

1 AN ACT concerning health regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

10 (210 ILCS 125/2) (from Ch. 111 1/2, par. 1202)

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

19 Therefore, the purpose of this Act is to protect, promote
20 and preserve the public health, safety and general welfare by
21 providing for the establishment and enforcement of minimum
22 standards for safety, cleanliness and general sanitation for
23 all swimming facilities, including swimming pools, spas, water

1 slides, public bathing beaches, and other aquatic features now
2 in existence or hereafter constructed, developed, or altered,
3 and to provide for inspection and licensing of all such
4 facilities.

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

6 (210 ILCS 125/3) (from Ch. 111 1/2, par. 1203)

7 Sec. 3. Definitions. As used in this Act, unless the
8 context otherwise requires, the terms specified in Sections
9 3.01 through 3.24 ~~3.13~~ have the meanings ascribed to them in
10 those Sections.

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

12 (210 ILCS 125/3.01) (from Ch. 111 1/2, par. 1203.01)

13 Sec. 3.01. Swimming pool. "Swimming Pool" means any
14 artificial basin of water which is modified, improved,
15 constructed or installed for the purpose of public swimming,
16 wading, floating, or diving, and includes: pools for community
17 use, pools at apartments, condominiums, and other groups or
18 associations having 5 or more living units, clubs, churches,
19 camps, schools, institutions, Y.M.C.A.'s, Y.W.C.A.'s, parks,
20 recreational areas, motels, hotels, health clubs, golf and
21 country clubs, and other commercial establishments. It does not
22 include pools at private single-family residences intended
23 only for the use of the owner and guests.

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

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

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

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

14 (210 ILCS 125/3.05) (from Ch. 111 1/2, par. 1203.05)

15 Sec. 3.05. "Person" means any individual, group of
16 individuals, association, trust, partnership, limited
17 liability company, corporation, person doing business under an
18 assumed name, county, municipality, the State of Illinois, or
19 any political subdivision or department thereof, or any other
20 entity.

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

22 (210 ILCS 125/3.10)

23 Sec. 3.10. Spa. "Spa" means a basin of water designed for

1 recreational or therapeutic use that is not drained, cleaned,
2 or refilled for each user. It may include hydrojet circulation,
3 hot water, cold water mineral bath, air induction bubbles, or
4 some combination thereof. It includes "therapeutic pools",
5 "hydrotherapy pools", "whirlpools", "cold spas", "hot spas",
6 and "hot tubs". It does not include these facilities at
7 individual single-family residences intended for use by the
8 occupant and his or her guests.

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

10 (210 ILCS 125/3.12)

11 Sec. 3.12. Swimming facility. "Swimming Facility" means a
12 swimming pool, spa, public bathing beach, ~~water slide, lazy~~
13 ~~river, spray pool,~~ or ~~other~~ aquatic feature and its
14 appurtenances, singular or aggregated together, that exists
15 for the purpose of providing recreation or therapeutic services
16 to the public. It does not include isolation or flotation
17 tanks.

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

19 (210 ILCS 125/3.13)

20 Sec. 3.13. Spray pool. "Spray pool" means an aquatic
21 feature ~~recreational facility~~ that is not a swimming pool and
22 that has structures or fittings for spraying, dumping, or
23 shooting water. The term does not include features ~~facilities~~
24 having as a source of water a public water supply that is

1 regulated by the Illinois Environmental Protection Agency or
2 the Illinois Department of Public Health and that has no
3 capacity to recycle water.

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

5 (210 ILCS 125/3.14 new)

6 Sec. 3.14. Prequalified architect or prequalified
7 professional engineer. "Prequalified architect" or
8 "prequalified professional engineer" means an individual who
9 is prequalified by the Department and is responsible for
10 coordinating the design, planning, and creation of
11 specifications for swimming facilities and for applying for a
12 permit for construction or major alteration.

13 (210 ILCS 125/3.15 new)

14 Sec. 3.15. Prequalified swimming facility contractor.
15 "Prequalified swimming facility contractor" means a person who
16 is prequalified by the Department to perform the construction,
17 installation, modification, or repair of a swimming facility
18 and its appurtenances.

19 (210 ILCS 125/3.16 new)

20 Sec. 3.16. Aquatic feature. "Aquatic feature" means any
21 single element of a swimming facility other than a swimming
22 pool or spa or bathing beach, including, but not limited to, a
23 lazy river, water slide, spray pool, or other feature that

1 provides aquatic recreation or therapy.

