



Sen. Don Harmon

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LRB097 10256 RPM 54337 a

1 AMENDMENT TO SENATE BILL 1999

2 AMENDMENT NO. _____. Amend Senate Bill 1999 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Swimming Facility Act is amended by
5 changing Sections 2, 3, 3.01, 3.02, 3.05, 3.10, 3.12, 4, 5, 6,
6 8, 13, 15, 15.1, 20, 21, and 22 and by adding Sections 3.14,
7 3.15, 3.16, 3.17, 3.18, 5.1, 5.2, 8.1, 8.2, 8.3, 8.4, 22.2, 30,
8 31, and 35 as follows:

9 (210 ILCS 125/2) (from Ch. 111 1/2, par. 1202)

10 Sec. 2. Legislative purpose. It is found that there exists,
11 and may in the future exist, within the State of Illinois
12 public swimming facilities, including swimming pools, spas,
13 water slides, public bathing beaches, and other swimming
14 facilities which are substandard in one or more important
15 features of safety, cleanliness or sanitation. Such conditions
16 adversely affect the public health, safety and general welfare

1 of persons.

2 Therefore, the purpose of this Act is to protect, promote
3 and preserve the public health, safety and general welfare by
4 providing for the establishment and enforcement of minimum
5 standards for safety, cleanliness and general sanitation for
6 all swimming facilities, including swimming pools, spas, water
7 slides, public bathing beaches, and other aquatic features now
8 in existence or hereafter constructed, developed, or altered
9 and to provide for inspection and licensing of all such
10 facilities.

11 (Source: P.A. 96-1081, eff. 7-16-10.)

12 (210 ILCS 125/3) (from Ch. 111 1/2, par. 1203)

13 Sec. 3. Definitions. As used in this Act, unless the
14 context otherwise requires, the terms specified in Sections
15 3.01 through 3.18 ~~3.13~~ have the meanings ascribed to them in
16 those Sections.

17 (Source: P.A. 96-1081, eff. 7-16-10.)

18 (210 ILCS 125/3.01) (from Ch. 111 1/2, par. 1203.01)

19 Sec. 3.01. Swimming pool. "Swimming Pool" means any
20 artificial basin of water which is modified, improved,
21 constructed or installed for the purpose of public swimming,
22 wading, floating, or diving, and includes: pools for community
23 use, pools at apartments, condominiums, and other groups or
24 associations having 5 or more living units, clubs, churches,

1 camps, schools, institutions, Y.M.C.A.'s, Y.W.C.A.'s, parks,
2 recreational areas, motels, hotels, health clubs, golf and
3 country clubs, and other commercial establishments. It does not
4 include pools at private single-family residences intended
5 only for the use of the owner and guests.

6 (Source: P.A. 92-18, eff. 6-28-01.)

7 (210 ILCS 125/3.02) (from Ch. 111 1/2, par. 1203.02)

8 Sec. 3.02. "Public Bathing Beach" means any body of water,
9 except as defined in Section 3.01, or that portion thereof used
10 for the purpose of public swimming or recreational bathing, and
11 includes beaches at: apartments, condominiums, subdivisions,
12 and other groups or associations having 5 or more living units,
13 clubs, churches, camps, schools, institutions, parks,
14 recreational areas, motels, hotels and other commercial
15 establishments. It includes shores, equipments, buildings and
16 appurtenances pertaining to such areas. It does not include
17 bathing beaches at private residences intended only for the use
18 of the owner and guests.

19 (Source: P.A. 78-1149.)

20 (210 ILCS 125/3.05) (from Ch. 111 1/2, par. 1203.05)

21 Sec. 3.05. "Person" means any individual, group of
22 individuals, association, trust, partnership, limited
23 liability company, corporation, person doing business under an
24 assumed name, county, municipality, the State of Illinois, or

1 any political subdivision or department thereof, or any other
2 entity.

3 (Source: P.A. 78-1149.)

4 (210 ILCS 125/3.10)

5 Sec. 3.10. Spa. "Spa" means a basin of water designed for
6 recreational or therapeutic use that is not drained, cleaned,
7 or refilled for each user. It may include hydrojet circulation,
8 hot water, cold water mineral bath, air induction bubbles, or
9 some combination thereof. It includes "therapeutic pools",
10 "hydrotherapy pools", "whirlpools", "cold spas", "hot spas",
11 and "hot tubs". It does not include these facilities at
12 individual single-family residences intended for use by the
13 occupant and his or her guests.

14 (Source: P.A. 92-18, eff. 6-28-01.)

