



# Lake County

Health Department and  
Community Health Center

## Swimming Facility Program Administrative Procedures and Policies

### CONTENTS

- I. Surveys/Investigations (Inspections)
  - a. Routine Inspections
  - b. Inspection Documentation
  - c. Facility Operator Responsibilities/Obligations
    - i. Access
    - ii. Certified Pool Operators
      - ~~1.~~ **Required**
  - d. Exceptions/Restrictions
    - i. Exceptions
    - ii. Restrictions
  
- II. Enforcement
  - ~~a.~~ **Operating License Suspension Conditions at Swimming Facilities Other than Public Bathing Beaches**
  - ~~i.~~ **Operating License Suspension Conditions at Public Bathing Beaches**
  - ~~b.~~ **Re-inspections**
  - ~~c.~~ **Lifting of a Suspension**
    - i. Exceptions
  - ~~d.~~ **Operating License Revocation Conditions**
  - ~~e.~~ **Application After Revocation**
  - f. **Office Compliance Hearings**
  
- III. Changes of Ownership
  - a. License
  - b. Inspections

## I. SURVEYS/INVESTIGATIONS (INSPECTIONS)

- a. **Routine Inspections:** As required in [the Lake County Code of Ordinances Chapter 174 Article XIX](#), ~~the~~ Swimming Facility [Ordinance Regulations](#), Section ~~SF-501-1~~[174.080\(A\)](#), “the Health Officer shall conduct a minimum of two inspections per License Year at each Annual Facility” and as required in Section ~~174.080(B)~~[SF-501-2](#), “the Health Officer shall conduct a minimum of one inspection per License Year at each Seasonal Facility.” The inspection must be conducted in accordance with ~~Article XIX~~[Chapter 174, Chapter 5](#). All plan reviews and construction approval inspections for new and majorly altered facilities shall be conducted by the Illinois Department of Public Health as stated in ~~Article XIX~~[Chapter 174](#), Section ~~SF-502-1~~[174.081](#) and Section ~~SF-502-2~~[174.082](#).
- b. **Inspection Documentation:** The inspection information will be noted on the inspection form provided by the Health Officer. Inspection information shall be provided to the Illinois Department of Public Health. A report of the inspection, including the cited violations, required corrective actions, and result of the inspection, shall be given to the facility following an inspection. The Health Officer shall indicate on the report the result of the inspection of each feature as “pass”, “fail”, or “suspend”, shall indicate if a reinspection is required and the date the reinspection shall occur. A result of “fail” shall be indicated when there are uncorrected violations that do not constitute an imminent health hazard, but which require a reinspection to verify compliance. A feature that has failed an inspection may remain open if the violation is corrected within the timeframe indicated by the Health Officer. See also section “c” under Enforcement ~~(p-5)~~.
- c. **Facility Operator Responsibilities/Obligations**
  - i. **Access:** As required in ~~Article XIX~~[Chapter 174](#), Section ~~SF-102-2~~[174.026\(A\)](#), “the Health Officer, after providing identification to any person(s) present on the property and subject to constitutional limitations, shall have the authority to enter any property where the swimming facility has a license issued by the County of LAKE at any reasonable time to inspect for health, safety and sanitation purposes, and for compliance with the provisions of this Ordinance.” In accordance with this section, swimming facilities are essentially subject to inspection at any time they are operating. As a part of the inspection process, access must be given to all components of the swimming facility, including, but not limited to the pump room, the water heater, and the pool basin. An operator **does not** have the right to refuse the Health Officer entry to a facility nor entry to any working parts of a feature if the facility is operating. If an operator refuses entry it is considered cause for revoking an operating license as stated in ~~Article XIX~~[Chapter 174](#), Section ~~SF-404-1~~[174.065\(A\)\(3\)](#). **If a swimming facility operator refuses the Health Officer entry, the Health Officer must contact the Swimming Facility Program Coordinator immediately.**
  - ii. **Certified Pool Operator:** Having a certified pool operator on site is not a requirement for a swimming facility. However, it is preferred and encouraged, so the educational benefits of the certification should be promoted by staff conducting

inspections. It is acceptable for a certified pool operator to be employed at multiple licensed facilities.

**d. Exceptions/Restrictions**

- i. **Exceptions:** Appointments may be necessary for swimming facilities that do not have an operator on site or where access is restricted or impeded.
- ii. **Restrictions:** Staff shall avoid making unannounced inspections on major holidays or if a swimming facility is hosting a swimming/diving competition as a courtesy to the operators, and to assure that a proper inspection may be conducted. Staff shall adhere to this restriction unless inspecting a facility is not possible or practical outside of a holiday or swimming/diving competition time frame (e.g., facilities only open temporarily), or if there are operational issues that can only be monitored during that time frame. Announced inspections may take place under these circumstances in cooperation with the operator.