2 (210 ILCS 125/3.17 new)

3 Sec. 3.17. Lapsed fee. "Lapsed fee" means the amount
4 charged to a licensee for failing to renew a swimming facility
5 license within one year after the expiration of the license.
6 This fee is in addition to any other fees associated with
7 renewal of a swimming facility license.

8 (210 ILCS 125/3.18 new)

9 Sec. 3.18. Living unit. "Living unit" means a home, mobile
10 home, duplex unit, apartment unit, condominium unit, or any
11 dwelling unit in a multi-unit residential structure or a
12 campground lot.

13 (210 ILCS 125/3.19 new)

14 Sec. 3.19. Major alteration. "Major alteration" means any
15 change to a swimming facility or its aquatic features or
16 appurtenances that alters the facility's functionality or
17 as-built or as-permitted condition. This includes, but is not
18 limited to, an alteration of a pool that changes the water
19 surface area, depth, or volume, addition of a permanently
20 installed appurtenance such as a diving board, slide, or
21 starting platform, modification of the design of the
22 recirculation system, and replacement or modification of a
23 bather preparation facility. It does not include maintenance or

1 minor repair or the replacement of equipment with comparable
2 components.

3 (210 ILCS 125/3.20 new)

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

15 (210 ILCS 125/3.21 new)

16 Sec. 3.21. Initial review. "Initial review" means the
17 first review of any submittal made by an applicant for a permit
18 for construction or major alteration, as provided for in
19 Section 5 of this Act. If the requirements of Section 5 are
20 met, a permit shall be issued; otherwise the Department shall
21 issue correspondence indicating deficiencies.

22 (210 ILCS 125/3.22 new)

23 Sec. 3.22. Initial inspection. "Initial inspection" means

1 an inspection conducted by the Department to determine
2 compliance with this Act and rules promulgated thereunder in
3 order to approve the operation of a swimming facility after the
4 Department has issued a permit for construction or major
5 alteration.

6 (210 ILCS 125/3.23 new)

7 Sec. 3.23. Agent health department. "Agent health
8 department" means a certified local health department that the
9 Department has designated as its agent for making inspections
10 and investigations under Section 11 of this Act.

11 (210 ILCS 125/3.24 new)

12 Sec. 3.24. Ordinance health department. "Ordinance health
13 department" means a certified local health department
14 belonging to a unit of local government that has adopted an
15 ordinance electing to administer and enforce this Act and
16 adopting, by reference, the rules adopted and amended from time
17 to time by the Department under the authority of Section 27 of
18 this Act.

19 (210 ILCS 125/4) (from Ch. 111 1/2, par. 1204)

20 Sec. 4. License to operate. After May 1, 2002, it shall be
21 unlawful for any person to open, establish, maintain or operate
22 a swimming facility within this State without first obtaining a
23 license therefor from the Department or, where applicable, from

1 the ordinance health department. Applications for original
2 licenses shall be made on forms furnished by the Department or,
3 where applicable, by an ordinance health department. Each
4 application ~~to the Department~~ shall be signed by the applicant
5 and accompanied by an affidavit of the applicant as to the
6 truth of the application ~~and, except in the case of an~~
7 ~~application by an organization incorporated under the General~~
8 ~~Not for Profit Corporation Act, as amended, by the payment of a~~
9 ~~license application fee of \$50. License fees are not~~
10 ~~refundable.~~ Each application shall contain: the name and
11 address of the applicant, or names and addresses of the
12 partners if the applicant is a partnership, or the name and
13 addresses of the officers if the applicant is a corporation or
14 the names and addresses of all persons having an interest
15 therein if the applicant is a group of individuals,
16 association, or trust; and the location of the swimming
17 facility. A license shall be valid only in the possession of
18 the person to whom it is issued and shall not be the subject of
19 sale, assignment, or other transfer, voluntary, or
20 involuntary, nor shall the license be valid for any premises
21 other than those for which originally issued. Upon receipt of
22 an application for an original license, the Department or,
23 where applicable, the ordinance health department shall
24 inspect such swimming facility to insure compliance with this
25 Act. In no case shall license fees be assessed by both the
26 Department and the ordinance health department.

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

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

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

16 The fee to be paid by an applicant, ~~other than an~~
17 ~~organization incorporated under the General Not for Profit~~
18 ~~Corporation Act, as now or hereafter amended,~~ for a permit for
19 construction, ~~development,~~ major alteration, or installation
20 of each swimming facility shall be in accordance with Sections
21 8.1, 8.2, and 8.3 of this Act and is \$50, which shall accompany
22 such application.