15 (210 ILCS 125/3.12)

16 Sec. 3.12. Swimming facility. "Swimming Facility" means a
17 swimming pool, spa, public bathing beach, water slide, lazy
18 river, spray pool, or other aquatic feature and appurtenances
19 that exists for the purpose of providing recreation or
20 therapeutic services to the public. It does not include
21 isolation or flotation tanks.

22 (Source: P.A. 96-1081, eff. 7-16-10.)

23 (210 ILCS 125/3.14 new)

1 Sec. 3.14. Certified swimming facility designer.
2 "Certified swimming facility designer" means an individual who
3 is certified by the Department and is responsible for
4 coordinating the design, planning, and creation of
5 specifications for swimming facilities and for applying for a
6 permit for construction or major alteration.

7 (210 ILCS 125/3.15 new)

8 Sec. 3.15. Licensed swimming facility contractor.
9 "Licensed swimming facility contractor" means an individual
10 who is licensed by the Department to perform construction,
11 installation, modification, or repair of a swimming facility.

12 (210 ILCS 125/3.16 new)

13 Sec. 3.16. Special feature. "Special feature" means any
14 swimming facility other than a swimming pool, spa, or bathing
15 beach, including, but not limited to, a lazy river, water
16 slide, or spray pool.

17 (210 ILCS 125/3.17 new)

18 Sec. 3.17. Lapsed fee. "Lapsed fee" means the amount
19 charged to a licensee for failing to renew a swimming facility
20 license within one year after the expiration of the license.
21 This fee is in addition to any other fees associated with the
22 renewal of a swimming facility license.

1 (210 ILCS 125/3.18 new)

2 Sec. 3.18. Living unit. "Living unit" means a home, mobile
3 home, duplex unit, apartment unit, condominium unit, or any
4 dwelling unit in a multi-unit residential structure or a
5 campground lot.

6 (210 ILCS 125/4) (from Ch. 111 1/2, par. 1204)

7 Sec. 4. License to operate. After May 1, 2002, it shall be
8 unlawful for any person to open, establish, maintain or operate
9 a swimming facility within this State without first obtaining a
10 license therefor from the Department. Applications for
11 original licenses shall be made on forms furnished by the
12 Department. Each application to the Department shall be signed
13 by the applicant and accompanied by an affidavit of the
14 applicant as to the truth of the application ~~and, except in the~~
15 ~~case of an application by an organization incorporated under~~
16 ~~the General Not for Profit Corporation Act, as amended, by the~~
17 ~~payment of a license application fee of \$50. License fees are~~
18 ~~not refundable.~~ Each application shall contain: the name and
19 address of the applicant, or names and addresses of the
20 partners if the applicant is a partnership, or the name and
21 addresses of the officers if the applicant is a corporation or
22 the names and addresses of all persons having an interest
23 therein if the applicant is a group of individuals,
24 association, or trust; and the location of the swimming
25 facility. A license shall be valid only in the possession of

1 the person to whom it is issued and shall not be the subject of
2 sale, assignment, or other transfer, voluntary, or
3 involuntary, nor shall the license be valid for any premises
4 other than those for which originally issued. Upon receipt of
5 an application for an original license the Department shall
6 inspect such swimming facility to insure compliance with this
7 Act.

8 (Source: P.A. 96-1081, eff. 7-16-10.)

9 (210 ILCS 125/5) (from Ch. 111 1/2, par. 1205)

10 Sec. 5. Permit for construction or major alteration. No
11 swimming facility shall be constructed, developed, installed,
12 or altered in a major manner until plans, specifications, and
13 other information relative to such swimming facility and
14 appurtenant facilities as may be requested by the Department
15 are submitted to and reviewed by the Department and found to
16 comply with minimum sanitary and safety requirements and design
17 criteria, and until a permit for the construction or
18 development is issued by the Department. Permits are valid for
19 a period of one year from date of issue. They may be reissued
20 upon application to the Department and payment of the permit
21 fee ~~as provided in this Act.~~

22 The fee to be paid by an applicant, ~~other than an~~
23 ~~organization incorporated under the General Not for Profit~~
24 ~~Corporation Act, as now or hereafter amended,~~ for a permit for
25 construction, development, major alteration, or installation

1 of each swimming facility shall be in accordance with Sections
2 8.1, 8.2, and 8.3 of this Act and ~~is \$50, which~~ shall accompany
3 such application.

4 (Source: P.A. 96-1081, eff. 7-16-10.)

