

1 AN ACT concerning public health and safety.

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

4 Section 5. The Swimming Pool and Bathing Beach Act is
5 amended by changing Sections 1, 2, 3, 3.01, 4, 5, 6, 7, 8, 9,
6 10, 12, 13, 21, 21.1, 23, and 27 and by adding Sections 3.10,
7 3.11, and 3.12 as follows:

8 (210 ILCS 125/1) (from Ch. 111 1/2, par. 1201)

9 Sec. 1. Short title. This Act shall be known and may be
10 cited as the Swimming Facility ~~Pool-and-Bathing-Beach~~ Act.
11 (Source: P.A. 78-1149.)

12 (210 ILCS 125/2) (from Ch. 111 1/2, par. 1202)

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

20 Therefore, the purpose of this Act is to protect, promote
21 and preserve the public health, safety and general welfare by
22 providing for the establishment and enforcement of minimum
23 standards for safety, cleanliness and general sanitation for
24 all swimming pools, spas, water slides, and public bathing
25 beaches, and other aquatic features now in existence or
26 hereafter constructed, ~~or~~ developed, or altered and to
27 provide for inspection and licensing of all such facilities.
28 (Source: P.A. 78-1149.)

29 (210 ILCS 125/3) (from Ch. 111 1/2, par. 1203)

1 Sec. 3. Definitions. As used in this Act, unless the
2 context otherwise requires, the terms specified in Sections
3 3.01 through 3.12 ~~3-09~~ have the meanings ascribed to them in
4 those Sections.

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

6 (210 ILCS 125/3.01) (from Ch. 111 1/2, par. 1203.01)

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

18 (Source: P.A. 86-595.)

19 (210 ILCS 125/3.10 new)

20 Sec. 3.10. Spa. "Spa" means a basin of water designed for
21 recreational or therapeutic use that is not drained, cleaned,
22 or refilled for each user. It may include hydrojet
23 circulation, hot water, cold water mineral bath, air
24 induction bubbles, or some combination thereof. It includes
25 "therapeutic pools", "hydrotherapy pools", "whirlpools", "hot
26 spas", and "hot tubs". It does not include these facilities
27 at individual residences intended for use by the occupant and
28 his or her guests.

29 (210 ILCS 125/3.11 new)

30 Sec. 3.11. Water slide. "Water slide" means a ride with a
31 flow of water and having a flume exceeding 30 feet in length.

1 (210 ILCS 125/3.12 new)

2 Sec. 3.12. Swimming facility. "Swimming Facility" means a
3 swimming pool, spa, public bathing beach, water slide, lazy
4 river, or other similar aquatic feature.

5 (210 ILCS 125/4) (from Ch. 111 1/2, par. 1204)

6 Sec. 4. License to operate. After May January 1, 2002
7 1974, it shall be unlawful for any person to open, establish,
8 maintain or operate a swimming pool, water slide, or bathing
9 beach within this State without first obtaining a license
10 therefor from the Department. After May 1, 2003, it shall be
11 unlawful for any person to open, establish, maintain, or
12 operate a spa within this State without first obtaining a
13 license from the Department. Licenses for bathing-beaches-and
14 outdoor swimming facilities pools shall expire May 1, next
15 following the swimming season for which the license was
16 issued and-licenses-for-indoor-pools-shall-expire-on-December
17 17-next-following-the-date-of-issue, except that an original
18 license for a swimming facility an-indoor-pool issued after
19 February September 1 and before May December 1 shall expire
20 on May December 1 of the following year. Licenses for indoor
21 pools that expire December 1, 2001 shall be renewed for a \$75
22 fee for a license that will expire on May 1, 2003.

