

**PUBLIC HEALTH CODE (EXCERPT)**  
**Act 368 of 1978**

PART 125

CAMPGROUNDS, SWIMMING AREAS, AND SWIMMERS' ITCH

**333.12501 Definitions; principles of construction.**

Sec. 12501. (1) As used in sections 12501 to 12516:

(a) "Campground" means a parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units. Campground does not include a seasonal mobile home park licensed under the mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349.

(b) "Department" means the department of environmental quality.

(c) "Local health department" means that term as defined under section 1105.

(d) "Mobile home" means a structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

(e) "Person" means a person as defined in section 1106 or a governmental entity.

(f) "Recreational unit" means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational unit includes the following:

(i) A travel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.

(ii) A camping trailer, which is a vehicular portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

(iii) A motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.

(iv) A truck camper, which is a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of 2 basic types:

(A) A slide-in camper, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.

(B) A chassis-mount camper, which is a portable structure designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.

(v) A single sectional mobile home used only to provide temporary living quarters for recreational, camping, or travel use. Recreational unit does not include a mobile home used as a permanent dwelling, residence, or living quarters.

(2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1982, Act 525, Eff. Mar. 30, 1983;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004

**Compiler's note:** For transfer of powers and duties of the division of environmental health, with the exception of the food service sanitation program and the shelter environment program, from the director of the department of public health to the director of the department of environmental quality, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

**Popular name:** Act 368

**333.12505 Construction permit for campground; application; contents.**

Sec. 12505. A person shall not begin to construct, alter, or engage in the development of a campground without first obtaining a construction permit from the department. Applications for a construction permit shall be submitted to the department along with the fee as prescribed in section 12506a. The application shall contain the following:

(a) A description of the proposed project.

(b) The name and address of the applicant.

(c) The location of the proposed project.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

### **333.12506 Campground license required; application; contents; exemption; expiration.**

Sec. 12506. (1) A person shall not operate a campground without a campground license issued by the department, its agent or representative, or a representative of a designated local health department. An application for a campground license shall be submitted to the department, its agent or representative, or a representative of a designated local health department along with the license fee as prescribed in section 12506a.

(2) The application shall contain the following:

- (a) The name and address of the applicant.
- (b) The location of the campground.
- (c) Information regarding physical facilities.

(3) The campground license shall expire on December 31 of every third year if the annual renewal fee is paid or as stipulated on the license, whichever is sooner.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

### **333.12506a Campground fees.**

Sec. 12506a. (1) The fees related to campground regulation under this part are as follows:

- (a) Construction permit fee for a new campground.. \$600.00.
- (b) Construction permit fee for an addition, alteration, or modification of an existing campground.. \$225.00.
- (c) Initial or annual renewal license fee for a new or temporary campground as follows:
  - (i) One to 25 sites..... \$75.00.
  - (ii) Twenty-six to 50 sites..... \$100.00.
  - (iii) Fifty-one to 75 sites..... \$125.00.
  - (iv) Seventy-six to 100 sites..... \$150.00.
  - (v) One hundred one to 500 sites..... \$225.00.
  - (vi) More than 500 sites..... \$500.00.
- (d) Late annual renewal license fee, after December 31..... \$100.00.
- (e) License transfer fee..... \$75.00.

(2) The department may adjust the amounts prescribed in subsection (1) every 3 years by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit consumer price index and rounded to the nearest dollar.

**History:** Add. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

### **333.12506b Campground fund; creation; remaining balance; expenditures; use; annual report.**

Sec. 12506b. (1) The campground fund is created in the state treasury and shall be administered by the department. The state treasurer shall credit to the campground fund all fees collected by the department under section 12506a and all money, gifts, and devises received by the fund as otherwise provided by law.

(2) The unencumbered balance remaining in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the general fund.

(3) The money in the campground fund shall be expended only as provided in this section. The department shall use the fund to implement this part and to carry out its powers and duties under sections 12501 to 12516. The department shall not use the money in the campground fund for inspections of any mobile home parks licensed under the mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349.