**II. Enforcement**

a. **Operating License Suspension Conditions at swimming facilities other than public bathing beaches:** As stated in [Article XIX Chapter 174 Section SF-403-1174.064\(A\)](#), “The Health Officer may, upon written notice, with or without prior warning, notice or hearing, suspend an Operating License for a swimming facility when the Health Officer determines that the operation of the swimming facility constitutes an Imminent Health Hazard.” Examples of an Imminent Health Hazard that may lead to the suspension of an operating license include, but are not limited to:

- Bacteriological water test results indicate any of the following:
  - 1) Coliform concentration of > 10 per 100 ml in two consecutive samples;
  - 2) Presence of fecal coliform, *E. coli*, beta hemolytic Streptococcus or Pseudomonas in any sample;
- Turbidity exceeds the criteria outlined defined as: “The pool water shall be sufficiently clear that the entire pool basin is clearly visible from the pool deck”;
- A disinfectant residual consisting of a minimum of 0.5 ppm free chlorine or 1.0 ppm bromine is not present, or the disinfection system is inoperable;
- The total chlorine concentration exceeds 5 ppm or the total bromine concentration exceeds 10 ppm;
- The recirculation pumps and/or the filters are inoperable;
- The pH of the pool water is less than 6.8 or greater than 8.0;
- A patron has defecated or vomited in the pool;
- A suction outlet cover is loose, improperly installed, damaged or missing;
- The failure to maintain or provide operation reports;
- The failure to provide and maintain necessary safety equipment prescribed by rule;
- The improper use of starting platforms;
- The failure to maintain equipment in proper work order (including, but not limited to, skimmers, pumps, and chlorinators), such that the public is endangered;
- The failure to submit a Drowning and Injury Report within 24 hours;
- The failure to provide a lifeguard or a warning sign as required by the rules;
- The failure to obey assigned bather load;
- The failure to obtain a license prior to operating;

- The failure to secure a permit to majorly alter a swimming facility;
- Submitting fraudulent documentation to the Health Officer; and
- Not being in compliance with the federal Virginia Graeme Baker Pool and Spa Safety Act. If a swimming pool or spa is not in compliance, the features must be closed until compliance can be achieved.

1. **Approved Drain Cover:** The main drain must have an approved drain cover that meets the ASME/ANSI A112.19.8 performance standard as defined by the Consumer Product Safety Commission.

2. **Main Drain:** For those facilities that have only one main drain or facilities that have two main drains less than 36 inches apart center-to-center, one of the following is required:

- I. **Safety Vacuum Release System:** A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387, or any successor standard.
- II. **Suction Limiting Vent System:** A suction-limiting vent system with a tamper-resistant atmospheric opening.
- III. **Gravity Drainage System:** A gravity drainage system that utilizes a collector tank.
- IV. **Automatic Pump Shut Off System:** An automatic pump shut-off system.
- V. **Drain Disablement:** A device or system that disables the drain.
- VI. **Other Systems:** Any other system determined by the Consumer Product Safety Commission to be equally effective as, or better than, the systems described in above at preventing or eliminating the risk of injury or death associated with pool drainage systems.

3. **Skimmer Equalization Lines:** All existing skimmer equalization lines must be permanently disabled at both the equalizer pipe top and at the wall in order to prevent any suction from these lines. If the line is only sealed at the pipe top, stagnant water can accumulate and lead to a water-borne outbreak.

b. **Operating License Suspension Conditions at Public Bathing Beaches:** The following conditions constitute an imminent health hazard at a public bathing beach that may lead to an operating license being suspended:

- A fecal coliform count equal or greater than of 500 colonies/100 ml or an E. coli count equal or greater than of 235 colonies/100 ml in each of two samples collected on the same day shall require closing the beach;
- A fecal coliform count equal or greater than of 500 colonies/100 ml or an E. coli count equal or greater than of 235 colonies/100 ml in any single sample

of a two sample set shall require the submission of two additional samples to be collected on the same day within 24 hours after notification by the Health Officer;

