
LAKE COUNTY BOARD OF HEALTH ORDINANCE

ARTICLE ____



SWIMMING FACILITIES

**LAKE COUNTY BOARD OF HEALTH ORDINANCE
ARTICLE ____ – REGULATION OF SWIMMING FACILITIES**

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CHAPTER 1 - ADMINISTRATION

SECTION SF-101.0 GENERAL

SF-101.1 Title: This ordinance shall be known as the Swimming Facility Ordinance of the County of LAKE, hereinafter referred to as "this Ordinance."

SF-101.2 Intent: It is the intent of this Ordinance to assure the proper operation, maintenance and monitoring of all swimming facilities so as to protect the health and safety of the public within the County of LAKE.

SF-101.3 Scope: The provisions of these regulations cover all matters relating to swimming facilities, including, but not limited to swimming pools, spas, and public bathing beaches as set forth by this Ordinance.

SF-101.4 Referenced Materials: This Ordinance adopts by reference the Illinois Swimming Facility Pool and Bathing Beach Code, the Illinois Swimming Facility Act and the Illinois Swimming Pool Safety Act. All matters pertaining to the health and/or safety of the public of the County of LAKE in regard to swimming facilities shall be administered and enforced in accordance with these referenced Acts, this Ordinance and the Lake County Swimming Facilities Administrative Procedures and Policies.

SECTION SF-102.0 DUTIES & POWERS OF THE HEALTH OFFICER

SF-102.1 General: The Health Officer shall enforce all of the provisions of this Ordinance and shall act on any question relative to the operation and maintenance of swimming facilities.

SF-102.2 Authority to Enter Properties: For the purpose of carrying out the provisions of this Ordinance, 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 the property of a swimming facility at any reasonable time to inspect for health, safety and sanitation purposes, and for compliance with the provisions of this Ordinance. The Health Officer may also make any necessary tests, including testing the water quality standards at any facility, to determine

compliance with the provisions of this Ordinance. The Health Officer is authorized to engage expert opinion as deemed necessary to report upon unusual technical issues that arise.

SF-102.3 Licenses and Inspections: The Health Officer shall issue licenses to swimming facilities on an annual basis, and inspect the facilities for which licenses have been issued to enforce compliance with the provisions of this Ordinance.

SF-102.4 Credentials: The Health Officer and authorized representatives shall carry proper credentials of their respective office in the performance of duties under this Ordinance.

SF-102.5 Official Records: The Health Officer shall keep official records of applications received, licenses and certificates issued, fees collected, reports of inspections and notices and/or orders issued. These records shall be retained in the official records so long as the facility to which they relate remains in existence unless otherwise provided for.

SECTION SF-103.0 EXISTING FACILITIES

SF-103.1 Continued Facility Use: The legal use and occupancy of any swimming facility that had been heretofore approved, shall be permitted to be continued without change, except as specified in Chapter 4.

SF-103.2 Facility Maintenance: All swimming facilities shall be maintained in a safe and sanitary condition. All service equipment, devices and safeguards that are required by this Ordinance shall be maintained in working order as when installed or repaired.

CHAPTER 2 - DEFINITIONS

SF-201.0 GENERAL

SF-201.1 Scope: Unless otherwise expressly stated, the following words and terms shall have the meanings indicated in this Chapter.

SF-201.2 Terms Not Defined: Where terms are not defined in this Chapter or in materials adopted by reference in this Ordinance, the terms shall have

ordinarily accepted meanings such as the context implies.

SF-202.0 DEFINITIONS

“Annual Facility” means any swimming facility that is in operation for more than 6 months during the license year.

“Board of Health” means the Lake County Board of Health or its authorized representative.

“Health Officer” means the Executive Director of the Lake County Health Department, or an appropriate designated agent.