(4) The department shall annually prepare a report containing an accounting of revenues and expenditures from the campground fund. This report shall include details of the departmental costs and activities of the previous year in administering this campground program. This report shall be provided to the senate and house of representatives appropriations committees, the standing committees of the senate and house of representatives with jurisdiction over issues pertaining to natural resources and the environment, and the senate and house of representatives fiscal agencies.

**History:** Add. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

### **333.12507 Campground facilities to meet requirements prescribed under MCL 333.12511.**

Sec. 12507. Before an application for a campground license is approved, the department, its agent or representative, or a representative of a designated local health department shall determine that the campground contains facilities which meet the requirements prescribed in rules promulgated under section 12511.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

### **333.12508 Campground license; issuance; display; notice of denial; statement of reasons; reconsideration; hearing; appeal.**

Sec. 12508. (1) Upon approval of the application for a campground license, the department, its agent or representative, or a representative of a designated local health department shall issue a campground license which shall be displayed in a conspicuous place on the campground.

(2) If the application is not approved, the department, its agent or representative, or a representative of a designated local health department shall give written notice of its denial to the applicant stating reasons for the denial. The applicant may request reconsideration of the application after correction of the reasons for the denial or may request a hearing before the department, or an authorized representative of the department, on the denial within 10 days after receipt of the denial. The hearing shall be held not later than 20 days after receipt of the request.

(3) A person aggrieved by the decision of the department or its authorized representative may appeal to the courts as provided by the administrative procedures act of 1969.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

### **333.12509 Campground license; transfer.**

Sec. 12509. A campground license shall not be transferred to another person except where the transferee complies with all the requirements to be licensed under sections 12501 to 12516 and upon submission of an application and the license transfer fee as prescribed in sections 12506 and 12506a.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

### **333.12510 Annual inspection by local health department; payments; additional fees.**

Sec. 12510. (1) If a representative of the designated local health department performs annual inspections of campgrounds that are applying for a new license, renewal license, or temporary license and have submitted the applicable license fee to the department, the department shall approve payments of \$25.00 per campground to that local health department.

(2) The state treasurer shall make the payments upon receipt of approval from the department.

(3) A designated local health department may collect additional fees as provided under section 2444 from the owner of a campground for services provided under sections 12501 to 12516.

**History:** Add. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

### **333.12511 Rules.**

Sec. 12511. The department, with the advice, assistance, and approval of the advisory board, shall promulgate rules regarding sanitation and safety standards for campgrounds and public health. The rules shall recognize and provide controls for different types of campgrounds.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**Administrative rules:** R 323.3101 et seq.; R 325.1551 et seq.; R 325.2101 et seq.; and R 325.2111 et seq. of the Michigan Administrative Code.

### **333.12512 Notice of noncompliance; specifying particular violations; time for compliance; revocation of license; hearing; decision; appeal.**

Sec. 12512. (1) The department, its agent or representative, or a representative of a designated local health department shall give written notice to a licensee who fails to comply with sections 12501 to 12516 or a rule promulgated under those sections. The notice shall specify the particular violations and a date by which the licensee shall comply. The time given for compliance shall depend upon the nature of the violation.

(2) If the licensee does not comply within the time specified, the department, its agent or representative, or a representative of a designated local health department may, in accordance with the administrative procedures act of 1969, revoke the license. If the licensee files a request for a hearing within 60 calendar days after the licensee receives notice of revocation, the department shall hold a hearing.

(3) A license revoked under subsection (2) shall not be reissued by the department, its agent or representative, or a representative of a designated local health department until it has been determined that the violations have been corrected.