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

24 (210 ILCS 125/5.1 new)

1 Sec. 5.1. Permit applications; certification. Permit
2 applications shall be made by an architect or engineer
3 prequalified in accordance with Section 30 of this Act. Such
4 applications shall include the sealed technical submissions of
5 the prequalified architect or prequalified professional
6 engineer responsible for the application. The requirements for
7 permit applications by a prequalified architect or
8 prequalified professional engineer shall take effect upon
9 adoption of rules to implement Section 30 of this Act.

10 (210 ILCS 125/5.2 new)

11 Sec. 5.2. Plan resubmittal. Those permit applications
12 failing to qualify for a permit for construction or major
13 alteration after review by the Department shall be supplemented
14 within 30 days by a plan resubmittal. Such resubmittals shall
15 include, but not be limited to, revised plans, specifications
16 and other required documentation sufficient to correct
17 deficiencies in the application and demonstrate compliance
18 with the rules. All plan resubmittals shall be submitted to the
19 Department by a prequalified architect or prequalified
20 professional engineer and shall be accompanied by a fee in
21 accordance with Sections 8.1, 8.2 and 8.3 of this Act. The
22 requirements for plan resubmittal by a prequalified architect
23 or prequalified professional engineer shall take effect upon
24 adoption of rules to implement Section 30 of this Act.

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

2 Sec. 6. License renewal. Applications and fees for renewal
3 of the license shall be made in writing by the holder of the
4 license, on forms furnished by the Department or, where
5 applicable, the ordinance health department, and, except in the
6 case of an application by an organization incorporated under
7 the General Not for Profit Corporation Act, as now or hereafter
8 amended, shall be accompanied by a license application fee in
9 accordance with Sections 8.1, 8.2, and 8.3 of this Act for fees
10 assessed by the Department or as established by local ordinance
11 for fees assessed by the ordinance health department of \$50,
12 which shall not be refundable, and shall contain any change in
13 the information submitted since the original license was issued
14 or the latest renewal granted. In addition to any other fees
15 required under this Act, a late fee in accordance with Sections
16 8.1, 8.2, and 8.3 of this Act of \$20 shall be charged when any
17 renewal application is received by the Department after the
18 license has expired or as established by local ordinance for
19 fees assessed by the ordinance health department; however,
20 educational institutions and units of State or local government
21 shall not be required to pay late fees. If, after inspection,
22 the Department or the ordinance health department is satisfied
23 that the swimming facility is in substantial compliance with
24 the provisions of this Act and the rules ~~and regulations~~ issued
25 thereunder, the Department or the ordinance health department
26 shall issue the renewal license. No license shall be renewed if

1 the licensee has unpaid fines, fees, or penalties owed to the
2 Department. In no case shall license renewal or late fees be
3 assessed by both the Department and the ordinance health
4 department.

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

6 (210 ILCS 125/7) (from Ch. 111 1/2, par. 1207)

7 Sec. 7. Conditional license. If the Department or, where
8 applicable, the ordinance health department finds that the
9 facilities of any swimming facility for which a license is
10 sought are not in compliance with the provisions of this Act
11 and the rules of the Department relating thereto, but may
12 operate without undue prejudice to the public, the Department
13 or the ordinance health department may issue a conditional
14 license setting forth the conditions on which the license is
15 issued, the manner in which the swimming facility fails to
16 comply with the Act and such rules, and shall set forth the
17 time, not to exceed 3 years, within which the applicant must
18 make any changes or corrections necessary to fully comply with
19 this Act and the rules ~~and regulations~~ of the Department
20 relating thereto. No more than 3 such consecutive annual
21 conditional licenses may be issued.