5 (210 ILCS 125/5.1 new)

6 Sec. 5.1. Plan certification. Permit applications for plan
7 certification shall be made by a certified swimming facility
8 designer on forms provided by the Department. Such applications
9 shall bear the signature and Department-issued certification
10 number of the certified swimming facility designer responsible
11 for the application, affirming that the application meets the
12 requirements of the rules, standards, and applicable codes.
13 Applications submitted prior to the effective date of this
14 amendatory Act of the 97th General Assembly, but not permitted
15 within 12 months after the effective date of this amendatory
16 Act of the 97th General Assembly shall require the affirmation
17 of a certified swimming facility designer. The requirements for
18 permit and plan resubmittal by a certified swimming facility
19 designer shall take effect upon adoption of rules for the
20 certification of certified swimming facility designers by the
21 Department.

22 (210 ILCS 125/5.2 new)

23 Sec. 5.2. Plan resubmittal. Those permit applications
24 failing to qualify for a permit for construction or major

1 alteration after review by the Department shall be
2 supplemented, within 30 days, by a plan resubmittal or the
3 application for permit shall be deemed null and void. Such
4 resubmittals shall include, but not be limited to, revised
5 plans, specifications, and other required documentation
6 sufficient to correct deficiencies in the application and
7 demonstrate compliance with the rules. All plan resubmittals
8 shall be submitted to the Department by a certified swimming
9 facility designer and shall be accompanied by a fee in
10 accordance with Sections 8.1, 8.2, and 8.3 of this Act. Only
11 one plan resubmittal may be submitted in a 60-day period.

12 (210 ILCS 125/6) (from Ch. 111 1/2, par. 1206)

13 Sec. 6. License renewal. Applications and fees for renewal
14 of the license shall be made in writing by the holder of the
15 license, on forms furnished by the Department ~~and, except in~~
16 ~~the case of an application by an organization incorporated~~
17 ~~under the General Not for Profit Corporation Act, as now or~~
18 ~~hereafter amended,~~ shall be accompanied by a license
19 application fee in accordance with Sections 8.1, 8.2, and 8.3
20 of this Act ~~of \$50~~, which shall not be refundable, and shall
21 contain any change in the information submitted since the
22 original license was issued or the latest renewal granted. In
23 addition to any other fees required under this Act, a late fee
24 in accordance with Sections 8.1, 8.2, and 8.3 of this Act ~~of~~
25 ~~\$20~~ shall be charged when any renewal application is received

1 by the Department after the license has expired; however,
2 educational institutions and units of State or local government
3 shall not be required to pay late fees. If, after inspection,
4 the Department is satisfied that the swimming facility is in
5 substantial compliance with the provisions of this Act and the
6 rules and regulations issued thereunder, the Department shall
7 issue the renewal license.

8 (Source: P.A. 96-1081, eff. 7-16-10.)

9 (210 ILCS 125/8) (from Ch. 111 1/2, par. 1208)

10 Sec. 8. Payment of fees; display of licenses. All fees and
11 penalties generated under the authority of this Act shall be
12 deposited into the Facility Licensing Fund and, subject to
13 appropriation, shall be used by the Department in the
14 administration of this Act. All fees and penalties shall be
15 submitted in the form of a check, ~~or~~ money order, or by other
16 means authorized by the Department. All licenses provided for
17 in this Act shall be displayed in a conspicuous place for
18 public view, within or on such premises. In case of revocation
19 or suspension, the licensee ~~owner or operator or both~~ shall
20 cause the license to be removed and to post the notice of
21 revocation or suspension issued by the Department. Fees for
22 permit for construction or major alteration, license renewal,
23 and plan resubmittal shall be determined by the total water
24 surface area of the swimming facility, except that special
25 features and bathing beaches shall be charged a fixed fee

1 regardless of water surface area. License renewal fees shall be
 2 determined by the total water surface area of the swimming
 3 facility, except that special features and bathing beaches
 4 shall be charged a fixed fee regardless of water surface area.

5 Late renewal, lapsed, initial inspection, and subsequent
 6 inspection fees are fixed fees regardless of water surface
 7 area.

8 (Source: P.A. 96-1081, eff. 7-16-10.)

