



Sen. Don Harmon

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09700SB3727sam002

LRB097 14566 JLS 67800 a

1 AMENDMENT TO SENATE BILL 3727

2 AMENDMENT NO. _____. Amend Senate Bill 3727, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Swimming Facility Act is amended by
6 changing Sections 2, 3, 3.01, 3.02, 3.05, 3.10, 3.12, 3.13, 4,
7 5, 6, 7, 8, 9, 11, 13, 17, 20, 21, 22, 23, and 27 and by adding
8 Sections 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22,
9 3.23, 3.24, 5.1, 5.2, 8.1, 8.2, 8.3, 20.5, 22.2, 30, 31, and 32
10 as follows:

11 (210 ILCS 125/2) (from Ch. 111 1/2, par. 1202)

12 Sec. 2. Legislative purpose. It is found that there exists,
13 and may in the future exist, within the State of Illinois
14 public swimming facilities, including swimming pools, spas,
15 water slides, public bathing beaches, and other swimming
16 facilities, which are substandard in one or more important

1 features of safety, cleanliness or sanitation. Such conditions
2 adversely affect the public health, safety and general welfare
3 of persons.

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

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

14 (210 ILCS 125/3) (from Ch. 111 1/2, par. 1203)

15 Sec. 3. Definitions. As used in this Act, unless the
16 context otherwise requires, the terms specified in Sections
17 3.01 through 3.24 ~~3-13~~ have the meanings ascribed to them in
18 those Sections.

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

20 (210 ILCS 125/3.01) (from Ch. 111 1/2, par. 1203.01)

21 Sec. 3.01. Swimming pool. "Swimming Pool" means any
22 artificial basin of water which is modified, improved,
23 constructed or installed for the purpose of public swimming,
24 wading, floating, or diving, and includes: pools for community

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

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

9 (210 ILCS 125/3.02) (from Ch. 111 1/2, par. 1203.02)

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

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

22 (210 ILCS 125/3.05) (from Ch. 111 1/2, par. 1203.05)

23 Sec. 3.05. "Person" means any individual, group of
24 individuals, association, trust, partnership, limited

1 liability company, corporation, person doing business under an
2 assumed name, county, municipality, the State of Illinois, or
3 any political subdivision or department thereof, or any other
4 entity.

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

6 (210 ILCS 125/3.10)

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

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

17 (210 ILCS 125/3.12)

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

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

2 (210 ILCS 125/3.13)

3 Sec. 3.13. Spray pool. "Spray pool" means an aquatic
4 feature ~~recreational facility~~ that is not a swimming pool and
5 that has structures or fittings for spraying, dumping, or
6 shooting water. The term does not include features ~~facilities~~
7 having as a source of water a public water supply that is
8 regulated by the Illinois Environmental Protection Agency or
9 the Illinois Department of Public Health and that has no
10 capacity to recycle water.

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

12 (210 ILCS 125/3.14 new)

13 Sec. 3.14. Prequalified architect or prequalified
14 professional engineer. "Prequalified architect" or
15 "prequalified professional engineer" means an individual who
16 is prequalified by the Department and is responsible for
17 coordinating the design, planning, and creation of
18 specifications for swimming facilities and for applying for a
19 permit for construction or major alteration.

20 (210 ILCS 125/3.15 new)

21 Sec. 3.15. Prequalified swimming facility contractor.
22 "Prequalified swimming facility contractor" means a person who
23 is prequalified by the Department to perform the construction,

1 installation, modification, or repair of a swimming facility
2 and its appurtenances.

3 (210 ILCS 125/3.16 new)

4 Sec. 3.16. Aquatic feature. "Aquatic feature" means any
5 single element of a swimming facility other than a swimming
6 pool or spa or bathing beach, including, but not limited to, a
7 lazy river, water slide, spray pool, or other feature that
8 provides aquatic recreation or therapy.

9 (210 ILCS 125/3.17 new)

10 Sec. 3.17. Lapsed fee. "Lapsed fee" means the amount
11 charged to a licensee for failing to renew a swimming facility
12 license within one year after the expiration of the license.
13 This fee is in addition to any other fees associated with
14 renewal of a swimming facility license.