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

23 (210 ILCS 125/8) (from Ch. 111 1/2, par. 1208)

24 Sec. 8. Payment of fees; display of licenses. All fees and

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

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

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

(210 ILCS 125/8.1 new)

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

<u>Water Surface</u>	<u>Construction</u>	<u>Major</u>	<u>Plan</u>
<u>Area or Other</u>	<u>Permit Fee</u>	<u>Alteration Fee</u>	<u>Resubmittal</u>
<u>Feature</u>			<u>Fee</u>
<u>0-500 sq ft</u>	<u>\$625</u>	<u>\$310</u>	<u>\$200</u>
<u>501-1,000 sq ft</u>	<u>\$1,250</u>	<u>\$625</u>	<u>\$200</u>
<u>1,001-2,000 sq</u>			
<u>ft</u>	<u>\$1,500</u>	<u>\$750</u>	<u>\$200</u>
<u>2,001 sq ft and</u>			
<u>up</u>	<u>\$1,950</u>	<u>\$975</u>	<u>\$200</u>
<u>Aquatic Feature</u>	<u>\$625</u>	<u>\$310</u>	<u>\$200</u>
<u>Bathing Beach</u>	<u>\$625</u>	<u>\$310</u>	<u>\$200</u>

<u>Water Surface Area or Other</u>	<u>Original License and License</u>
<u>Feature</u>	<u>Renewal Fee</u>
<u>0-500 sq ft</u>	<u>\$150</u>
<u>501-1,000 sq ft</u>	<u>\$300</u>
<u>1,001-2,000 sq ft</u>	<u>\$400</u>
<u>2,001 sq ft and up</u>	<u>\$500</u>
<u>Aquatic Feature</u>	<u>\$150</u>
<u>Bathing Beach</u>	<u>\$150</u>
<u>Late Renewal Fee</u>	<u>\$100</u>
<u>Lapsed Fee</u>	<u>\$150</u>
<u>Inspections</u>	<u>Fee</u>
<u>Initial Inspection</u>	<u>\$150</u>
<u>Subsequent Inspection</u>	<u>\$100</u>

14 All fees set forth in this Section shall be charged on a
15 per-swimming-facility or per-aquatic-feature basis, unless
16 otherwise noted.

17 (210 ILCS 125/8.2 new)

18 Sec. 8.2. Fee schedule for fees assessed by the Department
19 for certain tax-exempt organizations. The fee schedule for fees
20 assessed by the Department for a licensee that is an
21 organization recognized by the United States Internal Revenue
22 Service as tax-exempt under Title 26 of the United States Code,

1 Section 501(c) (3) shall be as follows:

2	<u>Water Surface</u>	<u>Construction</u>	<u>Major Alteration</u>	<u>Plan</u>
3	<u>Area or Other</u>	<u>Permit Fee</u>	<u>Fee</u>	<u>Resubmittal</u>
4	<u>Feature</u>			<u>Fee</u>
5	<u>0-500 sq ft</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
6	<u>501-1,000 sq ft</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
7	<u>1,001-2,000 sq ft</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
8	<u>2,001 sq ft and</u>			
9	<u>up</u>	<u>\$150</u>	<u>\$200</u>	<u>\$200</u>
10	<u>Aquatic Feature</u>	<u>\$600</u>	<u>\$300</u>	<u>\$200</u>
11	<u>Bathing Beach</u>	<u>\$150</u>	<u>\$50</u>	<u>\$200</u>
12	<u>Water Surface Area or Other</u>		<u>Original License and License</u>	
13	<u>Feature</u>		<u>Renewal Fee</u>	
14	<u>0-500 sq ft</u>		<u>\$0</u>	
15	<u>501-1,000 sq ft</u>		<u>\$0</u>	
16	<u>1,001-2,000 sq ft</u>		<u>\$0</u>	
17	<u>2,001 sq ft and up</u>		<u>\$0</u>	
18	<u>Aquatic Feature</u>		<u>\$75</u>	
19	<u>Bathing Beach</u>		<u>\$75</u>	
20	<u>Late Renewal Fee</u>		<u>\$50</u>	
21	<u>Lapsed Fee</u>		<u>\$75</u>	
22	<u>Inspections</u>		<u>Fee</u>	
23	<u>Initial Inspection</u>		<u>\$0</u>	

1 Subsequent Inspection \$100

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

4 (210 ILCS 125/8.3 new)

5 Sec. 8.3. Fee schedule for fees assessed by the Department
 6 for certain governmental units and schools. The fee schedule
 7 for fees assessed by the Department for a licensee that is a
 8 unit of State or local government or a public elementary or
 9 secondary school shall be as follows:

<u>Water Surface</u>	<u>Construction</u>	<u>Major Alteration</u>	<u>Plan</u>
<u>Area or Other</u>	<u>Permit Fee</u>	<u>Permit Fee</u>	<u>Resubmittal</u>
<u>Feature</u>			<u>Fee</u>
<u>0-500 sq ft</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
<u>501-1,000 sq ft</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
<u>1,001-2,000 sq ft</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
<u>2,001 sq ft and</u>			
<u>up</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>
<u>Aquatic Feature</u>	<u>\$600</u>	<u>\$300</u>	<u>\$200</u>
<u>Bathing Beach</u>	<u>\$0</u>	<u>\$0</u>	<u>\$200</u>

<u>Water Surface Area or Other</u>	<u>Original License and License</u>
<u>Feature</u>	<u>Renewal Fee</u>
<u>0-500 sq ft</u>	<u>\$0</u>

1	<u>501-1,000 sq ft</u>	<u>\$0</u>
2	<u>1,001-2,000 sq ft</u>	<u>\$0</u>
3	<u>2,001 sq ft and up</u>	<u>\$0</u>
4	<u>Aquatic Feature</u>	<u>\$0</u>
5	<u>Bathing Beach</u>	<u>\$0</u>
6	<u>Late Renewal Fee</u>	<u>\$0</u>
7	<u>Lapsed Fee</u>	<u>\$0</u>
8	<u>Inspections</u>	<u>Fee</u>
9	<u>Initial Inspection</u>	<u>\$0</u>
10	<u>Subsequent Inspection</u>	<u>\$100</u>

11 Construction permit fees and major alteration permit fees
12 set forth in this Section shall be due only if the Department
13 produces an initial review within 60 days after receipt of the
14 application. The fees for aquatic features under this Section
15 shall cover all aquatic features at a particular facility, and
16 an aquatic feature fee is not required for each and every
17 aquatic feature.

18 (210 ILCS 125/9) (from Ch. 111 1/2, par. 1209)

19 Sec. 9. Inspections. Subject to constitutional
20 limitations, the Department, by its representatives, after
21 proper identification, is authorized and shall have the power
22 to enter at reasonable times upon private or public property
23 for the purpose of inspecting and investigating conditions

1 relating to the enforcement of this Act and rules ~~regulations~~
2 issued hereunder. Written notice of all violations shall be
3 given to each person against whom a violation is alleged ~~the~~
4 ~~owners, operators and licensees of swimming facilities.~~

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

6 (210 ILCS 125/11) (from Ch. 111 1/2, par. 1211)

7 Sec. 11. Department's agents. The Department may designate
8 certified local health departments as its agents for purposes
9 of carrying out this Act. An agent so designated may charge
10 fees for costs associated with enforcing this Act. Where the
11 agent determines that it cannot perform an inspection under
12 this Act, the Department shall perform the inspection and any
13 applicable fees shall be payable to the Department and the
14 agent may not charge a fee. If the Department performs a
15 service or activity for the agent that the agent cannot
16 perform, the fee for the service or activity shall be paid to
17 the Department and not to the agent. In no case shall fees be
18 assessed by both the Department and an agent for the same
19 service or activity. ~~full-time Municipal, District, County or~~
20 ~~multiple County Health Departments as its agents in making~~
21 ~~inspections and investigations.~~

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

23 (210 ILCS 125/13) (from Ch. 111 1/2, par. 1213)

24 Sec. 13. Rules. The Department shall promulgate, publish,

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

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

20 (210 ILCS 125/17) (from Ch. 111 1/2, par. 1217)

21 Sec. 17. Subpoenas; witness fees. The Director or Hearing
22 Officer may compel by subpoena or subpoena duces tecum the
23 attendance and testimony of witnesses and the production of
24 records or documents either in electronic or paper form ~~books~~
25 ~~and papers~~ and administer oaths to witnesses. All subpoenas

1 issued by the Director or Hearing Officer may be served as
2 provided for in a civil action.

3 The fees of witnesses for attendance and travel shall be
4 the same as the fees for witnesses before the circuit court and
5 shall be paid by the party to such proceeding at whose request
6 the subpoena is issued. If such subpoena is issued at the
7 request of the Department, the witness fee shall be paid as an
8 administrative expense.

9 In cases of refusal of a witness to attend or testify, or
10 to produce records or documents ~~books or papers~~, concerning any
11 matter upon which he might be lawfully examined, the circuit
12 court of the county where the hearing is held, upon application
13 of any party to the proceeding, may compel obedience by
14 proceeding as for contempt.