9 (210 ILCS 125/8.1 new)

10 Sec. 8.1. Fee schedule for all licensees; except those
 11 specifically identified in Sections 8.2, 8.3, and 8.4.

12 (a) The fees for all licensees, except those specifically
 13 identified in Sections 8.2, 8.3, and 8.4, based on total water
 14 surface are as follows:

<u>Total Water</u>	<u>Construction</u>	<u>Major</u>	<u>Plan</u>
<u>Surface</u>	<u>Permit</u>	<u>Alteration</u>	<u>Resubmittal</u>
<u>area</u>	<u>Fee</u>	<u>Fee</u>	<u>Fee</u>
<u>0-500 sq ft</u>	<u>\$625</u>	<u>\$310</u>	<u>\$200</u>
<u>501-1,000</u>			
<u>sq ft</u>	<u>\$1250</u>	<u>\$625</u>	<u>\$200</u>
<u>1,001-2,000</u>			
<u>sq ft</u>	<u>\$1500</u>	<u>\$750</u>	<u>\$200</u>
<u>2,001 sq</u>			
<u>ft and up</u>	<u>\$1950</u>	<u>\$975</u>	<u>\$200</u>

1 The fixed fees for all licensees, except those specifically
 2 identified in Sections 8.2, 8.3, and 8.4, are as follow:

	<u>Construction</u>	<u>Major</u>	<u>Plan</u>
	<u>Permit</u>	<u>Alteration</u>	<u>Resubmittal</u>
	<u>Fee</u>	<u>Fee</u>	<u>Fee</u>
6 <u>Special</u>			
7 <u>feature</u>	<u>\$625</u>	<u>\$310</u>	<u>\$200</u>
8 <u>Bathing beach</u>	<u>\$625</u>	<u>\$310</u>	<u>\$200</u>

9 (b) The license renewal fees for all licensees, except
 10 those specifically identified in Sections 8.2, 8.3, and 8.4,
 11 based on total water surface area are as follows:

	<u>License Renewal Fee</u>
12 <u>0-500 sq ft</u>	<u>\$150</u>
13 <u>501-1,000 sq ft</u>	<u>\$225</u>
14 <u>1,001-2,000 sq ft</u>	<u>\$300</u>
15 <u>2,001 sq ft and up</u>	<u>\$500</u>

17 The fixed fees for all licensees, except those specifically
 18 identified in Sections 8.2, 8.3, and 8.4 for license renewal
 19 are as follows:

20 <u>Special feature</u>	<u>\$150</u>
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1	<u>Bathing beach</u>	<u>\$150</u>
2	<u>Late renewal fee</u>	<u>\$100</u>
3	<u>Lapsed fee</u>	<u>\$150</u>

4 (c) The inspection fees for all licensees, except those
5 specifically identified in Sections 8.2, 8.3, and 8.4, are as
6 follows:

7	<u>Inspections</u>	<u>Fee</u>
8	<u>Initial inspection fee</u>	
9	<u>(per facility)</u>	<u>\$150</u>
10	<u>Subsequent inspection</u>	
11	<u>(per facility)</u>	<u>\$75</u>

12 (210 ILCS 125/8.2 new)

13 Sec. 8.2. Fee schedule for organizations recognized by the
14 United States Internal Revenue Service as exempt under Title 26
15 of the U.S. Code, Section 501(c)(3), including religious
16 organizations.

17 (a) The fees for organizations recognized by the United
18 States Internal Revenue Service as exempt under Title 26 of the
19 U.S. Code, Section 501(c)(3), including religious
20 organizations, are as follows:

21	<u>Construction</u>	<u>Major</u>	<u>Plan</u>
22	<u>Permit</u>	<u>Alteration</u>	<u>Resubmittal</u>

	<u>Fee</u>	<u>Fee</u>	<u>Fee</u>
<u>Swimming pool</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
<u>Special</u>			
<u>features</u>	<u>\$600</u>	<u>\$300</u>	<u>\$200</u>
<u>Bathing beach</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>

6 The fixed fees for organizations recognized by the United
7 States Internal Revenue Service as exempt under Title 26 of the
8 U.S. Code, Section 501(c)(3), including religious
9 organizations, for license renewal are as follows:

	<u>License Renewal Fee</u>
<u>Swimming pool</u>	<u>\$0</u>
<u>Special features</u>	<u>\$75</u>
<u>Bathing beach</u>	<u>\$75</u>
<u>Late renewal fee</u>	<u>\$50</u>
<u>Lapsed fee</u>	<u>\$75</u>

16 (a-5) The fees for special features under this Section
17 shall cover all special features at a particular facility, and
18 a special feature fee shall not be required for each and every
19 special feature.