(4) A licensee aggrieved by a decision of the department, its agent or representative, or a representative of a designated local health department to revoke the license may appeal to a court of competent jurisdiction as provided by the administrative procedures act of 1969.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

### **333.12513 Advisory board; purpose; appointment, qualifications, and terms of members.**

Sec. 12513. (1) The director shall appoint an advisory board with broad geographical distribution of members to advise on the administration of sections 12501 to 12516 and the preparation and administration of rules promulgated under those sections.

(2) The board shall consist of 15 members as follows: 1 representing the Michigan association of recreation vehicles and campgrounds; 1 representing the association of RV parks and campgrounds of Michigan; 2 representing consumers, including 1 who represents a recognized campground users association; 3 campground owners or operators, including 1 who represents a primitive type of campground; 2 representing counties; 1 representing townships; 1 representing cities and villages; 2 representing local health departments; the director of the department of natural resources or his or her authorized representative; and the director or his or her authorized representative.

(3) Except for the directors of the departments, or their authorized representatives, the members shall serve for a term of 3 years. However, of the members first appointed, 3 members shall serve for a 1-year term, 3 members shall serve for a 2-year term, and 3 members shall serve for a 3-year term.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Compiler's note:** For transfer of campground public health advisory board to department of environmental quality by type III transfer, see E.R.O. No. 2010-14, compiled at MCL 333.26365.

**Popular name:** Act 368

### **333.12514 Access to campground; purpose.**

Sec. 12514. An agent or representative of the department or a representative of a designated local health department shall have access during all reasonable hours to a campground for the purpose of inspection or otherwise carrying out sections 12501 to 12516.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

### **333.12515 Application and construction of MCL 333.12501 to 333.12516.**

Sec. 12515. (1) Sections 12501 to 12516 do not apply to a campground used solely as a children's camp licensed by the department of social services or to properties owned by a person licensed pursuant to part 124, and used for housing seasonal agricultural workers employed by that person. A campground licensed under sections 12501 to 12516 shall not be used for the housing of seasonal agricultural workers unless also licensed under part 124.

(2) Sections 12501 to 12516 shall not be construed to interfere in any way with the enforcement of sanitary controls by a health officer having jurisdiction in the area.

(3) Sections 12501 to 12516 do not relieve a person from complying with local ordinances governing building permits or with a code, regulation, or ordinance not in conflict with sections 12501 to 12516.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.12516 Violation as misdemeanor; action for injunction.**

Sec. 12516. (1) A person who violates sections 12501 to 12515 is guilty of a misdemeanor.

(2) Notwithstanding the existence of any other remedy, the department, its agent or representative, or a representative of a designated local health department may maintain an action in the name of the state for an injunction against a person to restrain or prevent the construction, enlargement, or alteration of a campground without a permit, or the operation or conduct of a campground without a license.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

### **333.12521 Definitions used in MCL 333.12521 to 333.12534.**

Sec. 12521. As used in sections 12521 to 12534:

(a) "Department" means the department of environmental quality.

(b) "Local health department" means that term as defined under section 1105.

(c) "Person" means a person as defined in section 1106 or a governmental entity.

(d) "Public swimming pool" means an artificial body of water used collectively by a number of individuals primarily for the purpose of swimming, wading, recreation, or instruction and includes related equipment, structures, areas, and enclosures intended for the use of individuals using or operating the swimming pool such as equipment, dressing, locker, shower, and toilet rooms. Public swimming pools include those which are for parks, schools, motels, camps, resorts, apartments, clubs, hotels, mobile home parks, subdivisions, waterparks, and the like. A pool or portable pool located on the same premises with a 1-, 2-, 3-, or 4-family dwelling and for the benefit of the occupants and their guests, a natural bathing area such as a stream, lake, river, or man-made lake or pond that uses water from natural sources and has an inflow and outflow of natural water, an exhibitor's swimming pool built as a model at the site of the seller and in which swimming by the public is not permitted, or a pool serving not more than 4 hotel, motel, apartment, condominium, or similar units is not a public swimming pool.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

**Administrative rules:** R 325.5801 et seq. of the Michigan Administrative Code.

### **333.12522 Public swimming pool; review of design, construction, and operation; rules; exception.**

Sec. 12522. (1) The department shall review the design, construction, and operation of public swimming pools to protect the public health, prevent the spread of disease, and prevent accidents or premature deaths.