23 Applications for original licenses shall be made on forms
24 furnished by the Department. Each application to the
25 Department shall be signed by the applicant and accompanied
26 by an affidavit of the applicant as to the truth of the
27 application and, except in the case of an application by an
28 organization incorporated under the General Not for Profit
29 Corporation Act, as amended, by the payment of a license
30 application fee of \$50. License fees are not refundable. Each
31 application shall contain: the name and address of the
32 applicant, or names and addresses of the partners if the
33 applicant is a partnership, or the name and addresses of the

1 officers if the applicant is a corporation or the names and
 2 addresses of all persons having an interest therein if the
 3 applicant is a group of individuals, association, or trust;
 4 and the location of the swimming facility pool--or--beach. A
 5 license shall be valid only in the possession of the person
 6 to whom it is issued and shall not be the subject of sale,
 7 assignment, or other transfer, voluntary, or involuntary, nor
 8 shall the license be valid for any premises other than those
 9 for which originally issued. Upon receipt of an application
 10 for an original license the Department shall inspect such
 11 swimming facility pool-or-beach to insure compliance with
 12 this Act.

13 (Source: P.A. 86-595.)

14 (210 ILCS 125/5) (from Ch. 111 1/2, par. 1205)

15 Sec. 5. Permit for construction or major alteration. No
 16 swimming facility pool--or--public-bathing--beach shall be
 17 constructed, developed, or installed, or altered in a major
 18 manner until plans, specifications, and other information
 19 relative to such swimming facility pool-or-beach-area and
 20 appurtenant facilities as may be requested by the Department
 21 are submitted to and reviewed by the Department and found to
 22 comply with minimum sanitary and safety requirements and
 23 design criteria, and until a permit for the construction or
 24 development is issued by the Department. Construction permits
 25 for spas are not required until January 1, 2003. Permits are
 26 valid for a period of one year from date of issue. They may
 27 be reissued upon application to the Department and payment of
 28 the permit fee as provided in this Act.

29 The fee to be paid by an applicant, other than an
 30 organization incorporated under the General Not for Profit
 31 Corporation Act, as now or hereafter amended, for a permit
 32 for construction, development, major alteration, or
 33 installation of each swimming facility is \$50, which shall

1 accompany such application; ~~except that permit fees for~~
2 ~~swimming pools having 50,000 gallons or less is \$25.~~

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

4 (210 ILCS 125/6) (from Ch. 111 1/2, par. 1206)

5 Sec. 6. License renewal. Applications for renewal of the
6 license shall be made in writing by the holder of the
7 license, on forms furnished by the Department and, except in
8 the case of an application by an organization incorporated
9 under the General Not for Profit Corporation Act, as now or
10 hereafter amended, shall be accompanied by a license
11 application fee of \$50, which shall not be refundable, and
12 shall contain any change in the information submitted since
13 the original license was issued or the latest renewal
14 granted. In addition to any other fees required under this
15 Act, a late fee of \$20 shall be charged when any renewal
16 application is received by the Department after the license
17 has expired; however, educational institutions and units of
18 State or local government shall not be required to pay late
19 fees. If, after inspection, the Department is satisfied that
20 the swimming facility ~~pool or beach~~ is in substantial
21 compliance with the provisions of this Act and the rules and
22 regulations issued thereunder, the Department shall issue the
23 renewal license.

24 (Source: P.A. 85-1261.)

25 (210 ILCS 125/7) (from Ch. 111 1/2, par. 1207)

26 Sec. 7. Conditional license. If the Department finds that
27 the facilities of any swimming facility ~~pool or bathing beach~~
28 for which a license is sought are not in compliance with the
29 provisions of this Act and the rules and regulations of the
30 Department relating thereto, but may operate without undue
31 prejudice to the public, the Department may issue a
32 conditional ~~or temporary~~ license setting forth the conditions

1 on which the license is issued, the manner in which the
 2 swimming ~~facility pool-or-beach~~ fails to comply with the Act
 3 and such rules and regulations, and shall set forth the time,
 4 not to exceed 3 years, within which the applicant must make
 5 any changes or corrections necessary to fully comply with
 6 this Act and the rules and regulations of the Department
 7 relating thereto. No more than 3 such consecutive annual
 8 conditional ~~or temporary~~ licenses may be issued.