20 (b) The inspection fees for organizations recognized by the
21 United States Internal Revenue Service as exempt under Title 26
22 of the U.S. Code, Section 501(c)(3), including religious
23 organizations are as follows:

1	<u>Inspections</u>	<u>Fee</u>
2	<u>Initial inspection</u>	
3	<u>fee (per facility)</u>	<u>\$0</u>
4	<u>Subsequent inspection</u>	
5	<u>(per facility)</u>	<u>\$100</u>

6 (210 ILCS 125/8.3 new)

7 Sec. 8.3. Fee schedule for units of State and local
 8 government and K-12 public schools.

9 (a) The fees for units of State and local government and
 10 K-12 public schools are as follows:

11	<u>Construction</u>	<u>Major</u>	<u>Plan</u>
12	<u>Permit</u>	<u>Alteration</u>	<u>Resubmittal</u>
13	<u>Fee</u>	<u>Fee</u>	<u>Fee</u>
14	<u>Swimming pool</u>	<u>\$0</u>	<u>\$200</u>
15	<u>Special</u>		
16	<u>features</u>	<u>\$600</u>	<u>\$200</u>
17	<u>Bathing beach</u>	<u>\$0</u>	<u>\$200</u>

18 The fixed fees for units of State and local government and
 19 K-12 public schools for license renewal are as follows:

20	<u>License Renewal Fee</u>
21	<u>Swimming pool</u>
	<u>\$0</u>

1	<u>Special features</u>	<u>\$0</u>
2	<u>Bathing beach</u>	<u>\$0</u>
3	<u>Late renewal fee</u>	<u>\$0</u>
4	<u>Lapsed fee</u>	<u>\$0</u>

5 (a-5) The fees for special features under this Section
6 shall cover all special features at a particular facility, and
7 a special feature fee shall not be required for each and every
8 special feature.

9 (b) The inspection fees for units of State and local
10 government and K-12 public schools are as follows:

11	<u>Inspections</u>	<u>Fee</u>
12	<u>Initial inspection</u>	
13	<u>fee (per facility)</u>	<u>\$0</u>
14	<u>Subsequent inspection</u>	
15	<u>(per facility)</u>	<u>\$100</u>

16 (210 ILCS 125/8.4 new)

17 Sec. 8.4. Fee schedule for licensed swimming facility
18 contractors and certified swimming facility designers.

19 (a) The fee schedule for licensed swimming facility
20 contractors is as follows:

21	<u>Licensed Swimming Facility Contractor</u>	
22	<u>Initial application review</u>	<u>\$500</u>

1	<u>Annual renewal</u>	<u>\$500</u>
2	<u>Late renewal</u>	<u>\$600</u>

3 (b) The fee schedule for certified swimming facility
4 designers is as follows:

5	<u>Certified Swimming Facility Designer</u>	
6	<u>Initial application review</u>	<u>\$500</u>
7	<u>Annual renewal</u>	<u>\$500</u>
8	<u>Late renewal</u>	<u>\$600</u>

9 (210 ILCS 125/13) (from Ch. 111 1/2, par. 1213)

10 Sec. 13. Rules. The Department shall promulgate, publish,
11 adopt and amend such rules as may be necessary for the proper
12 enforcement of this Act, to protect the health and safety of
13 the public using such swimming facilities ~~pools and beaches,~~
14 ~~spas,~~ and other appurtenances, and may, when necessary, utilize
15 the services of any other state agencies to assist in carrying
16 out the purposes of this Act. These rules shall include but are
17 not limited to design criteria for swimming facility areas and
18 bather preparation facilities, standards relating to
19 sanitation, cleanliness, plumbing, water supply, sewage and
20 solid waste disposal, design and construction of all equipment,
21 buildings, rodent and insect control, communicable disease
22 control, safety and sanitation of appurtenant swimming
23 facilities. The rules must include provisions for the

1 prevention of bather entrapment or entanglement at new and
2 existing swimming facilities. Bather preparation facilities
3 consisting of dressing room space, toilets and showers shall be
4 available for use of patrons of swimming facilities, except as
5 provided by Department rules.

6 (Source: P.A. 96-1081, eff. 7-16-10.)

7 (210 ILCS 125/15.1)

8 Sec. 15.1. Violations at facilities.

9 (a) If the Department finds violations at swimming
10 facilities requiring licensure under this Act, the Department
11 shall issue a written report or notice of the violations. In
12 accordance with subsections (b), (c), and (d), each violation
13 shall be categorized as either Type "A", Type "B", or Type "C".

14 (b) Type "A" Violation. The situation, condition, or
15 practice constituting a Type "A" violation shall be abated or
16 eliminated immediately. Type "A" violations not corrected
17 during an inspection or other timeframe provided by the
18 Department, not to exceed 48 hours, shall become Type "B"
19 violations, unless a fixed period of time, not exceeding 10
20 days, as determined by the Department and specified in the
21 notice of violation or inspection report, is required for
22 correction. Type "A" violations shall include, but not be
23 limited to:

24 (1) Inoperable gauges or flowmeters.