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

16 (210 ILCS 125/20) (from Ch. 111 1/2, par. 1220)

17 Sec. 20. Judicial review. The Department is not required to
18 certify any record or file any answer or otherwise appear in
19 any proceeding for judicial review unless there is filed in the
20 court with the complaint a receipt from the Department
21 acknowledging payment of the costs of furnishing and certifying
22 the record, which costs shall be computed at the rate of \$1 per
23 page of such record ~~the party filing the complaint deposits~~
24 ~~with the clerk of the court the sum of \$1 per page representing~~
25 ~~costs of such certification.~~ Failure on the part of the

1 plaintiff to make such deposit shall be grounds for dismissal
2 of the action.

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

4 (210 ILCS 125/20.5 new)

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

10 (210 ILCS 125/21) (from Ch. 111 1/2, par. 1221)

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

20 The notice shall state the reasons prompting the closing of
21 the facilities and a copy of the notice must be posted
22 conspicuously at the pool or beach by the owner, operator or
23 licensee.

24 The Attorney General and the State's Attorney and Sheriff

1 of the county in which the swimming facility is located shall
2 enforce the closing order after receiving notice thereof.

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

6 When such violations are abated in the opinion of the
7 Department, the Department may authorize reopening the
8 swimming facility.

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

10 (210 ILCS 125/22) (from Ch. 111 1/2, par. 1222)

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

18 Each day's violation constitutes a separate offense. The
19 State's Attorney of the county in which the violation occurred,
20 or the Attorney General shall bring such actions in the name of
21 the people of the State of Illinois, ~~or may in addition to~~
22 ~~other remedies provided in this Act, bring action for an~~
23 ~~injunction to restrain such violation, or to enjoin the~~
24 ~~operation of any such establishment.~~

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

1 (210 ILCS 125/22.2 new)

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

15 (210 ILCS 125/23) (from Ch. 111 1/2, par. 1223)

16 Sec. 23. Applicability of Act. Nothing in this Act shall be
17 construed to exclude the State of Illinois and Departments and
18 educational institutions thereof and units of local government
19 except that the provisions in this Act for fees or late fees
20 for licenses and permits, and the provisions for civil
21 penalties, fines ~~fine~~ and imprisonment shall not apply to the
22 State of Illinois, to Departments and educational institutions
23 thereof, or units of local government. This Act shall not apply
24 to beaches operated by units of local government located on

1 Lake Michigan.

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

3 (210 ILCS 125/27) (from Ch. 111 1/2, par. 1227)

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

15 A unit of local government that so qualified and elects to
16 administer and enforce this Act shall furnish the Department a
17 copy of its ordinance and the names and qualifications of the
18 employees required by this Act. The unit of local government
19 ordinance shall then prevail in lieu of the state licensure ~~fee~~
20 and inspection program with the exception of Section 5 of this
21 Act which provides for permits for construction or major
22 alteration, and Sections 5.1, 5.2, 30, and 31, development and
23 ~~installation,~~ which provisions shall continue to be
24 administered by the Department. With the exception of permits
25 as provided for in Section 5 of this Act, a unit of local

1 government may collect fees for administration of ordinances
2 adopted pursuant to this Section. Units of local government
3 shall require such State permits as provided in Section 5 prior
4 to issuing licenses for swimming facilities constructed,
5 ~~developed, installed,~~ or altered in a major manner in
6 accordance with this Act ~~after the effective date of this Act.~~

7 Not less than once every 3 years ~~each year~~ the Department
8 shall evaluate each unit of local government's licensing and
9 inspection program to determine whether such program is being
10 operated and enforced in accordance with this Act and the rules
11 ~~and regulations~~ promulgated thereunder. If the Department
12 finds, after investigation, that such program is not being
13 enforced within the provisions of this Act or the rules ~~and~~
14 ~~regulations~~ promulgated thereunder, the Director shall give
15 written notice of such findings to the unit of government. If
16 the Department finds, not less than 30 days after ~~of~~ such given
17 notice, that the program is not being conducted and enforced
18 within the provisions of this Act or the rules ~~and regulations~~
19 promulgated thereunder, the Director shall give written notice
20 to the unit of government that its authority to administer this
21 Act is revoked. Any unit of government whose authority to
22 administer this Act is revoked may request an administrative
23 hearing as provided in this Act. If the unit of government
24 fails to request a hearing within 15 days after receiving the
25 notice or if, after such hearing, the Director confirms the
26 revocation, all swimming facilities then operating under such

1 unit of government shall be immediately subject to the State
2 licensure fee and inspection program, until such time as the
3 unit of government is again authorized by the Department to
4 administer and enforce this Act.