15 (210 ILCS 125/3.18 new)

16 Sec. 3.18. Living unit. "Living unit" means a home, mobile
17 home, duplex unit, apartment unit, condominium unit, or any
18 dwelling unit in a multi-unit residential structure or a
19 campground lot.

20 (210 ILCS 125/3.19 new)

21 Sec. 3.19. Major alteration. "Major alteration" means any
22 change to a swimming facility or its aquatic features or

1 appurtenances that alters the facility's functionality or
2 as-built or as-permitted condition. This includes, but is not
3 limited to, an alteration of a pool that changes the water
4 surface area, depth, or volume, addition of a permanently
5 installed appurtenance such as a diving board, slide, or
6 starting platform, modification of the design of the
7 recirculation system, and replacement or modification of a
8 bather preparation facility. It does not include maintenance or
9 minor repair or the replacement of equipment with comparable
10 components.

11 (210 ILCS 125/3.20 new)

12 Sec. 3.20. Subsequent inspection. "Subsequent inspection"
13 means any inspection made by the Department or its agents or
14 certified local health departments that are authorized by local
15 government ordinance to administer and enforce this Act for
16 purposes of annual renewals, responding to a substantiated
17 complaint, complying with a request by the licensee or its
18 agent, or ensuring compliance with an order of the Department.
19 The term does not include initial inspections performed by the
20 Department relating to permitted construction, interim
21 compliance inspections, or Department inspections in a case in
22 which no violations are found.

23 (210 ILCS 125/3.21 new)

24 Sec. 3.21. Initial review. "Initial review" means the

1 first review of any submittal made by an applicant for a permit
2 for construction or major alteration, as provided for in
3 Section 5 of this Act. If the requirements of Section 5 are
4 met, a permit shall be issued; otherwise the Department shall
5 issue correspondence indicating deficiencies.

6 (210 ILCS 125/3.22 new)

7 Sec. 3.22. Initial inspection. "Initial inspection" means
8 an inspection conducted by the Department to determine
9 compliance with this Act and rules promulgated thereunder in
10 order to approve the operation of a swimming facility after the
11 Department has issued a permit for construction or major
12 alteration.

13 (210 ILCS 125/3.23 new)

14 Sec. 3.23. Agent health department. "Agent health
15 department" means a certified local health department that the
16 Department has designated as its agent for making inspections
17 and investigations under Section 11 of this Act.

18 (210 ILCS 125/3.24 new)

19 Sec. 3.24. Ordinance health department. "Ordinance health
20 department" means a certified local health department
21 belonging to a unit of local government that has adopted an
22 ordinance electing to administer and enforce this Act and
23 adopting, by reference, the rules adopted and amended from time

1 to time by the Department under the authority of Section 27 of
2 this Act.

3 (210 ILCS 125/4) (from Ch. 111 1/2, par. 1204)

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

1 sale, assignment, or other transfer, voluntary, or
2 involuntary, nor shall the license be valid for any premises
3 other than those for which originally issued. Upon receipt of
4 an application for an original license, the Department or,
5 where applicable, the ordinance health department shall
6 inspect such swimming facility to insure compliance with this
7 Act. In no case shall license fees be assessed by both the
8 Department and the ordinance health department.

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

10 (210 ILCS 125/5) (from Ch. 111 1/2, par. 1205)

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

24 The fee to be paid by an applicant, ~~other than an~~
25 ~~organization incorporated under the General Not for Profit~~

1 ~~Corporation Act, as now or hereafter amended,~~ for a permit for
2 construction, ~~development,~~ major alteration, or installation
3 of each swimming facility shall be in accordance with Sections
4 8.1, 8.2, and 8.3 of this Act and is \$50, which shall accompany
5 such application.

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

7 (210 ILCS 125/5.1 new)

8 Sec. 5.1. Permit applications; certification. Permit
9 applications shall be made by an architect or engineer
10 prequalified in accordance with Section 30 of this Act. Such
11 applications shall include the sealed technical submissions of
12 the prequalified architect or prequalified professional
13 engineer responsible for the application. The requirements for
14 permit applications by a prequalified architect or
15 prequalified professional engineer shall take effect upon
16 adoption of rules to implement Section 30 of this Act.