25 (2) The failure to provide a lifeguard or a warning

1 sign as required by the rules.

2 (3) The failure to maintain required water quality
3 within 20% of standards found in Section 820.320 of Title
4 77 of the Illinois Administrative Code.

5 (4) The failure to properly secure the pool area or the
6 equipment or storage area.

7 (5) The failure to conduct required water quality and
8 equipment testing and record results in daily operational
9 reports.

10 (6) The failure to obey the assigned Bather Load.

11 (7) The failure to properly display a
12 Department-issued license.

13 (8) The failure to post Patron Regulations and Bather
14 Load signs.

15 ~~(1) Inoperable gauges or flowmeters.~~

16 ~~(2) The failure to maintain appropriate water quality~~
17 ~~within 20% of standard.~~

18 ~~(3) The failure to maintain or provide operation~~
19 ~~reports.~~

20 ~~(4) The failure to provide and maintain necessary~~
21 ~~safety equipment prescribed by rule.~~

22 ~~(5) The failure to maintain cleanliness of the facility~~
23 ~~(cracks, leaks, lint, dirt, and sediment).~~

24 ~~(6) The improper use of starting platforms.~~

25 ~~(7) The failure to maintain equipment in proper work~~
26 ~~order (including, but not limited to, skimmers, pumps, and~~

1 ~~chlorinators), such that the public is not endangered.~~

2 ~~(8) The failure to post Patron Regulations and Bather~~
3 ~~Load signs.~~

4 (c) Type "B" Violation. The situation, condition, or
5 practice constituting a Type "B" violation shall be abated or
6 eliminated immediately, unless a fixed period of time, not
7 exceeding 10 days, as determined by the Department and
8 specified in the notice of violation or inspection report is
9 required for correction. ~~At the time of issuance of a notice of~~
10 ~~a Type "B" violation, the Department shall request a plan of~~
11 ~~correction that is subject to the Department's approval. The~~
12 ~~facility shall have 10 days after receipt of a notice of~~
13 ~~violation in which to prepare and submit a plan of correction.~~
14 ~~The Department may extend this period up to 30 days where~~
15 ~~correction involves substantial capital improvement. The plan~~
16 ~~shall include a fixed time period, not to exceed 90 days,~~
17 ~~within which violations are to be corrected. If the Department~~
18 ~~rejects a plan of correction, it shall send notice of the~~
19 ~~rejection and the reason for the rejection to the facility. The~~
20 ~~facility shall have 10 days after receipt of the notice of~~
21 ~~rejection in which to submit a modified plan. If the modified~~
22 ~~plan is not timely submitted, or if the modified plan is~~
23 ~~rejected, the facility shall follow an approved plan of~~
24 ~~correction imposed by the Department.~~ Type "B" violations shall
25 include, but not be limited to:

26 (1) The continued failure to conduct required water

1 quality and equipment testing and record results in daily
2 operational reports.

3 (2) The failure to maintain cleanliness of the
4 facility, including, but not limited to, cracks, leaks,
5 lint, dirt, and sediment.

6 (3) The improper use of starting platforms.

7 (4) The failure to maintain equipment in proper work
8 order, including, but not limited to, skimmers, pumps, and
9 chlorinators, such that the public is not endangered.

10 (5) The failure to maintain water quality in accordance
11 with Section 820.320 of Title 77 of the Illinois
12 Administrative Code, and in excess of that allowed for in a
13 Type "A" violation.

14 (6) Ongoing repeat Type "A" violations not corrected in
15 accordance with a notice or inspection report.

16 (7) The failure to submit a Drowning and Injury Report
17 within 24 hours.

18 ~~(1) Ongoing repeat Type "A" violations not corrected in~~
19 ~~accordance with a notice or inspection report.~~

20 ~~(2) The failure to submit a Drowning and Injury Report~~
21 ~~within 24 hours.~~

22 ~~(3) The failure to provide a lifeguard or a warning~~
23 ~~sign as required by the rules.~~

24 ~~(4) The failure to maintain water quality in accordance~~
25 ~~with Section 820.320 of Title 77 of the Illinois~~
26 ~~Administrative Code, and in excess of that allowed for in a~~

1 ~~Type "A" violation.~~

2 ~~(5) The failure to properly secure the pool area or the~~
3 ~~equipment/storage area.~~

4 ~~(6) The failure to maintain any operational reports.~~

5 ~~(7) The failure to obey assigned bather load.~~

6 ~~(8) The failure to properly display a~~
7 ~~Department issued license.~~

8 (d) Type "C" Violation. Type "C" violations include those
9 violations that may lead to serious injury or death of patrons,
10 employees, or the general public. Upon finding a Type "C"
11 violation at a facility, the Department shall immediately take
12 such actions as necessary to protect public health, including,
13 but not limited to, ordering the immediate closure of the
14 facility, ordering the abatement of conditions deemed
15 dangerous by the Department, or ordering the cessation of any
16 practice deemed dangerous or improper by the Department. Type
17 "C" violations shall include, but not be limited to:

18 (1) The failure to obtain a license prior to operating.