“Imminent Health Hazard” means any hazard to public health when the evidence is sufficient to show that a condition or practice, posing or contributing to a significant threat of danger to health or safety, creates or may create a public health situation (1) that should be corrected immediately to prevent injury or illness and (2) that should not be permitted to continue while a hearing or other formal proceeding is being held (e.g., the presence of E. coli or fecal coliform bacteria in excess of the allowable standard, failure to maintain appropriate water quality within 20% of the allowable standard, failure to comply with suction entrapment/entanglement standards or requirements, suspected disease transmission from employee(s), or operating without a license).

“License” means a license issued by the Health Officer to operate a swimming facility to the specifications and the requirements of this Ordinance.

“License Year” means the period between May 1 and April 30.

“Seasonal Facility” means any swimming facility that operates for 6 months or less during the license year.

CHAPTER 3 - AUTHORITY

SF-301.0 GENERAL

SF-301.1 Authority: The Health Officer, in order to protect and promote the health, safety, and general welfare of the public of Lake County, Illinois, and other

affected communities, is authorized and directed to develop procedures, practices and policies and to interpret and enforce these rules and regulations establishing minimum standards operation, maintenance, and monitoring of swimming facilities.

CHAPTER 4 - LICENSES

SF-401.0 GENERAL

SF-401.1 License: No person shall operate a swimming facility without a valid license issued by the Health Officer. Operation of a swimming facility without a valid license shall be considered an imminent health hazard, and enforcement activities, as established in this Chapter, shall be conducted by the Health Officer.

SF-401.2 Display of License: Licenses must be displayed in a conspicuous place for public view, within or on the premises of each swimming facility, with the exception that public bathing beaches are exempt from this requirement.

SF-401.3 Transferability: A license is not transferrable to a new owner of a swimming facility.

SF-402.0 ISSUANCE OF LICENSE

SF-402.1 License Validity: A license for an Annual Facility shall be valid for one year, from May 1 through April 30. A license for a Seasonal Facility shall be valid from May 1 through November 1.

SF-402.2 Application: A person desiring to operate a swimming facility shall make written application for a license to the Health Officer on forms provided by the Health Officer. The application shall include the name and address of each applicant, the location and type of the proposed swimming facility and/or swimming features, the signature of each applicant and any other information deemed necessary by the Health Officer.

SF-402.3 Conditions: The Health Officer shall refuse to issue a license for a new swimming facility or a swimming facility that has undergone a major alteration prior to the Illinois Department of Public Health conducting an Initial Inspection.

SF-402.3.1 Exception: The Health Officer shall conduct an inspection at a new public bathing beach that has not undergone construction or major alteration, to determine compliance with the provisions of this Ordinance, the Illinois Swimming Facility Act and the Illinois Department of Public Health Swimming Pool and Bathing Beach Code prior to the Health Officer issuing a license.

SF-402.4 License Renewal: A license for an existing swimming facility must be renewed by May 1 of each year. The Health Officer shall issue the renewed license if the facility is in compliance with the provisions of this Ordinance.

SF-402.5 Denial of License: If a facility is not in compliance with the provisions of this Ordinance the Health Officer shall refuse to issue a renewed license. When the Health Officer refuses to issue a renewed license, the Health Officer shall notify the applicant whose application is denied, providing the reason(s) preventing the approval and any technical or administrative solution remaining.

SF-402.6 License Fees: Fees for licenses shall be assessed in accordance with the current Article XIII of the Lake County Board of Health Ordinance.

SF-403.0 SUSPENSION OF LICENSE

SF-403.1 Cause: The Health Officer may, upon written notice, with or without prior warning, notice or hearing, suspend a license for a swimming facility when the Health Officer determines that the operation of the swimming facility constitutes an Imminent Health Hazard. Violations that create an Imminent Health Hazard are listed in the Lake County Health Department Swimming Facility Administrative Procedures and Policies, but are not limited to those violations.

SF-403.2 Written Notice: When a license for a swimming facility is suspended, the holder of the license, or the person in charge, shall be notified in writing that the license for the swimming facility is, upon service of the notice, immediately suspended. The inspection report shall serve as the written notice, shall contain the reason(s) for the suspension and instructions for requesting a hearing to appeal the suspension in accordance with Section SF-405.0.