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

10 (210 ILCS 125/8) (from Ch. 111 1/2, par. 1208)

11 Sec. 8. Payment of fees; display of licenses. All fees
 12 generated under the authority of this Act shall be deposited
 13 into the Facility Licensing Fund and, subject to
 14 appropriation, shall be used by the Department in the
 15 administration of this Act. All fees shall be submitted in
 16 the form of a check or money order. All licenses and ~~permits~~
 17 provided for in this Act shall be displayed in a conspicuous
 18 place for public view, within or on such premises. In case of
 19 revocation or suspension, the 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.

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

23 (210 ILCS 125/9) (from Ch. 111 1/2, par. 1209)

24 Sec. 9. Inspections. Subject to constitutional
 25 limitations, the Department, by its representatives, after
 26 proper identification, is authorized and shall have the power
 27 to enter at reasonable times upon private or public property
 28 for the purpose of inspecting and investigating conditions
 29 relating to the enforcement of this Act and regulations
 30 issued hereunder. Written notice of all violations shall be
 31 given to the owners, operators and licensees of swimming
 32 facilities pools-and-bathing-beaches.

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

2 (210 ILCS 125/10) (from Ch. 111 1/2, par. 1210)

3 Sec. 10. Access to premises. It shall be the duty of the
4 owners, operators and licensees of swimming facilities ~~pools~~
5 ~~and-bathing-beaches~~ to give the Department and its authorized
6 agents free access to such premises at all reasonable times
7 for the purpose of inspection.

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

9 (210 ILCS 125/12) (from Ch. 111 1/2, par. 1212)

10 Sec. 12. Water samples. Licensees shall cause to be
11 submitted water samples and such operational and analytical
12 data and records as may be required by the Department to
13 determine the sanitary and safety conditions of the swimming
14 facility ~~pool-or-bathing-beach~~.

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

16 (210 ILCS 125/13) (from Ch. 111 1/2, par. 1213)

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

1 include provisions for the prevention of bather entrapment or
 2 entanglement at new and existing swimming facilities. The
 3 Department may adopt less stringent requirements for spas
 4 existing prior to January 1, 2003 than for new spas, provided
 5 minimum safety features, including provisions to protect
 6 against bather entrapment, are provided. Bather preparation
 7 facilities consisting of dressing room space, toilets and
 8 showers shall be available for use of patrons of swimming
 9 facilities ~~pools---and---beaches~~, except as provided by
 10 Department regulations.

11 (Source: P.A. 86-595.)

12 (210 ILCS 125/21) (from Ch. 111 1/2, par. 1221)

13 Sec. 21. Closure of facility. Whenever the Department
 14 finds any of the conditions hereinafter set forth it shall,
 15 by written notice, immediately order the owner, operator or
 16 licensee to close the swimming facility ~~pool-or-beach~~ and to
 17 prohibit any person from using such facilities:

18 (1) If conditions at a swimming facility ~~pool-or-bathing~~
 19 ~~beach~~ and appurtenances, including bathhouse facilities, upon
 20 inspection and investigation by a representative of the
 21 Department, create an immediate danger to health or safety,
 22 including conditions that could lead to bather entrapment or
 23 entanglement; or

24 (2) When the Department, upon review of results of
 25 bacteriological analyses of water samples collected from a
 26 swimming facility ~~pool--er--bathing--beach~~, finds that such
 27 water does not conform to the bacteriological standards
 28 promulgated by the Department for proper swimming water
 29 quality; or

30 (3) When an environmental survey of an area shows
 31 evidence of sewage or other polluttional or toxic materials
 32 being discharged to waters tributary to a beach creating an
 33 immediate danger to health or safety; or

1 (4) When the Department finds by observation or test for
2 water clarity of the swimming facility ~~pool-or-beach~~ water a
3 higher turbidity level than permitted in the standards for
4 physical quality as promulgated by the Department; or

5 (5) When in such cases as it is required, the presence
6 of a satisfactory disinfectant residual, prescribed by rule
7 as promulgated by the Department, is absent.

8 The notice shall state the reasons prompting the closing
9 of the facilities and a copy of the notice must be posted
10 conspicuously at the pool or beach by the owner, operator or
11 licensee.

12 The State's Attorney and Sheriff of the county in which
13 the swimming facility ~~pool-or-bathing-beach~~ is located shall
14 enforce the closing order after receiving notice thereof.