19 (2) The failure to construct the swimming facility pool
20 in accordance with the Department-issued permit to
21 construct.

22 (3) The failure to secure a permit to alter the
23 swimming facility pool.

24 (4) The failure to close the swimming facility pool in
25 accordance with the rules.

26 (5) The failure to obey any lawful order of the

1 Department.

2 (6) The failure to provide access to the swimming
3 facility by the Department or any duly appointed agent
4 thereof.

5 (7) The failure to post and maintain a
6 Department-issued closure order.

7 (8) Operating the swimming facility in a manner that
8 results in imminent danger to the public.

9 (9) Submitting fraudulent documentation to the
10 Department or a duly appointed agent thereof.

11 ~~(e) In determining whether a penalty is to be imposed and~~
12 ~~in fixing the amount of the penalty to be imposed, if any, for~~
13 ~~a violation, the Director shall consider the following factors:~~

14 ~~(1) The gravity of the violation, including the~~
15 ~~probability that death or serious physical harm to the~~
16 ~~public will result or has resulted; the severity of the~~
17 ~~actual or potential harm; and the extent to which the~~
18 ~~provisions of the applicable statutes or regulations were~~
19 ~~violated.~~

20 ~~(2) The reasonable diligence exercised by the licensee~~
21 ~~and efforts to correct violations.~~

22 ~~(3) Any previous violations committed by the licensee.~~

23 ~~(4) The financial benefit to the facility for~~
24 ~~committing or continuing the violation.~~

25 Type "A" violations shall carry no penalty provided they
26 are corrected within the terms set forth by this Act and in

1 accordance with the rules established under this Act. Type "B"
2 violations may be assessed a penalty of \$25 per day for each
3 day the violation exists. Type "C" violations may be assessed a
4 penalty of \$100 per day for each day the violation exists, in
5 addition to any other penalties provided for by law.

6 (e) Plan of Correction. At the time of issuance of a notice
7 of any violation, the Department may request a plan of
8 correction that is subject to the Department's approval. The
9 facility shall have 10 days after receipt of a notice of
10 violation in which to prepare and submit a plan of correction.
11 The Department may extend this period up to 30 days where
12 correction involves substantial capital improvement. The plan
13 shall include a fixed time period, not to exceed 90 days,
14 within which violations are to be corrected. If the Department
15 rejects a plan of correction, then it shall send notice of the
16 rejection and the reason for the rejection to the facility. The
17 facility shall have 10 days after receipt of the notice of
18 rejection in which to submit a modified plan. If the modified
19 plan is not timely submitted or if the modified plan is
20 rejected, then the facility shall follow an approved plan of
21 correction imposed by the Department.

22 (Source: P.A. 96-1081, eff. 7-16-10.)

23 (210 ILCS 125/20) (from Ch. 111 1/2, par. 1220)

24 Sec. 20. The Department is not required to certify any
25 record or file any answer or otherwise appear in any proceeding

1 for judicial review unless there is filed in the court with the
2 complaint a receipt from the Department acknowledging payment
3 of the costs of furnishing and certifying the record, which
4 costs shall be computed at the rate of \$1 per page of such
5 record ~~the party filing the complaint deposits with the clerk~~
6 ~~of the court the sum of \$1 per page representing costs of such~~
7 ~~certification.~~ Failure on the part of the plaintiff to make
8 such deposit shall be grounds for dismissal of the action. The
9 Department may charge \$0.15 per each 8.5 by 11 inch page,
10 whether paper or electronic, for copies of records held by the
11 Department pursuant to this Act. For documents larger than 8.5
12 by 11 inches, actual copying charges plus \$0.25 per page shall
13 apply.

14 (Source: P.A. 82-1057.)

15 (210 ILCS 125/21) (from Ch. 111 1/2, par. 1221)

16 Sec. 21. Closure of facility. Whenever the Department finds
17 any violation of this Act or the rules promulgated under this
18 Act, if the violation presents an emergency or risk to public
19 health, the Department shall, without prior notice or hearing,
20 issue a written notice, immediately order the owner, operator,
21 or licensee to close the swimming facility and to prohibit any
22 person from using such facilities. Notwithstanding any other
23 provisions in this Act, such order shall be effective
24 immediately.