17 (210 ILCS 125/5.2 new)

18 Sec. 5.2. Plan resubmittal. Those permit applications
19 failing to qualify for a permit for construction or major
20 alteration after review by the Department shall be supplemented
21 within 30 days by a plan resubmittal. Such resubmittals shall
22 include, but not be limited to, revised plans, specifications
23 and other required documentation sufficient to correct
24 deficiencies in the application and demonstrate compliance

1 with the rules. All plan resubmittals shall be submitted to the
2 Department by a prequalified architect or prequalified
3 professional engineer and shall be accompanied by a fee in
4 accordance with Sections 8.1, 8.2 and 8.3 of this Act. The
5 requirements for plan resubmittal by a prequalified architect
6 or prequalified professional engineer shall take effect upon
7 adoption of rules to implement Section 30 of this Act.

8 (210 ILCS 125/6) (from Ch. 111 1/2, par. 1206)

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

1 fees assessed by the ordinance health department; 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 or the ordinance health department is satisfied
5 that the swimming facility is in substantial compliance with
6 the provisions of this Act and the rules ~~and regulations~~ issued
7 thereunder, the Department or the ordinance health department
8 shall issue the renewal license. No license shall be renewed if
9 the licensee has unpaid fines, fees, or penalties owed to the
10 Department. In no case shall license renewal or late fees be
11 assessed by both the Department and the ordinance health
12 department.

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

14 (210 ILCS 125/7) (from Ch. 111 1/2, par. 1207)

15 Sec. 7. Conditional license. If the Department or, where
16 applicable, the ordinance health department finds that the
17 facilities of any swimming facility for which a license is
18 sought are not in compliance with the provisions of this Act
19 and the rules of the Department relating thereto, but may
20 operate without undue prejudice to the public, the Department
21 or the ordinance health department may issue a conditional
22 license setting forth the conditions on which the license is
23 issued, the manner in which the swimming facility fails to
24 comply with the Act and such rules, and shall set forth the
25 time, not to exceed 3 years, within which the applicant must

1 make any changes or corrections necessary to fully comply with
2 this Act and the rules ~~and regulations~~ of the Department
3 relating thereto. No more than 3 such consecutive annual
4 conditional licenses may be issued.

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

6 (210 ILCS 125/8) (from Ch. 111 1/2, par. 1208)

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

1 shall be charged a fixed fee regardless of water surface area.
 2 License renewal fees assessed by the Department shall be
 3 determined by the total water surface area of the swimming
 4 facility, except that aquatic features and bathing beaches
 5 shall be charged a fixed fee regardless of water surface area.
 6 Late renewal, lapsed, initial inspection, and subsequent
 7 inspection fees assessed by the Department shall be fixed fees
 8 regardless of water surface area.

9 Fees assessed by the Department shall be determined in
 10 accordance with the ownership designation of the swimming
 11 facility at the time of application. Fees assessed by agent
 12 health departments and ordinance health departments may be
 13 established by local ordinance.

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

15 (210 ILCS 125/8.1 new)

16 Sec. 8.1. Fee schedule for fees assessed by the Department
 17 for all licensees except certain tax-exempt organizations,
 18 governmental units, and public elementary and secondary
 19 schools. The fee schedule for fees assessed by the Department
 20 for all licensees, except those specifically identified in
 21 Sections 8.2 and 8.3 of this Act, shall be as follows:

22 <u>Water Surface</u>	<u>Construction</u>	<u>Major</u>	<u>Plan</u>
23 <u>Area or Other</u>	<u>Permit Fee</u>	<u>Alteration Fee</u>	<u>Resubmittal</u>
24 <u>Feature</u>			<u>Fee</u>