- An advisory or closure notification issued by the IDPH or IEPA, due to potential toxic algal concentrations;
  - The failure to provide and maintain necessary safety equipment prescribed by rule;
  - Unless exempted, the failure to provide bathroom facilities prescribed by rule;
  - The failure to post patron regulations and bather load signs;
  - The failure to submit a Drowning and Injury Report within 24 hours;
  - The failure to provide a lifeguard or a warning sign as required by the rules;
  - Submitting fraudulent documentation to the Health Officer; and
  - If a survey determines that there are discharges of sanitary or combined sewers, other raw or partially treated sewage, or other hazardous substances to the beach or immediate watershed, or if hazardous materials are found at the beach.
- c. **Re-inspections:** All violations do not necessarily warrant a re-inspection. Typically 2 weeks can be given to correct the violation. If the violation is corrected during those two weeks, the facility may be instructed to call, fax or email the Health Officer with proof of the violation correction. If the Health Officer has not received notification of this violation being corrected within 2 weeks, a re-inspection shall take place. For repeated violations of the water quality standard requirements referenced in [Article XIX Chapter 174](#), or for failure to correct an Imminent Health Hazard, the Health Officer may recommend revocation of the facility's license in accordance with Section [SF-404.0 \(see also section "e"\)174.065](#).
- d. **Lifting of a Suspension:** Violations that are not corrected during an inspection must be corrected as soon as possible. When an operating license has been suspended in accordance with [Article XIX Chapter 174](#), Section [SF-403.0174.064](#), the affected swimming facility must remain closed until the facility can prove the imminent health hazard no longer exists. For a water quality violation, the facility can notify the Health Officer that the violation has been corrected, after which the facility may reopen without re-inspection. **However, a re-inspection must occur within the next 7 days to verify the facility is operating within acceptable chemical limits.** For a mechanical or structural violation, a re-inspection shall be required by the Health Officer either prior to the facility reopening or within 7 days of reopening to verify that the violation no longer exists.
- i. **Exceptions:** Public bathing beaches do not need a re-inspection to lift a suspension due to a high bacterial count. A satisfactory water sample result is sufficient to lift a suspension at a bathing beach that had its Operating License suspended due to a previous unsatisfactory sample result. The suspension shall not be lifted until the results of two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.

- e. **Operating License Revocation Conditions:** As stated in [Article XIX Chapter 174, Section SF-404.1174.065\(A\)](#), the Health Officer may, after providing opportunity for a hearing, revoke a license for:
- A. Repeated violations of the water quality standard requirements referenced in [Article XIX Chapter 174](#);
  - B. Failure to immediately cease use of a swimming facility for which the Operating License it has been suspended;
  - C. Interference with the Health Officer in the performance of his or her duty; or
  - D. Failure to correct an imminent health hazard.

f. **Office Compliance Hearings:** When a swimming facility operator repeatedly or seriously fails to comply with the requirements in the Illinois Swimming Facilities Code and/or Lake County Code of Ordinances Chapter 174, the operator shall be required in writing to attend an office compliance hearing with the Health Officer. If a facility operator fails to attend a scheduled office compliance hearing without prior notice, the facility's permit to operate may be suspended, or revocation procedures may be initiated (per Chapter 174, Sections 174.064 and 174.065). The following conditions would warrant an office compliance hearing, though this list is not all inclusive:

- i. Repeat violations are those found at two or more consecutive inspections (whether or not these violations were corrected at the time of the inspection). The permit shall be suspended immediately if an imminent health hazard exists (see Chapter 174, Section 174.064).
- ii. If an operator refuses access or entry to the Health Officer or becomes belligerent, aggressive or threatening. The Health Officer must also complete an incident report describing the encounter.
- iii. If a permit is suspended or if a facility operator voluntarily closes due to an imminent health threat, an office compliance hearing must be held **prior to allowing the facility to re-open**. The hearing, which will be conducted by a Health Officer, may take place either at the facility, or in the office. Staff shall be accommodating in scheduling the hearing to minimize the time the facility is out of operation. The result of the hearing shall be documented as for any hearing.

If the suspension/voluntary closure occurs on a weekend, an office compliance hearing shall be held by the second business day of the next work week (Tuesday unless there is a Monday holiday). If the suspension/voluntary closure occurs after business hours, an office compliance hearing shall be held within the next two business days. These hearings must take place in the office or at the facility. This "weekend/off-hours" rule shall also apply if a Health Officer is not available for a problem

### III. **CHANGES OF OWNERSHIP**

- a. **License:** In accordance with [Article XIX Chapter 174, Section SF-401.3174.057](#), which states that a license to operate a swimming facility is not transferrable to a new owner, when a

swimming facility undergoes a change of ownership, the new owner must apply for a new license. LCHD/CHC may become aware of these changes after the facility has changed hands (the facility may or may not be continuing to operate), or before the transfer occurs. If the facility is continuing to operate, the new owner shall be given notice that he or she needs to apply and pay for a new license. Failure to do so within 7 days will result in the owner being in violation of [Article XIX Chapter 174](#), Section [SF 401.1174.055](#), operating without a valid license.

- b. **Inspections:** When the Health Officer becomes aware of a change of ownership of a swimming facility, an inspection shall be conducted within 10 working days. During this inspection, the Health Officer shall assure that the new owner is familiar and complying with the required operational standards.