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

6 (210 ILCS 125/30 new)

7 Sec. 30. Prequalified architect or prequalified
8 professional engineer.

9 (a) Any person responsible for designing, planning, and
10 creating specifications for swimming facilities and for
11 applying for a permit for construction or major alteration of a
12 swimming facility must be an architect or professional engineer
13 prequalified by the Department. A prequalified architect or
14 prequalified professional engineer must be licensed and in good
15 standing with the Illinois Department of Financial and
16 Professional Regulation and must possess public swimming
17 facility design experience as determined by rules promulgated
18 by the Department. Persons seeking prequalification pursuant
19 to this Section shall apply for prequalification pursuant to
20 rules adopted by the Department.

21 (b) In addition to any other power granted in this Act to
22 adopt rules, the Department may adopt rules relating to the
23 issuance or renewal of the prequalification of an architect or
24 professional engineer or the suspension of the
25 prequalification of any such person or entity, including,

1 without limitation, a summary suspension without a hearing
2 founded on any one or more of the bases set forth in this
3 subsection.

4 The bases for an interim or emergency suspension of the
5 prequalification of an architect or professional engineer
6 include, but are not limited to, the following:

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

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

23 (c) If a prequalification is suspended by the Department
24 without a hearing for any reason set forth in this Section or
25 in Section 10-65 of the Illinois Administrative Procedure Act,
26 the Department, within 30 days after the issuance of an order

1 of suspension of the prequalification, shall initiate a
2 proceeding for the suspension of or other action upon the
3 prequalification.

4 (d) An applicant for prequalification under this Section
5 must, at a minimum, be licensed in Illinois as a professional
6 engineer or architect in accordance with the Professional
7 Engineering Practice Act of 1989 or the Illinois Architecture
8 Practice Act of 1989.

9 (210 ILCS 125/31 new)

10 Sec. 31. Prequalified swimming facility contractor.

11 (a) Any person seeking to perform construction,
12 installation, or major alteration of a swimming facility must
13 be prequalified by the Department. A prequalified swimming
14 facility contractor must be registered and in good standing
15 with the Secretary of State and possess public swimming
16 facility construction experience as determined by rules
17 promulgated by the Department. Persons seeking
18 prequalification pursuant to this Section shall apply for
19 prequalification pursuant to rules adopted by the Department.

20 (b) In addition to any other power granted in this Act to
21 adopt rules, the Department may adopt rules relating to the
22 issuance or renewal of the prequalification of a swimming
23 facility contractor or the suspension of the prequalification
24 of any such person or entity, including, without limitation, an
25 interim or emergency suspension without a hearing founded on

1 any one or more of the bases set forth in this subsection.

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

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

8 (2) The occurrence of an event or series of events
9 which, in the Department's opinion, warrants a summary
10 suspension of the prequalification without a hearing. Such
11 events include, without limitation: (i) the indictment of
12 the holder of the prequalification by a State or federal
13 agency or another branch of government for a crime; (ii)
14 the suspension or modification of a license by another
15 State agency or by a federal agency or another branch of
16 government after a hearing; (iii) failure to comply with
17 State law, including, without limitation, this Act and the
18 rules promulgated thereunder; and (iv) submission of
19 fraudulent documentation or the making of false statements
20 to the Department.

21 (c) If a prequalification is suspended by the Department
22 without a hearing for any reason set forth in this Section or
23 in Section 10-65 of the Illinois Administrative Procedure Act,
24 the Department, within 30 days after the issuance of an order
25 of suspension of the prequalification, shall initiate a
26 proceeding for the suspension of or other action upon the

1 prequalification.

2 (210 ILCS 125/32 new)

3 Sec. 32. Service animals. It is the duty of a licensee
4 under this Act to allow the use of service animals as defined
5 and prescribed in 28 C.F.R. 35.104, 28 C.F.R. 35.136, 28 C.F.R.
6 35.139, 28 C.F.R. 36.104, 28 C.F.R. 208, and 28 C.F.R. 302(c)
7 if the service animal has been trained to perform a specific
8 task or work in the water and the use of such animal does not
9 pose a direct threat to the health and safety of the patrons of
10 the facility or the function or sanitary conditions of the
11 facility. Any use of a licensed swimming facility by an animal
12 other than a service animal as authorized under this Section is
13 prohibited.

14 Section 99. Effective date. This Act takes effect January
15 1, 2013.