(2) Except as otherwise provided in subsection (3), the department shall promulgate rules to carry out sections 12521 to 12534.

(3) Until December 31, 2018, rules pertaining to lifeguarding promulgated by the department under subsection (2) do not apply to a pool that meets all of the following requirements:

(a) It is located in a health and wellness center that is owned or operated by a community hospital authority as authorized under 1945 PA 47, MCL 331.1 to 331.11.

(b) The total pool water surface area within the swimming pool enclosure is not more than 2,400 square feet.

(c) No diving board is provided.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2014, Act 430, Imd. Eff. Dec. 30, 2014.

**Popular name:** Act 368

**Administrative rules:** R 325.2111 et seq. of the Michigan Administrative Code.

### **333.12523 Construction and operation of public swimming pools; supervisory and visitorial power; control.**

Sec. 12523. The department has supervisory and visitorial power and control as limited in sections 12521 to 12534 over persons engaged in the construction and operation of public swimming pools.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.12524 Public swimming pools; periodic inspections; right of entry.**

Sec. 12524. (1) The department, its agents or representatives, or representatives of a designated local health department shall make periodic inspections of public swimming pools.

(2) The department, its agents or representatives, or representatives of a designated local health department may enter upon the swimming pool premises and other property of a person at all reasonable times for the purpose of inspecting the swimming pool and carrying out the authority vested in the department under sections 12521 to 12534.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.12525 Construction or modification of public swimming pool; review and approval of**

Rendered Thursday, August 17, 2017

Page 5

Michigan Compiled Laws Complete Through PA 117 of 2017

**plans and specifications; fee; permit; responsibility of applicant or owner; nuisance or hazard to health or safety; description of swimming pool system and auxiliary structures.**

Sec. 12525. (1) A person intending to construct a public swimming pool or intending to modify an existing public swimming pool shall submit plans and specifications for the proposed installation accompanied by a fee specified in section 12527a to the department for review and approval and shall secure a permit for the construction. A person shall not start or engage in the construction of a public swimming pool or modify an existing public swimming pool until the permit for the construction is issued by the department.

(2) Sections 12521 to 12534 or an action of the department shall not relieve the applicant or owner of a public swimming pool from responsibility for securing a building permit or complying with applicable local codes, regulations, or ordinances not in conflict with sections 12521 to 12534. Compliance with an approved plan does not authorize the owner constructing or operating a public swimming pool to create or maintain a nuisance or a hazard to health or safety.

(3) Plans and specifications submitted for the purpose of obtaining a construction permit shall include a true description of the entire swimming pool system and auxiliary structures or parts thereof as proposed to be constructed and operated.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1980, Act 522, Imd. Eff. Jan. 26, 1981.

**Popular name:** Act 368

**333.12526 Examination of plans and specifications; determination; issuance of permit; notice of deficiencies; resubmission of documents; duration of permit; written approval of change.**

Sec. 12526. (1) The department shall examine the plans and specifications and determine whether the swimming pool facilities, if constructed in accordance therewith, are or would be sufficient and adequate to protect the public health and safety. If the plans and specifications are approved, the department shall issue a permit for construction. If the plans and specifications are not approved, the department shall notify the applicant or the applicant's representative of the deficiencies. The applicant may have the plans and specifications amended to remedy the deficiencies and resubmit the documents, without additional fee, for further consideration.

(2) A construction permit shall be valid for not more than 2 years after the date of issuance unless a written time extension is granted by the department.

(3) Each public swimming pool shall be constructed or modified in accordance with the approved plans and specifications unless written approval of a change is granted by the department.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**333.12527 Public swimming pool; license required; fee; display; expiration; renewal; replacement.**

Sec. 12527. (1) A public swimming pool shall not be operated without a license.