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

18 When such conditions are abated or when the results of
19 analyses of water samples collected from the swimming
20 facility ~~pool-or-beach~~, in the opinion of the Department,
21 comply with the Department's bacteriological standards for
22 acceptable water quality, or when the turbidity decreases to
23 the permissible limit, or when the disinfectant residual
24 reaches a satisfactory level as prescribed by rule, the
25 Department may authorize reopening the pool or beach. When
26 sources of sewage, pollution, or toxic materials discovered
27 as a result of an environmental survey are eliminated, the
28 Department may authorize reopening of such beach.

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

30 (210 ILCS 125/21.1) (from Ch. 111 1/2, par. 1221.1)

31 Sec. 21.1. Use of life jackets. No person shall prohibit
32 the use of a life jacket in a swimming facility ~~pool~~ by an
33 individual who, as evidenced by a statement signed by a

1 licensed physician, suffers from a physical disability or
2 condition which necessitates the use of such life jacket.

3 (Source: P.A. 84-964.)

4 (210 ILCS 125/23) (from Ch. 111 1/2, par. 1223)

5 Sec. 23. Applicability of Act. Nothing in this Act shall
6 be construed to exclude the State of Illinois and Departments
7 and educational institutions thereof and units of local
8 government except that the provisions in this Act for fees
9 for licenses and permits, and the provisions for fine and
10 imprisonment shall not apply to the State of Illinois, to
11 Departments and educational institutions thereof, or units of
12 local government. This Act shall not apply to beaches
13 operated by units of local government located on Lake
14 Michigan.

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

16 (210 ILCS 125/27) (from Ch. 111 1/2, par. 1227)

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

28 A unit of local government that so qualified and elects
29 to administer and enforce this Act shall furnish the
30 Department a copy of its ordinance and the names and
31 qualifications of the employees required by this Act. The
32 unit of local government ordinance shall then prevail in lieu

1 of the state licensure fee and inspection program with the
2 exception of Section 5 of this Act which provides for permits
3 for construction, development and installation, which
4 provisions shall continue to be administered by the
5 Department. Units of local government shall require such
6 State permits as provided in Section 5 prior to issuing
7 licenses for swimming facilities ~~pools--or-public-bathing~~
8 ~~beaches~~ constructed, developed, ~~or installed,~~ or altered in a
9 major manner after the effective date of this Act.

10 Not less than once each year the Department shall
11 evaluate each unit of local government's licensing and
12 inspection program to determine whether such program is being
13 operated and enforced in accordance with this Act and the
14 rules and regulations promulgated thereunder. If the
15 Department finds, after investigation, that such program is
16 not being enforced within the provisions of this Act and/or
17 the rules and regulations promulgated thereunder, the
18 Director shall give written notice of such findings to the
19 unit of government. If the Department finds, not less than 30
20 days of such given notice, that the program is not being
21 conducted and enforced within the provisions of this Act
22 and/or the rules and regulations promulgated thereunder, the
23 Director shall give written notice to the unit of government
24 that its authority to administer this Act is revoked. Any
25 unit of government whose authority to administer this Act is
26 revoked may request an administrative hearing as provided in
27 this Act. If the unit of government fails to request a
28 hearing or if, after such hearing, the Director confirms the
29 revocation, all swimming facilities ~~pools-and-public-bathing~~
30 ~~beaches~~ then operating under such unit of government shall be
31 immediately subject to the State licensure fee and inspection
32 program, until such time as the unit of government is again
33 authorized by the Department to administer and enforce this
34 Act.

1 (Source: P.A. 86-595.)

2 (210 ILCS 125/28 rep.)

3 Section 10. The Swimming Pool and Bathing Beach Act is
4 amended by repealing Section 28.

5 Section 95. The Illinois Migrant Labor Camp Law is
6 amended by changing Section 18 as follows:

7 (210 ILCS 110/18)

8 Sec. 18. The Department shall deposit all fees and fines
9 collected under this Act into the Facility Licensing Fund.
10 Moneys in the Fund, subject to appropriation, shall be used
11 for the enforcement of this Act.

12 (Source: P.A. 88-535.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.