1	<u>0-500 sq ft</u>	<u>\$625</u>	<u>\$310</u>	<u>\$200</u>
2	<u>501-1,000 sq ft</u>	<u>\$1,250</u>	<u>\$625</u>	<u>\$200</u>
3	<u>1,001-2,000 sq</u>			
4	<u>ft</u>	<u>\$1,500</u>	<u>\$750</u>	<u>\$200</u>
5	<u>2,001 sq ft and</u>			
6	<u>up</u>	<u>\$1,950</u>	<u>\$975</u>	<u>\$200</u>
7	<u>Aquatic 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	<u>Water Surface Area or Other</u>	<u>Original License and License</u>
10	<u>Feature</u>	<u>Renewal Fee</u>
11	<u>0-500 sq ft</u>	<u>\$150</u>
12	<u>501-1,000 sq ft</u>	<u>\$300</u>
13	<u>1,001-2,000 sq ft</u>	<u>\$400</u>
14	<u>2,001 sq ft and up</u>	<u>\$500</u>
15	<u>Aquatic Feature</u>	<u>\$150</u>
16	<u>Bathing Beach</u>	<u>\$150</u>
17	<u>Late Renewal Fee</u>	<u>\$100</u>
18	<u>Lapsed Fee</u>	<u>\$150</u>
19	<u>Inspections</u>	<u>Fee</u>
20	<u>Initial Inspection</u>	<u>\$150</u>
21	<u>Subsequent Inspection</u>	<u>\$100</u>

22 All fees set forth in this Section shall be charged on a
 23 per-swimming-facility or per-aquatic-feature basis, unless

1 otherwise noted.

2 (210 ILCS 125/8.2 new)

3 Sec. 8.2. Fee schedule for fees assessed by the Department
 4 for certain tax-exempt organizations. The fee schedule for fees
 5 assessed by the Department for a licensee that is an
 6 organization recognized by the United States Internal Revenue
 7 Service as tax-exempt under Title 26 of the United States Code,
 8 Section 501(c) (3) shall be as follows:

9	<u>Water Surface</u>	<u>Construction</u>	<u>Major Alteration</u>	<u>Plan</u>
10	<u>Area or Other</u>	<u>Permit Fee</u>	<u>Fee</u>	<u>Resubmittal</u>
11	<u>Feature</u>			<u>Fee</u>
12	<u>0-500 sq ft</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
13	<u>501-1,000 sq ft</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
14	<u>1,001-2,000 sq ft</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
15	<u>2,001 sq ft and</u>			
16	<u>up</u>	<u>\$150</u>	<u>\$200</u>	<u>\$200</u>
17	<u>Aquatic Feature</u>	<u>\$600</u>	<u>\$300</u>	<u>\$200</u>
18	<u>Bathing Beach</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
19	<u>Water Surface Area or Other</u>		<u>Original License and License</u>	
20	<u>Feature</u>		<u>Renewal Fee</u>	
21	<u>0-500 sq ft</u>		<u>\$0</u>	
22	<u>501-1,000 sq ft</u>		<u>\$0</u>	
23	<u>1,001-2,000 sq ft</u>		<u>\$0</u>	

1	<u>2,001 sq ft and up</u>	<u>\$0</u>
2	<u>Aquatic Feature</u>	<u>\$75</u>
3	<u>Bathing Beach</u>	<u>\$75</u>
4	<u>Late Renewal Fee</u>	<u>\$50</u>
5	<u>Lapsed Fee</u>	<u>\$75</u>
6	<u>Inspections</u>	<u>Fee</u>
7	<u>Initial Inspection</u>	<u>\$0</u>
8	<u>Subsequent Inspection</u>	<u>\$100</u>

9 All fees set forth in this Section shall be charged on a
10 per-swimming-facility or per-aquatic-feature basis.

11 (210 ILCS 125/8.3 new)

12 Sec. 8.3. Fee schedule for fees assessed by the Department
13 for certain governmental units and schools. The fee schedule
14 for fees assessed by the Department for a licensee that is a
15 unit of State or local government or a public elementary or
16 secondary school shall be as follows:

17	<u>Water Surface</u>	<u>Construction</u>	<u>Major Alteration</u>	<u>Plan</u>
18	<u>Area or Other</u>	<u>Permit Fee</u>	<u>Permit Fee</u>	<u>Resubmittal</u>
19	<u>Feature</u>			<u>Fee</u>
20	<u>0-500 sq ft</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
21	<u>501-1,000 sq ft</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
22	<u>1,001-2,000 sq ft</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>