(2) A person engaged in the operation of a public swimming pool shall obtain a license to operate the swimming pool from the department, its agent or representative, or a representative of a designated local health department and shall pay an initial or renewal fee as specified in section 12527a.

(3) A license shall be displayed by the owner in a conspicuous place on the premises.

(4) A license shall expire December 31 of every third year if the annual renewal fee is paid or as stipulated on the license, whichever is sooner.

(5) A license shall be renewed upon receipt of a proper application, an annual renewal fee as specified in section 12527a, and evidence that the public swimming pool is being operated and maintained in accordance with sections 12521 to 12534 and the applicable rules and regulations.

(6) A license shall not be transferred to another person but it may be replaced by another license upon receipt of a proper application and the fee specified in section 12527a.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1980, Act 522, Imd. Eff. Jan. 26, 1981;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

**333.12527a Fees.**

Sec. 12527a. (1) The fees related to swimming pool regulation under this part are as follows:

- (a) Construction permit fee for a swimming pool with a surface area as follows:
  - (i) 500 square feet or less..... \$ 550.00

(ii)	501 to 1,500 square feet.....	\$ 700.00
(iii)	1,501 to 2,400 square feet.....	\$ 800.00
(iv)	2,401 to 4,000 square feet.....	\$1,300.00
(v)	More than 4,000 square feet.....	\$1,800.00
(b)	Construction permit fee for modification of an existing swimming pool.....	\$ 275.00
(c)	Initial license fee for a swimming pool with a surface area as follows:	
(i)	500 square feet or less.....	\$ 550.00
(ii)	501 to 1,000 square feet.....	\$ 600.00
(iii)	1,001 to 1,500 square feet.....	\$ 625.00
(iv)	1,501 to 2,000 square feet.....	\$ 650.00
(v)	2,001 to 2,500 square feet.....	\$ 700.00
(vi)	2,501 to 3,500 square feet.....	\$ 800.00
(vii)	3,501 to 4,500 square feet.....	\$ 900.00
(viii)	More than 4,500 square feet.....	\$1,000.00
(d)	Initial license fee for a modified swimming pool.....	\$ 275.00
(e)	Annual renewal license fee, to December 31.	\$ 55.00
(f)	Late annual renewal license fee, after December 31 through April 30.....	\$ 100.00
(g)	Lapsed annual renewal license fee, after April 30.....	\$ 150.00
(h)	Replacement license fee for transfer to another person.....	\$ 50.00

(2) The department may adjust the amounts prescribed in subsection (1) every 3 years by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit consumer price index and rounded to the nearest dollar.

(3) A person that has a valid, current permit to operate a public swimming pool on the effective date of the amendatory act that added this subsection is not required to pay an initial license fee as specified in this section.

**History:** Add. 1980, Act 522, Imd. Eff. Jan. 26, 1981;—Am. 1985, Act 19, Eff. Mar. 31, 1986;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

**333.12527b Public swimming pool fund; creation; remaining balance; expenditures; use; annual report.**

Sec. 12527b. (1) The public swimming pool fund is created in the state treasury and shall be administered by the department. The state treasurer shall credit to the public swimming pool fund all fees collected by the department under section 12527a and all money, gifts, and devises received by the fund as otherwise provided by law.

(2) The unencumbered balance remaining in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the general fund.

(3) The money in the public swimming pool fund shall be expended only as provided in this section. The department shall use the fund to implement this part and to carry out its powers and duties under sections 12521 to 12534. The department shall not use the money in the public swimming pool fund for inspections of any mobile home parks licensed under the mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349.

(4) The department shall annually prepare a report containing an accounting of revenues and expenditures from the public swimming pool fund. This report shall include details of the departmental costs and activities of the previous year in administering this public swimming pool program. This report shall be provided to the senate and house of representatives appropriations committees, the standing committees of the senate and house of representatives with jurisdiction over issues pertaining to natural resources and the environment, and the senate and house of representatives fiscal agencies.

