

# **WILL COUNTY PUBLIC SWIMMING FACILITY ORDINANCE**



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## **Will County Health Department**

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**Adopted September 2009  
Amended August 20, 2015  
Revised February 14, 2018  
WILL COUNTY**

## Will County Public Swimming Facility Ordinance

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## **WILL COUNTY PUBLIC SWIMMING FACILITY ORDINANCE**

### **SECTION 97.01 PURPOSE**

The Will County Health Department (the Health Authority) through an agreement with the Illinois Department of Public Health (IDPH) maintains and operates a public swimming facility program for the IDPH and is evaluated as required by the IDPH to determine compliance with the Illinois Swimming Facility Act 210 ILCS 125. Therefore, the purpose of this Ordinance is to establish a schedule of fees to be charged to offset the cost of operating the program, to regulate the inspections of such facilities, and to provide for the incorporation by reference the standards of the Illinois Department of Public Health as set forth in its Rules entitled "Illinois Swimming Facility Code" issued by the Illinois Department of Public Health and may be hereinafter amended or revised.

RE: Will County Public Swimming Facility Ordinance.

WHEREAS, it is in the best interest for the health, safety and welfare of the People of Will County to have sanitary conditions in public swimming facilities

WHEREAS, the best way to ensure sanitary conditions in these facilities is to conduct regular inspections, and

WHEREAS, the costs of inspections by the Health Authority to regulate and supervise swimming facilities have steadily risen since the Health Authority began operating this program, and

WHEREAS, under the provisions of the Will County Board of Health by laws adopted April 10, 1973 and revised December 20, 2006 the Board of Health may request the County Board pass ordinances permitting the charging and collection of such fees as may be necessary to finance selected services, and for the promotion and protection of health and control of disease.

WHEREAS, in the best interest of the People of Will County, the costs for the above mentioned inspections and reviews of the public swimming facilities should be borne in part by the operator/owner of the facilities.

THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF WILL COUNTY, ILLINOIS that the Will County Public Swimming Facility Ordinance be formulated to include the attached regulations.

**SECTION 97.02 ADOPTION OF STATE LAW BY REFERENCE**

The Illinois Department of Public Health, Division of Environmental Health: Swimming Facility Act 210 ILCS 125/1- 32 and the “Illinois Swimming Facility Code” and any subsequent revisions thereto are hereby adopted by reference as Section 97.02 of this ordinance.

**SECTION 97.03 PERMIT AND LICENSING PROVISIONS**

**A. PERMIT FOR CONSTRUCTION OR MAJOR ALTERATION:** No public swimming facility shall be constructed, developed, installed, or altered in a major manner until plans, specifications, and other information relative to such swimming facility and appurtenant facilities as may be requested by IDPH are submitted to and reviewed by IDPH and found to comply with minimum sanitary and safety requirements and design criteria, and until a permit for the construction or development is issued by IDPH.

**B. LICENSE:** It shall be unlawful for any person to operate a public swimming facility within Will County in the State of Illinois, who does not possess a valid license issued to them by the IDPH per Section of 125/4 of the Illinois Swimming Facility Act.

1. Prior to approval of an initial application for license, the facility must be inspected by IDPH or the Will County Health Department to determine compliance with the requirements and in accordance with the previously permitted plans.
2. Applicable licensing fees must be submitted to IDPH as required by the Illinois Swimming Facility Act.

**C. ANNUAL INSPECTION FEE:** The annual inspection fees to be charged by the Health Authority in pursuance of its authority to inspect, regulate and supervise public swimming facilities are indicated in Appendix A. The annual inspection fee shall be due no later than April 30<sup>th</sup>. All inspection fees shall be made payable to the Will County Health Department and this fee shall not be refundable.

**D. EXEMPTIONS:** The requirements of this ordinance and the applicable fees shall apply to all public swimming facilities in Will County.