1	<u>2,001 sq ft and</u>			
2	<u>up</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
3	<u>Aquatic Feature</u>	<u>\$600</u>	<u>\$300</u>	<u>\$200</u>
4	<u>Bathing Beach</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
5	<u>Water Surface Area or Other</u>		<u>Original License and License</u>	
6	<u>Feature</u>		<u>Renewal Fee</u>	
7	<u>0-500 sq ft</u>		<u>\$0</u>	
8	<u>501-1,000 sq ft</u>		<u>\$0</u>	
9	<u>1,001-2,000 sq ft</u>		<u>\$0</u>	
10	<u>2,001 sq ft and up</u>		<u>\$0</u>	
11	<u>Aquatic Feature</u>		<u>\$0</u>	
12	<u>Bathing Beach</u>		<u>\$0</u>	
13	<u>Late Renewal Fee</u>		<u>\$0</u>	
14	<u>Lapsed Fee</u>		<u>\$0</u>	
15	<u>Inspections</u>		<u>Fee</u>	
16	<u>Initial Inspection</u>		<u>\$0</u>	
17	<u>Subsequent Inspection</u>		<u>\$100</u>	

18 Construction permit fees and major alteration permit fees
19 set forth in this Section shall be due only if the Department
20 produces an initial review within 60 days after receipt of the
21 application. The fees for aquatic features under this Section
22 shall cover all aquatic features at a particular facility, and
23 an aquatic feature fee is not required for each and every

1 aquatic feature.

2 (210 ILCS 125/9) (from Ch. 111 1/2, par. 1209)

3 Sec. 9. Inspections. Subject to constitutional
4 limitations, the Department, by its representatives, after
5 proper identification, is authorized and shall have the power
6 to enter at reasonable times upon private or public property
7 for the purpose of inspecting and investigating conditions
8 relating to the enforcement of this Act and rules ~~regulations~~
9 issued hereunder. Written notice of all violations shall be
10 given to each person against whom a violation is alleged ~~the~~
11 ~~owners, operators and licensees of swimming facilities.~~

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

13 (210 ILCS 125/11) (from Ch. 111 1/2, par. 1211)

14 Sec. 11. Department's agents. The Department may designate
15 certified local health departments as its agents for purposes
16 of carrying out this Act. An agent so designated may charge
17 fees for costs associated with enforcing this Act. Where the
18 agent determines that it cannot perform an inspection under
19 this Act, the Department shall perform the inspection and any
20 applicable fees shall be payable to the Department and the
21 agent may not charge a fee. If the Department performs a
22 service or activity for the agent that the agent cannot
23 perform, the fee for the service or activity shall be paid to
24 the Department and not to the agent. In no case shall fees be

1 assessed by both the Department and an agent for the same
2 service or activity. ~~full-time Municipal, District, County or~~
3 ~~multiple County Health Departments as its agents in making~~
4 ~~inspections and investigations.~~

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

6 (210 ILCS 125/13) (from Ch. 111 1/2, par. 1213)

7 Sec. 13. Rules. The Department shall promulgate, publish,
8 adopt and amend such rules as may be necessary for the proper
9 enforcement of this Act, to protect the health and safety of
10 the public using swimming facilities ~~such pools and beaches,~~
11 ~~spas,~~ and their ~~other~~ appurtenances, and may, when necessary,
12 utilize the services of any other state agencies to assist in
13 carrying out the purposes of this Act. These rules shall
14 include but are not limited to design criteria for swimming
15 facility areas and bather preparation facilities, standards
16 relating to sanitation, cleanliness, plumbing, water supply,
17 sewage and solid waste disposal, design and construction of all
18 equipment, buildings, rodent and insect control, communicable
19 disease control, safety and sanitation of appurtenant swimming
20 facilities. The rules must include provisions for the
21 prevention of bather entrapment or entanglement at new and
22 existing swimming facilities. Bather preparation facilities
23 consisting of dressing room space, toilets and showers shall be
24 available for use of patrons of swimming facilities, except as
25 provided by Department rules.

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

2 (210 ILCS 125/17) (from Ch. 111 1/2, par. 1217)

3 Sec. 17. Subpoenas; witness fees. The Director or Hearing
4 Officer may compel by subpoena or subpoena duces tecum the
5 attendance and testimony of witnesses and the production of
6 records or documents either in electronic or paper form ~~books~~
7 ~~and papers~~ and administer oaths to witnesses. All subpoenas
8 issued by the Director or Hearing Officer may be served as
9 provided for in a civil action.