25 The notice shall state the reasons prompting the closing of

1 the facilities and a copy of the notice must be posted
2 conspicuously at the pool or beach by the owner, operator or
3 licensee.

4 The Attorney General, State's Attorney, and Sheriff of the
5 county in which the swimming facility is located shall enforce
6 the closing order after receiving notice thereof.

7 Any owner, operator or licensee affected by such an order
8 is entitled, upon written request to the Department, to a
9 hearing as provided in this Act.

10 When such violations are abated in the opinion of the
11 Department, the Department may authorize reopening the
12 swimming facility.

13 (Source: P.A. 96-1081, eff. 7-16-10.)

14 (210 ILCS 125/22) (from Ch. 111 1/2, par. 1222)

15 Sec. 22. Criminal enforcement. Any person who violates this
16 Act or any rule or regulation adopted by the Department, or who
17 violates any determination or order of the Department under
18 this Act shall be guilty of a Class A misdemeanor punishable by
19 a fine of \$1,000 for each day the violation exists in addition
20 to civil penalties or up to 6 months imprisonment or both a
21 fine and imprisonment.

22 Each day's violation constitutes a separate offense. The
23 State's Attorney of the county in which the violation occurred,
24 or the Attorney General shall bring such actions in the name of
25 the people of the State of Illinois, ~~or may in addition to~~

1 ~~other remedies provided in this Act, bring action for an~~
2 ~~injunction to restrain such violation, or to enjoin the~~
3 ~~operation of any such establishment.~~

4 (Source: P.A. 78-1149.)

5 (210 ILCS 125/22.2 new)

6 Sec. 22.2. Civil enforcement. The Department is empowered
7 to impose administrative civil penalties for violations by any
8 certified swimming facility designer, licensed swimming
9 facility contractor, licensee, or any other person of this Act
10 and the rules promulgated thereunder, pursuant to rules for
11 such penalties established by the Department. The State's
12 Attorney of the county in which the violation occurred, or the
13 Attorney General shall bring such actions in the name of the
14 people of the State of Illinois, and may, in addition to other
15 remedies provided in this Act, bring action for an injunction
16 to restrain such violation, impose civil penalties (where no
17 penalty has been imposed by the Department), and enjoin the
18 operation of any such person or establishment.

19 (210 ILCS 125/30 new)

20 Sec. 30. Certified swimming facility designer program. The
21 Department shall maintain a training and certification program
22 for a certified swimming facility designer who is capable of
23 complying with all applicable federal and State standards for
24 swimming facility design and construction. Individuals seeking

1 certification shall apply as determined by rules promulgated by
2 the Department. Applications shall accompany a certification
3 fee in accordance with Section 8.4 of this Act, that shall not
4 be refundable. All certification fees shall be deposited into
5 the Facility Licensing Fund and shall be used by the Department
6 in the administration of this Act. Certification shall be
7 pursuant to successful completion of an examination as
8 determined by rules adopted by the Department. Certification
9 shall be renewed annually by application and submittal of a
10 renewal fee in accordance with Section 8.4 of this Act. All
11 renewal applicants shall successfully complete 8 hours of
12 continuing education annually in aquatic design. The
13 Department shall provide 8 hours of training, biannually, that
14 shall qualify as aquatic design training.

15 Applicants shall minimally be licensed, in this State, as a
16 Professional Engineer or Architect, in accordance with the
17 Professional Engineering Practice Act of 1989 and the Illinois
18 Architecture Practice Act of 1989, respectively.

19 (210 ILCS 125/31 new)

20 Sec. 31. Licensed swimming facility contractor. Any person
21 seeking to perform construction, installation, modification,
22 or repair of a swimming facility must be licensed by the
23 Department. A licensed swimming facility contractor must be
24 registered and in good standing with the Secretary of State and
25 possess commercial pool construction experience as determined

1 by the Department. Persons seeking to be licensed shall apply
2 pursuant to rules adopted by the Department and pay a license
3 fee in accordance with Section 8.4 of this Act, that shall not
4 be refundable. All licensing fees shall be deposited into the
5 Facility Licensing Fund and shall be used by the Department in
6 the administration of this Act. Licenses shall be renewed
7 annually by submitting a renewal application and a renewal fee,
8 in accordance with Section 8.4 of this Act, to the Department.

9 (210 ILCS 125/35 new)

10 Sec. 35. Certification. No person may act as a certified
11 swimming facility designer unless the person is certified as a
12 certified swimming facility designer by the Department."