## **SECTION 97.04. INSPECTIONS**

**A. INSPECTION FREQUENCY:** An annual licensing inspection of a public swimming facility shall be performed at a minimum as required by the agreement between the Health Authority and the IDPH to maintain and operate the program. Additional inspections of the facilities shall be performed as often as necessary to ensure health, safety and welfare of the People of Will County and to ensure compliance with the swimming facility requirements from the Illinois Swimming Facility Act 210 ILCS 125/1-32 and the Illinois Swimming Facility Code and any subsequent revisions thereto are hereby adopted by reference as Section 97.02 of this ordinance.

**B. ACCESS:** Representatives of the Health Authority, after proper identification, shall be permitted to enter any public swimming facility at any reasonable time for the purpose of making inspections to determine compliance with this ordinance. The representatives shall be permitted to examine the records of the facility to obtain information on the facility's daily maintenance and operation and collect samples and other materials as necessary for proper implementation of this ordinance.

**C. REPORT OF INSPECTIONS:** Whenever an inspection of a public swimming facility is made, the findings shall be recorded on the inspection report form used by the Health Authority. The inspection report form shall summarize the requirements of this ordinance. Inspectional remarks shall reference by item number the violation and the correction to be made. A copy of the completed inspection report form shall be furnished to the person in charge of the facility at the conclusion of the inspection or electronically transmitted in a timely manner. Alternate inspection forms and reports may be used provided they assure adherence to proper operation and sanitation principles. All completed inspection reports are public documents that shall be made available for public disclosure to any person who requests it according to law.

**D. CORRECTION OF VIOLATIONS:** The completed inspection report form shall include written notice of the violations in accordance with Section 15.1 of 210 ILCS 125 Swimming Facility Act.

1. If an imminent health hazard exists, such as but not limited to immediate danger to health or safety, unsatisfactory bacteriological results or inoperable recirculation pumps/filters at the facility or any other condition as stated in Section 820.330 and Subpart E Section 820.400 Minimum Sanitary Requirements for Bathing Beaches of the Illinois Swimming Facility Code, the operations shall immediately cease. Operations shall not resume until authorized by the Health Authority. A re-inspection shall be conducted to verify that the imminent health hazard no longer exists. A re-inspection fee shall be charged and is included in Appendix A. Re-inspection fees are non-refundable.

2. At time of issuance of notice of any violation, the Health Authority shall request corrections as required by Illinois Swimming Facility Act Section 15.1 210 ILCS 125/15.1 Violations at Facility.

3. Failure to comply will be handled as required by Illinois Swimming Facility Act and the Illinois Swimming Facility Code.

#### **SECTION 97.05 CURRENT RULES**

This ordinance shall be regulated by the Health Authority in accordance with the current “Illinois Swimming Facility Act and Code” as established by the IDPH, and any subsequent revisions. Copies of said Code shall be on file in the County Clerk’s Office and the offices of the Health Authority.

#### **SECTION 97.06 REPEAL AND DATE OF EFFECT**

This ordinance shall be in full force and effective immediately following its adoption and publication as provided for by law and in accordance with the law, and at that time all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

#### **SECTION 97.07 CONFLICT OF PROVISIONS, EFFECT ON PARTIAL INVALIDITY**

- A. In any case where a provision of this ordinance is found to be in conflict with a provision of any building, fire, safety, health ordinance or other code, existing on effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- B. 1. If any section, division, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such invalidation shall not affect the remaining portions of this ordinance which shall remain in full force and effect.
- 2. To this end, the provisions of this ordinance are hereby declared to be joint and severable.

### **SECTION 97.08 INJUNCTIONS**

In addition to other remedies provided for in this ordinance the Health Authority may bring an action for injunction to restrain such violations, or to enjoin the operation of any such establishment. All moneys collected from fines under this Ordinance shall be deposited to the Will County Health Department.

### **SECTION 97.99 PENALTY**

Whoever violates any of the provisions of this ordinance, or refuses to comply with any lawful order or requirement of the Health Authority duly made in writing as provided herein shall, upon finding of guilty, be subject to a fine of up to \$500 for each and every violation; and each day after the original notice of violation shall constitute a separate violation.