10 The fees of witnesses for attendance and travel shall be
11 the same as the fees for witnesses before the circuit court and
12 shall be paid by the party to such proceeding at whose request
13 the subpoena is issued. If such subpoena is issued at the
14 request of the Department, the witness fee shall be paid as an
15 administrative expense.

16 In cases of refusal of a witness to attend or testify, or
17 to produce records or documents ~~books or papers~~, concerning any
18 matter upon which he might be lawfully examined, the circuit
19 court of the county where the hearing is held, upon application
20 of any party to the proceeding, may compel obedience by
21 proceeding as for contempt.

22 (Source: P.A. 83-334.)

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

24 Sec. 20. Judicial review. The Department is not required to

1 certify any record or file any answer or otherwise appear in
2 any proceeding for judicial review unless there is filed in the
3 court with the complaint a receipt from the Department
4 acknowledging payment of the costs of furnishing and certifying
5 the record, which costs shall be computed at the rate of \$1 per
6 page of such record ~~the party filing the complaint deposits~~
7 ~~with the clerk of the court the sum of \$1 per page representing~~
8 ~~costs of such certification.~~ Failure on the part of the
9 plaintiff to make such deposit shall be grounds for dismissal
10 of the action.

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

12 (210 ILCS 125/20.5 new)

13 Sec. 20.5. Reproduction of records. The Department may
14 charge \$0.25 per each 8.5" x 11" page, whether paper or
15 electronic, for copies of records held by the Department
16 pursuant to this Act. For documents larger than 8.5" x 11",
17 actual copying costs plus \$0.25 per page shall apply.

18 (210 ILCS 125/21) (from Ch. 111 1/2, par. 1221)

19 Sec. 21. Closure of facility. Whenever the Department finds
20 any violation of this Act or the rules promulgated under this
21 Act, if the violation presents an emergency or risk to public
22 health, the Department shall, without prior notice or hearing,
23 issue a written notice, immediately order the owner, operator,
24 or licensee to close the swimming facility and to prohibit any

1 person from using such facilities. Notwithstanding any other
2 provisions in this Act, such order shall be effective
3 immediately.

4 The notice shall state the reasons prompting the closing of
5 the facilities and a copy of the notice must be posted
6 conspicuously at the pool or beach by the owner, operator or
7 licensee.

8 The Attorney General and the State's Attorney and Sheriff
9 of the county in which the swimming facility is located shall
10 enforce the closing order after receiving notice thereof.

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

14 When such violations are abated in the opinion of the
15 Department, the Department may authorize reopening the
16 swimming facility.

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

18 (210 ILCS 125/22) (from Ch. 111 1/2, par. 1222)

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

1 Each day's violation constitutes a separate offense. The
2 State's Attorney of the county in which the violation occurred,
3 or the Attorney General shall bring such actions in the name of
4 the people of the State of Illinois, ~~or may in addition to~~
5 ~~other remedies provided in this Act, bring action for an~~
6 ~~injunction to restrain such violation, or to enjoin the~~
7 ~~operation of any such establishment.~~

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

9 (210 ILCS 125/22.2 new)

10 Sec. 22.2. Civil enforcement. The Department may impose
11 administrative civil penalties for violations of this Act and
12 the rules promulgated thereunder, pursuant to rules for such
13 penalties adopted by the Department. The State's Attorney of
14 the county in which the violation occurred, or the Attorney
15 General, shall bring actions for collection of penalties
16 imposed under this Section in the name of the people of the
17 State of Illinois. The State's Attorney or Attorney General
18 may, in addition to other remedies provided in this Act, bring
19 an action (i) for an injunction to restrain the violation, (ii)
20 to impose civil penalties (if no penalty has been imposed by
21 the Department), or (iii) to enjoin the operation of any such
22 person or establishment.

23 (210 ILCS 125/23) (from Ch. 111 1/2, par. 1223)

24 Sec. 23. Applicability of Act. Nothing in this Act shall be

1 construed to exclude the State of Illinois and Departments and
2 educational institutions thereof and units of local government
3 except that the provisions in this Act for fees or late fees
4 for licenses and permits, and the provisions for civil
5 penalties, fines ~~fine~~ and imprisonment shall not apply to the
6 State of Illinois, to Departments and educational institutions
7 thereof, or units of local government. This Act shall not apply
8 to beaches operated by units of local government located on
9 Lake Michigan.

