be \$175 plus fifty (50) dollars for each additional fifty (50) linear ~~square~~ feet; and
 - (c) Include seventy-five (75) dollars for ~~each~~ interactive or inflatable water features ~~feature~~ .
- (4) For splash pads ~~operated by local governments~~ the annual inspection fee shall be \$250 per year.
- (5) For spas and hot tubs, the annual inspection fee shall be \$150 per year.
- (6) The inspection fee required by this section shall be:
 - (a) Paid to the local health department having jurisdiction by check or money order made payable to the Kentucky State Treasurer;

- (b) Deposited in the environmental fee account; and
- (c) Sent to the Department for Public Health for deposit with the Kentucky State Treasury.

Section 2. Plan Review and Construction Inspection.

- (1) A fee shall be required for all plan reviews and construction inspections by the cabinet or the local health department to determine compliance with:
 - (a) 902 KAR 10:120 for public swimming and bathing facilities; and
 - (b) 902 KAR 10:190 for splash pads operated by local governments.
- (2) The fee for plan review shall be calculated as follows:
 - (a) Swimming and bathing facility plan review for gutter pools, the fee shall be \$315.
 - (b) Swimming and bathing facility plan review for skimmer pools, the fee shall be \$157.50.
 - (c) Swimming and bathing facility plan review for minor reconstruction, the fee shall be \$105.
- (3) The fee required by subsection (2) of this section shall include seventy-five (75) dollars for ~~each~~ interactive water features ~~feature~~ .
- (4) The fee for swimming and bathing facility construction inspection shall be calculated as follows:
 - (a) Pre-renovation evaluation, the fee shall be \$210.
 - (b) Rough-in construction inspection, the fee shall be \$105.
 - (c) Final construction inspection, the fee shall be \$157.50.
- (5) The plan review and construction inspection fees required by this section shall be paid to the Kentucky Department for Public Health by check or money order made payable to the Kentucky State Treasurer.

Section 3. Annual Permit Fee.

- (1) An annual permit fee of \$100 for all public swimming and bathing facilities, including beaches, and splash pads operated by local governments shall be:
 - (a) Paid no later than May 1 each year; and
 - (b) Paid to the Kentucky Department for Public Health by check or money order made payable to the Kentucky State Treasurer.
- (2) A late payment fee of fifty (50) dollars shall be assessed on all annual permits not received by May 1 each year. ~~[Public swimming and bathing facilities shall be subject to the following fees:]~~
 - ~~[(1)] [Swimming and bathing facility with a total water surface area of less than 1,000 square feet or less; and a beach front of 149 linear feet or less—eighty seven (87) dollars per year.]~~
 - ~~[(2)] [Swimming and bathing facility with a total water surface area of 1,001 square feet or more; and a beach front of 150 linear feet or more—\$167 per year.]~~
 - ~~[(3)] [Swimming and bathing facility prerenovation evaluation—\$200.]~~
 - ~~[(4)] [Swimming and bathing facility plan review for gutter pools—\$300.]~~
 - ~~[(5)] [Swimming and bathing facility plan review for skimmer pools—\$150.]~~
 - ~~[(6)] [Swimming and bathing facility plan review with minor reconstruction—\$100.]~~
 - ~~[(7)] [Swimming and bathing facility rough-in construction inspection—\$100.]~~
 - ~~[(8)] [Swimming and bathing facility final construction inspection—\$150.]~~

~~[Section 2.] [Payment of Fees. Fees shall be paid to the local health department having jurisdiction. Fees received by a local health department shall be deposited in the Kentucky State Treasury in a trust and agency account for use solely in administering the program. Inspection fees shall be submitted annually prior to May 1. Fees for a newly constructed facility shall be submitted initially at the preopening inspection and at each May 1 date thereafter.]~~

(14 Ky.R. 2139; eff. 6-22-1988; 16 Ky.R. 2783; eff. 7-18-1990; 19 Ky.R. 300; eff. 8-28-1992; 27 Ky.R. 1918; 2471; eff. 3-6-2001; Crt eff. 10-2-2019; TAm eff. 3-20-2020; 48 Ky.R. 1396, 2263, 2756; eff. 7-20-2022.)

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