**History:** Add. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

**333.12528 Denial of license; grounds; notice; failure to correct deficiencies or noncomplying items.**

Sec. 12528. If upon investigation, the department, its agent or representative, or a representative of a designated local health department finds that a public swimming pool was not constructed or modified in accordance with the approved plans and specifications, the department, its agent or representative, or a representative of a designated local health department shall give written notice to the applicant that the license will not be issued, citing the deficiencies or noncomplying items that constitute the reasons for not issuing the license and a date by which the licensee shall comply. An applicant who fails to correct the deficiencies or noncomplying items within the time specified shall be denied a license.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

### **333.12529 Revocation of license; grounds; reissuance.**

Sec. 12529. The department may, in accordance with the administrative procedures act of 1969, revoke the license upon a finding that the pool is not being operated or maintained in accordance with sections 12521 to 12534 or the rules. A person aggrieved by a decision of the department or its authorized representative to revoke the license may appeal to a court of competent jurisdiction as provided by the administrative procedures act of 1969. A license that has been revoked shall be reissued only when the department determines the deficiencies are corrected.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 368

### **333.12530 Periodic reports covering operation of public swimming pools.**

Sec. 12530. The department shall provide for a system of periodic reports covering the operation of the public swimming pool so that the department may readily determine compliance with sections 12521 to 12534 and the rules.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.12531 Ordering owner or operator to prohibit use of swimming pool.**

Sec. 12531. If the department, its agent or representative, or a representative of a designated local health department considers that conditions warrant prompt closing of a swimming pool until sections 12521 to 12534 and the rules are complied with for the protection of the public health and safety, the department or designated local health department may order the owner or operator of the swimming pool to prohibit an individual from using it until corrections are made to protect adequately the public health and safety.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.12531a Use of life jacket in public swimming pool.**

Sec. 12531a. A person shall not prohibit the use of a coast guard approved life jacket in a public swimming pool by an individual who has in his or her possession a statement signed by a licensed physician stating that the individual has a physical disability or condition that necessitates the use of a life jacket. An individual assumes the risk of any injury to himself or herself caused by the use of a life jacket as provided in this section which is not otherwise caused by the pool operator's negligence.

**History:** Add. 1989, Act 153, Imd. Eff. July 19, 1989.

**Popular name:** Act 368

### **333.12532 Payments to local health departments; additional fees.**

Sec. 12532. (1) The department may approve payments for each public swimming pool granted an initial license and each renewal license to a designated local health department when the fees are collected by the state from the designated local health department's respective area, as follows:

- (a) Initial license fee for a swimming pool.... \$ 100.00
- (b) Annual renewal license fee..... \$ 30.00
- (c) Late annual renewal license fee..... \$ 45.00
- (d) Lapsed annual renewal license fee..... \$ 70.00

(2) The state treasurer shall make the payments upon receipt of approval from the department.

(3) A designated local health department may collect additional fees as provided under section 2444 from the owner of a swimming pool for services provided under sections 12521 to 12534.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1980, Act 522, Imd. Eff. Jan. 26, 1981;—Am. 1985, Act 19, Eff. Mar. 31, 1986;—Am. 2004, Act 408, Imd. Eff. Nov. 29, 2004.



**Popular name:** Act 368

**333.12533 Violation as misdemeanor; each day of violation as separate violation; prosecution.**

Sec. 12533. A person who violates sections 12521 to 12531a or a rule promulgated under those sections is guilty of a misdemeanor. Each day upon which a violation occurs is a separate violation. The attorney general or local prosecuting attorney shall be responsible for prosecuting a person who violates sections 12521 to 12531a.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1989, Act 153, Imd. Eff. July 19, 1989.