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

11 (210 ILCS 125/27) (from Ch. 111 1/2, par. 1227)

12 Sec. 27. Adoption of ordinances. Any unit of government
13 having a certified local ~~full time municipal, district, county~~
14 ~~or multiple county~~ health department ~~and which employs full~~
15 ~~time a physician licensed in Illinois to practice medicine in~~
16 ~~all its branches and a professional engineer, registered in~~
17 ~~Illinois, with a minimum of 2 years' experience in~~
18 ~~environmental health,~~ may administer and enforce this Act by
19 adopting an ordinance electing to administer and enforce this
20 Act and adopting by reference the rules ~~and regulations~~
21 promulgated and amended from time to time by the Department
22 under authority of this Act.

23 A unit of local government that so qualified and elects to
24 administer and enforce this Act shall furnish the Department a
25 copy of its ordinance and the names and qualifications of the

1 employees required by this Act. The unit of local government
2 ordinance shall then prevail in lieu of the state licensure ~~fee~~
3 and inspection program with the exception of Section 5 of this
4 Act which provides for permits for construction or major
5 alteration, and Sections 5.1, 5.2, 30, and 31, development and
6 installation, which provisions shall continue to be
7 administered by the Department. With the exception of permits
8 as provided for in Section 5 of this Act, a unit of local
9 government may collect fees for administration of ordinances
10 adopted pursuant to this Section. Units of local government
11 shall require such State permits as provided in Section 5 prior
12 to issuing licenses for swimming facilities constructed,
13 ~~developed, installed,~~ or altered in a major manner in
14 accordance with this Act ~~after the effective date of this Act.~~

15 Not less than once every 3 years ~~each year~~ the Department
16 shall evaluate each unit of local government's licensing and
17 inspection program to determine whether such program is being
18 operated and enforced in accordance with this Act and the rules
19 ~~and regulations~~ promulgated thereunder. If the Department
20 finds, after investigation, that such program is not being
21 enforced within the provisions of this Act or the rules ~~and~~
22 ~~regulations~~ promulgated thereunder, the Director shall give
23 written notice of such findings to the unit of government. If
24 the Department finds, not less than 30 days after ~~of~~ such given
25 notice, that the program is not being conducted and enforced
26 within the provisions of this Act or the rules ~~and regulations~~

1 promulgated thereunder, the Director shall give written notice
2 to the unit of government that its authority to administer this
3 Act is revoked. Any unit of government whose authority to
4 administer this Act is revoked may request an administrative
5 hearing as provided in this Act. If the unit of government
6 fails to request a hearing within 15 days after receiving the
7 notice or if, after such hearing, the Director confirms the
8 revocation, all swimming facilities then operating under such
9 unit of government shall be immediately subject to the State
10 licensure fee and inspection program, until such time as the
11 unit of government is again authorized by the Department to
12 administer and enforce this Act.

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

14 (210 ILCS 125/30 new)

15 Sec. 30. Prequalified architect or prequalified
16 professional engineer.

17 (a) Any person responsible for designing, planning, and
18 creating specifications for swimming facilities and for
19 applying for a permit for construction or major alteration of a
20 swimming facility must be an architect or professional engineer
21 prequalified by the Department. A prequalified architect or
22 prequalified professional engineer must be licensed and in good
23 standing with the Illinois Department of Financial and
24 Professional Regulation and must possess public swimming
25 facility design experience as determined by rules promulgated

1 by the Department. Persons seeking prequalification pursuant
2 to this Section shall apply for prequalification pursuant to
3 rules adopted by the Department.

4 (b) In addition to any other power granted in this Act to
5 adopt rules, the Department may adopt rules relating to the
6 issuance or renewal of the prequalification of an architect or
7 professional engineer or the suspension of the
8 prequalification of any such person or entity, including,
9 without limitation, a summary suspension without a hearing
10 founded on any one or more of the bases set forth in this
11 subsection.