SF-403.3 Required Actions: When a license for a swimming facility is suspended, use of the swimming facility shall cease immediately and shall not resume until the violation(s) that caused the suspension have been corrected and the Health Officer has been notified of the correction(s). The Health Officer, however, depending upon the nature and severity of the violation, or as described in the Lake County Health Department Swimming Facility Administrative Procedures and Policies, may require a re-inspection of the facility to assure the violation(s) have been corrected prior to lifting the suspension.

SF-403.4 Failure to Comply: Failure to comply with the provisions of Section SF-403.3 may result in revocation of the license for the swimming facility in accordance with the provisions of Section SF-404.0.

SF-404.0 REVOCATION OF LICENSE

SF-404.1 Cause: 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 this Ordinance;
- B. Failure to immediately cease use of a swimming facility for which the license 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.

SF-404.2 Written Notice: Prior to a license for a swimming facility being revoked, the holder of the license shall be notified in writing of the Health Officer's intent to revoke the license and the reasons for which the license is subject to revocation. The written notice shall also contain instructions for requesting a hearing to appeal the suspension in accordance with Section SF-405.0. The license for the swimming facility shall be revoked 10 days following service of the notice unless a written request for a hearing is filed with the Hearing Officer by the holder of the license. If no request for a hearing is filed within the 10 day period, the revocation of the license for the swimming facility becomes final.

SF-404.3 Application after Revocation: When a revocation of a license for a swimming facility has become final, the holder of the revoked license may make a written application for a new license for the swimming facility as provided in Section SF-402.0.

SF-405.0 HEARINGS

SF-405.1 Hearing Requests: Whenever approval for a license is denied by the Health Officer, when a license is suspended, or when a holder of a license receives written notice of intent to revoke a license, that holder of the license make a written request to the Health Officer for a hearing. If a written request is filed, a hearing, in accordance with Article VI of the Lake County Board of Health Ordinances, shall be conducted.

SF-405.2 Fees: A fee for a hearing shall be assessed in accordance with Article XIII of the Lake County Board of Health Ordinances.

CHAPTER 5 - INSPECTIONS

SF-501.0 FREQUENCY

SF-501.1 Annual Facility: The Health Officer shall conduct a minimum of two inspections per License Year at each Annual Facility.

SF-501.2 Seasonal Facility: The Health Officer shall conduct a minimum of one inspection per License Year at each Seasonal Facility.

SF-502.0 ADDITIONAL INSPECTIONS

SF-502.1 Initial Inspections: All Initial Inspections shall be conducted by the Illinois Department of Public Health for all swimming facilities with the exception of new public bathing beaches that have not undergone construction or major alteration.

SF-502.2 Construction Inspections: All construction inspections to determine compliance with the provisions of the Illinois Swimming Facility Act and the Illinois Department of Public Health Swimming Pool and Bathing Beach Code shall be conducted by the Illinois Department of Public Health for all swimming facilities.

SF-502.3 Additional Services: Additional inspections, re-inspections, investigations, or consultations shall be performed by the Health Officer or the Illinois Department of Public Health as needed in order to assure compliance with the provisions of this Ordinance.

SF-503.0 REPORT OF INSPECTIONS

SF-503.1 Report: The Health Officer shall complete a report of all swimming facility inspections. A copy of the completed inspection report form shall be provided to the person in charge of the swimming facility after the inspection and report have been completed.

SF-503.2 Inspection Results: The inspection report form shall identify any violation(s) present at the time of the inspection and shall indicate whether the swimming facility has passed or failed the inspection including the reason(s) for the results.

SF-504.0 CORRECTION OF VIOLATIONS

SF-504.1 Time Frame: The completed inspection report form shall specify a reasonable period of time for the correction of the violation(s) found as specified in the Swimming Facility Program Administrative Procedures and Policies.

CHAPTER 6 - PUBLIC BATHING BEACHES

SF-601.0 SAMPLING AND STANDARDS

SF-601.1 Water Samples: The Health Officer shall collect water samples at public bathing beaches in accordance with the Illinois Department of Public Health Swimming Pool and Bathing Beach Code.