**Popular name:** Act 368

**Administrative rules:** R 325.2111 et seq. of the Michigan Administrative Code.

**333.12534 Action for injunction or other process.**

Sec. 12534. Notwithstanding the existence and pursuit of any other remedy, the department, its agent or representative, or a representative of a designated local health department may maintain an action in the name of the state for injunction or other process against a person to restrain or prevent the construction or modification of a public swimming pool without a construction permit, or the operation of a public swimming pool without an operation permit, or in a manner contrary to law.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**333.12541 Testing and evaluating quality of water at bathing beaches; purpose; posting sign; injunction; definitions.**

Sec. 12541. (1) The local health officer or an authorized representative of the local health department having jurisdiction may test and otherwise evaluate the quality of water at bathing beaches to determine whether the water is safe for bathing purposes. However, the local health officer or authorized representative shall notify the city, village, or township in which the bathing beach is located prior to conducting the test or evaluation.

(2) If a local health officer or an authorized representative of a local health department conducts a test or evaluation of a bathing beach under subsection (1), within 36 hours of conducting the test or evaluation, he or she shall notify the department, the city, village, or township in which the bathing beach is located, and the owner of the bathing beach of the results of the test or evaluation.

(3) The owner of the bathing beach shall post at the main entrance to the bathing beach or other visible location a sign that states whether or not the bathing beach has been tested or evaluated under subsection (1) and, if the bathing beach has been tested, the location of where test results may be reviewed. Open stretches of beach or beaches at road ends that are not advertised or posted as public bathing beaches do not need to have signs posted.

(4) If a local health officer or authorized representative of the local health department conducts a test or evaluation under subsection (1) and, based upon the standards promulgated under section 12544, the health officer or the authorized representative determines that the water is unsafe for bathing, he or she may petition the circuit court of the county in which the bathing beach is located for an injunction ordering the person owning or operating the bathing beach to close the bathing beach for use by bathers or ordering other measures to keep persons from entering on the bathing beach. Upon receipt of a petition under this subsection, the court may grant an injunction if circumstances warrant it.

(5) As used in this section:

(a) "Bathing beach" means a beach or bathing area offered to the public for recreational bathing or swimming. It does not include a public swimming pool as defined in section 12521.

(b) "Department" means the department of environmental quality.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2002, Act 507, Eff. Mar. 31, 2003.

**Popular name:** Act 368

**333.12542 Public bathing beach; safety and rescue equipment; communication with outside sources of assistance.**

Sec. 12542. The owner or person in charge of a public bathing beach shall provide and maintain suitable and adequate safety and rescue equipment and suitable and adequate means of communication with outside sources of assistance, which shall be available and accessible at the public bathing beach when it is open to bathers.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**333.12543 Consulting and cooperating with local health officers; training for employees; assistance.**

Sec. 12543. The department or an authorized representative of the department shall consult and cooperate with local health officers and shall provide training for employees thereof and otherwise assist in the effective administration of sections 12541 to 12545.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**333.12544 Rules; contents; use.**

Sec. 12544. The department, in cooperation with local health departments, shall promulgate rules which shall contain minimum sanitation standards for determining water quality at bathing beaches open to the public. The rules shall be used by a local health department to establish the safety of the water for swimming. Water quality standards adopted under this section shall be in conformity with the official state water quality standards adopted by the department of environmental quality under the authority of part 31 (water resources protection) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.3101 to 324.3119 of the Michigan Compiled Laws.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1996, Act 67, Imd. Eff. Feb. 26, 1996.

**Popular name:** Act 368

**333.12545 Violation as misdemeanor.**

Sec. 12545. A person who violates sections 12541 to 12543 is guilty of a misdemeanor.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**333.12546 Local regulations.**

Sec. 12546. Sections 12541 to 12544 shall not change the authority of local health departments or county boards of commissioners to enact local regulations governing public bathing beaches.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**333.12561-333.12563 Repealed. 2004, Act 246, Eff. Oct. 1, 2004.**

**Compiler's note:** The repealed sections pertained to permits to chemically treat nuisance-producing organisms in waters of this state.