12 The bases for an interim or emergency suspension of the
13 prequalification of an architect or professional engineer
14 include, but are not limited to, the following:

15 (1) A finding by the Department that the public
16 interest, safety, or welfare requires a summary suspension
17 of the prequalification without a hearing.

18 (2) The occurrence of an event or series of events
19 which, in the Department's opinion, warrants a summary
20 suspension of the prequalification without a hearing. Such
21 events include, without limitation: (i) the indictment of
22 the holder of the prequalification by a State or federal
23 agency or another branch of government for a crime; (ii)
24 the suspension of a license or prequalification by another
25 State agency or by a federal agency or another branch of
26 government after a hearing; (iii) failure to comply with

1 State law, including, without limitation, this Act and the
2 rules promulgated thereunder; and (iv) submission of
3 fraudulent documentation or the making of false statements
4 to the Department.

5 (c) If a prequalification is suspended by the Department
6 without a hearing for any reason set forth in this Section or
7 in Section 10-65 of the Illinois Administrative Procedure Act,
8 the Department, within 30 days after the issuance of an order
9 of suspension of the prequalification, shall initiate a
10 proceeding for the suspension of or other action upon the
11 prequalification.

12 (d) An applicant for prequalification under this Section
13 must, at a minimum, be licensed in Illinois as a professional
14 engineer or architect in accordance with the Professional
15 Engineering Practice Act of 1989 or the Illinois Architecture
16 Practice Act of 1989.

17 (210 ILCS 125/31 new)

18 Sec. 31. Prequalified swimming facility contractor.

19 (a) Any person seeking to perform construction,
20 installation, or major alteration of a swimming facility must
21 be prequalified by the Department. A prequalified swimming
22 facility contractor must be registered and in good standing
23 with the Secretary of State and possess public swimming
24 facility construction experience as determined by rules
25 promulgated by the Department. Persons seeking

1 prequalification pursuant to this Section shall apply for
2 prequalification pursuant to rules adopted by the Department.

3 (b) In addition to any other power granted in this Act to
4 adopt rules, the Department may adopt rules relating to the
5 issuance or renewal of the prequalification of a swimming
6 facility contractor or the suspension of the prequalification
7 of any such person or entity, including, without limitation, an
8 interim or emergency suspension without a hearing founded on
9 any one or more of the bases set forth in this subsection.

10 The bases for an interim or emergency suspension of the
11 prequalification of a swimming facility contractor include,
12 but are not limited to, the following:

13 (1) A finding by the Department that the public
14 interest, safety, or welfare requires a summary suspension
15 of the prequalification without a hearing.

16 (2) The occurrence of an event or series of events
17 which, in the Department's opinion, warrants a summary
18 suspension of the prequalification without a hearing. Such
19 events include, without limitation: (i) the indictment of
20 the holder of the prequalification by a State or federal
21 agency or another branch of government for a crime; (ii)
22 the suspension or modification of a license by another
23 State agency or by a federal agency or another branch of
24 government after a hearing; (iii) failure to comply with
25 State law, including, without limitation, this Act and the
26 rules promulgated thereunder; and (iv) submission of

1 fraudulent documentation or the making of false statements
2 to the Department.

3 (c) If a prequalification is suspended by the Department
4 without a hearing for any reason set forth in this Section or
5 in Section 10-65 of the Illinois Administrative Procedure Act,
6 the Department, within 30 days after the issuance of an order
7 of suspension of the prequalification, shall initiate a
8 proceeding for the suspension of or other action upon the
9 prequalification.

10 (210 ILCS 125/32 new)

11 Sec. 32. Service animals. It is the duty of a licensee
12 under this Act to allow the use of service animals as defined
13 and prescribed in 28 C.F.R. 35.104, 28 C.F.R. 35.136, 28 C.F.R.
14 35.139, 28 C.F.R. 36.104, 28 C.F.R. 208, and 28 C.F.R. 302(c)
15 if the service animal has been trained to perform a specific
16 task or work in the water and the use of such animal does not
17 pose a direct threat to the health and safety of the patrons of
18 the facility or the function or sanitary conditions of the
19 facility. Any use of a licensed swimming facility by an animal
20 other than a service animal as authorized under this Section is
21 prohibited.

22 Section 99. Effective date. This Act takes effect January
23 1, 2013."