SF-601.2 Water Quality Standards: A public bathing beach must meet the water quality standards established in the Illinois Swimming Facility Act and the Illinois Department of Public Health Swimming Pool and Bathing Beach Code, and are listed in the Lake County Health Department Swimming Facility Administrative Procedures and Policies.

SF-601.2.1 Failure to Meet Standards: When the Health Officer determines that the water quality standards as required in Section SF-601.2 are exceeded at a public bathing beach,

the Health Officer shall suspend the license for the public bathing beach. All recreational swimming shall cease immediately and shall not resume until permitted by the Health Officer.

CHAPTER 7 – CERTIFICATION REQUIREMENTS

SF-701.0 SWIMMING FACILITIES

SF-701.1 Swimming Facility Manager/Operator Certification: When there are repeated and/or serious operational violations that occur at a swimming facility, the Health Officer may require that the swimming facility employ at least one manager/operator who is certified by the State of Illinois as a Swimming Pool Operator or has an equivalent certification.

SF-701.2 Display of Certificate: When certification is required by the Health Officer, the State of Illinois Swimming Pool Operator Certification(s) must be made available to Health Officer upon request at each swimming facility.

SF-702.0 HEALTH OFFICER

SF-702.1 Health Officer Certification: A Health Officer conducting inspections of swimming facilities shall be certified by the State of Illinois as a Swimming Pool Operator.

CHAPTER 8 - RELIEF FROM PERSONAL RESPONSIBILITY

SF-801.0 GENERAL

SF-801.1 Personal Liability: The Health Officer charged with the enforcement of this Ordinance, while acting for the jurisdiction, shall not thereby be liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by the Health Officer in the lawful discharge of duties and under the provisions of this Ordinance shall be defended by the legal representative of the

jurisdiction until the final termination of the proceeding, except as may be otherwise required by statute. The Health Officer shall not be liable for costs in any action, suit, or proceedings that may be instituted in pursuance of the provisions of this Ordinance; any officer of the Lake County Health Department shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith, except as may be otherwise required by statute.

CHAPTER 9 - INTERPRETATION AND CONFLICT

SF-901.0 GENERAL

SF-901.1 Minimum Requirements: The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety and general welfare. Whenever a provision of this Ordinance or any other applicable provisions of law, whether set forth in this Ordinance or any other applicable provisions of law imposes overlapping or contradictory regulations or contains restrictions covering similar subject matter, the provision which imposes higher standards or requirements for the promotion of public health and safety of the people of Lake County shall prevail, but are not in conflict with the requirements of the Illinois Swimming Pool and Bathing Beach Code.

SF-901.2 Compliance: Compliance with this Ordinance does not release persons from compliance with applicable State of Illinois or local ordinances or regulations governing the control of swimming facilities.

SF-901.3 Partial Validity, Savings Clause: If any provision of this Ordinance or the application to any person or circumstances is held invalid, such validity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid portion or application, and to this end the provisions of this Ordinance are declared to be severable. Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Adopted: _____

**Proposed Fees for Swimming Facilities (proposed
additions to Lake County Board of Health Ordinance
Article XIII)**

Fees for Swimming Facilities*

Operating Permit for an Annual Swimming Facility where there is one Swimming Facility at a location	<u>\$300</u>
Operating Permit for each Additional Annual Swimming Facility where there are multiple Swimming Facilities at a location	<u>\$50</u>

Operating Permits for Annual Swimming Facilities shall be valid from May 1 through April 30

Operating Permit for an Seasonal Swimming Facility where there is one Swimming Facility at a location	<u>\$200</u>
Operating Permit for each Additional Seasonal Swimming Facility where there are multiple Swimming Facilities at a location	<u>\$50</u>

Operating Permits for Seasonal Swimming Facilities shall be valid from May 1 through November 1

* Public Bathing Beaches shall be exempt from Operating Permit fees