**APPENDIX A**  
**FEE SCHEDULE**

<b>SERVICE</b>	<b>FEE</b>
<b>Swimming Facility Inspection Fee*</b>	<b>\$250</b>
<b>Additional Feature(s) Inspection Fee</b>	<b>\$75</b>
<b>Swimming Facility Sample Analysis Fee</b>	<b>\$20</b>
<b>Swimming Facility Re-Inspection Fee</b>	<b>\$50</b>
<b>Bathing Beach Inspection Fee</b>	<b>\$200</b>
<b>Bathing Beach Sample Analysis Fee</b>	<b>\$20</b>
<b>Bathing Beach Re-Inspection Fee</b>	<b>\$50</b>

**\*Where there is more than one feature at the same location and under the same ownership, an additional flat fee of \$75 shall be charged.**

All fees shall be made payable to the Will County Health Department and these fees shall not be refundable.





**ORDINANCE OF THE COUNTY BOARD  
WILL COUNTY, ILLINOIS**

**Amending the Will County Chapter 97 Public Swimming Facility Ordinance**

WHEREAS, the Will County Board of Health has requested the County Board consider amendments to the Will County Chapter 97 Public Swimming Facility Ordinance, and

WHEREAS, a public hearing was properly published and held at the Public Health & Safety Committee meeting on April 5, 2018, in the County Board committee room, to solicit public comment regarding amendments to the Will County Chapter 97 Public Swimming Facility Ordinance, and

WHEREAS, the Public Health & Safety Committee has reviewed the amendments to the Will County Chapter 97 Public Swimming Facility Ordinance and recommends approval by the full County Board.

NOW, THEREFORE, BE IT ORDAINED, that the Will County Board hereby amends the Will County Chapter 97 Public Swimming Facility Ordinance as suggested by the Will County Board of Health, attached hereto, effective upon execution by the County Executive.

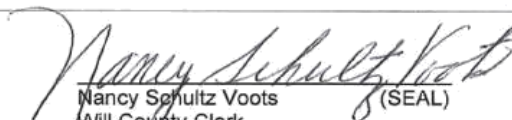
BE IT FURTHER ORDAINED, that the Preamble of this Ordinance is hereby adopted as if fully set forth herein. This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

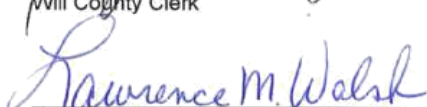
Adopted by the Will County Board this 19th day of April, 2018.

<b>AYES:</b>	Ogalla, Summers, Moustis, Singer, Moran, Rice, Harris, Traynere, Bennefield, Fritz, Gould, Militello, Balich, Friclone, Brooks Jr., Winfrey, Parker, Staley-Ferry, Dollinger, Marcum, Maher, Tuminello, Weigel, Ferry, Kraulidis
<b>ABSENT:</b>	Hart

Result: Approved - [Unanimous]

Approved this 24 day of April, 2018.

  
Nancy Schultz Voots (SEAL)  
Will County Clerk

  
Lawrence M. Walsh  
Will County Executive



Will County Board of Health  
Resolution #18-08

**Resolution of the Will County Board of Health  
Will County, Illinois**

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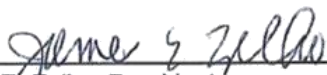
**APPROVAL OF THE WILL COUNTY CHAPTER 97 PUBLIC SWIMMING FACILITY  
ORDINANCE REVISION**

**WHEREAS**, the Board of Health reviews and recommends to the County Board, changes to existing Health Department related ordinances, and

**WHEREAS**, the Board of Health has reviewed the amendments to the Will County Chapter 97 Public Swimming Facility Ordinance as proposed and recommends the revision of the Ordinance as attached.

**NOW, THEREFORE, BE IT RESOLVED** the Board of Health recommends the County Board consider the revision of the Will County Chapter 97 Public Swimming Facility Ordinance as attached.

DATED THIS 21<sup>st</sup> day of March, 2018

  
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James E. Zelko, President  
Will County Board of Health