

**SUBSTITUTE FOR
HOUSE BILL NO. 4703**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 12501, 12505, 12506, 12507, 12508, 12509,
12512, 12513, 12514, 12516, 12521, 12527, 12527a, 12528, 12529,
and 12532 (MCL 333.12501, 333.12505, 333.12506, 333.12507,
333.12508, 333.12509, 333.12512, 333.12513, 333.12514, 333.12516,
333.12521, 333.12527, 333.12527a, 333.12528, 333.12529, and
333.12532), section 12501 as amended by 1982 PA 525, section
12527 as amended by 1980 PA 522, and sections 12527a and 12532 as
amended by 1985 PA 19, and by adding sections 12506a, 12506b,
12510, and 12527b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 12501. (1) As used in sections 12501 to 12516:
2 (a) "Campground" means a parcel or tract of land under the
3 control of a person in which sites are offered for the use of the

1 public or members of an organization, either free of charge or
 2 for a fee, for the establishment of temporary living quarters for
 3 5 or more recreational units. ~~"Campground" shall not include a~~
 4 ~~"seasonal mobile home park"~~ **Campground does not include a**
 5 **seasonal mobile home park** licensed under ~~Act No. 419 of the~~
 6 ~~Public Acts of 1976, as amended, being sections 125.1101 to~~
 7 ~~125.1147 of the Compiled Laws of 1970~~ **the mobile home commission**
 8 **act, 1987 PA 96, MCL 125.2301 to 125.2349.**

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

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

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

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

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

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

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

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

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

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

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

1 travel use.

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

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

9 Sec. 12505. ~~-(1)-~~ A person shall not begin to construct,
10 alter, or engage in the development of a campground without first
11 obtaining a construction permit from the department.

12 Applications for a construction permit shall be submitted ~~to the~~
13 ~~local health department which shall forward the application to~~
14 the department **along with the fee as prescribed in section**

15 **12506a.** The application shall contain **the following:**

16 (a) A description of the proposed project.

17 (b) The name and address of the applicant.

18 (c) The location of the proposed project.

19 ~~-(2)- A construction permit is not required for a campground~~
20 ~~owned or operated by the state, but the other requirements of~~
21 ~~sections 12501 to 12516 and rules specified for other campground~~
22 ~~owners shall apply.~~

23 Sec. 12506. (1) A person shall not operate a campground
24 without a campground license issued by the department, **its agent**
25 **or representative, or a representative of a designated local**
26 **health department.** An application for a campground license shall
27 be submitted ~~to the local health department which shall forward~~

1 ~~the application~~ to the department, **its agent or representative,**
 2 **or a representative of a designated local health department along**
 3 **with the license fee as prescribed in section 12506a.**

4 (2) The application shall contain **the following:**

5 (a) The name and address of the applicant.

6 (b) The location of the campground.

7 (c) Information regarding physical facilities.

8 ~~(2) A fee of \$25.00 shall accompany each application for a~~
 9 ~~campground license. The license fee shall be deposited in the~~
 10 ~~city or county general fund or other authorized fund. A~~
 11 ~~governmental entity is exempt from payment of the license fee.~~

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

15 ~~(4) A campground license is not required for a campground~~
 16 ~~owned or operated by the state, but the other requirements of~~
 17 ~~sections 12501 to 12516 and rules governing other campground~~
 18 ~~owners shall apply.~~

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

21 (a) Construction permit fee for a new campground..... \$600.00.

22 (b) Construction permit fee for an addition,
 23 alteration, or modification of an existing campground.. \$225.00.

24 (c) Initial or annual renewal license fee for a new or
 25 temporary campground as follows:

26 (i) One to 25 sites..... \$75.00.

27 (ii) Twenty-six to 50 sites..... \$100.00.

1 (iii) Fifty-one to 75 sites..... \$125.00.
 2 (iv) Seventy-six to 100 sites..... \$150.00.
 3 (v) One hundred one to 500 sites..... \$225.00.
 4 (vi) More than 500 sites..... \$500.00.
 5 (d) Late annual renewal license fee, after December
 6 31..... \$100.00.
 7 (e) License transfer fee..... \$75.00.

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

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

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

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

1 MCL 125.2301 to 125.2349.

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

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

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

23 (2) If the application is not approved, the department, **its**
24 **agent or representative, or a representative of a designated**
25 **local health department** shall give written notice of its denial
26 to the applicant stating reasons for the denial. The applicant
27 may request reconsideration of the application after correction

1 of the reasons for the denial or may request a hearing before the
2 ~~director~~ **department**, or an authorized representative of the
3 ~~director~~ **department**, on the denial within 10 days after receipt
4 of the denial. The hearing shall be held not later than 20 days
5 after receipt of the request.

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

9 Sec. 12509. A campground license shall not be transferred
10 to another person except where the transferee complies with all
11 the requirements to be licensed under sections 12501 to 12516 and
12 ~~the department expressly consents in writing to the transfer~~
13 **upon submission of an application and the license transfer fee as**
14 **prescribed in sections 12506 and 12506a.**

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

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

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

26 Sec. 12512. (1) The department, **its agent or**
27 **representative, or a representative of a designated local health**

1 **department** shall give written notice to a licensee who fails to
2 comply with sections 12501 to 12516 or a rule promulgated under
3 those sections. The notice shall specify the particular
4 violations and a date by which the licensee shall comply. The
5 time given for compliance shall depend upon the nature of the
6 violation.

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

14 (3) ~~Before revocation the director, or an authorized~~
15 ~~representative of the director, shall hold a hearing and give~~
16 ~~written notice thereof by certified mail at least 14 days before~~
17 ~~the date of the hearing, and shall set forth in writing the~~
18 ~~charges against the licensee. The hearing shall be held~~
19 ~~according to the administrative procedures act of 1969. After~~
20 ~~the hearing, the director shall decide whether the license shall~~
21 ~~be revoked. A license revoked under subsection (2) shall not be~~
22 **reissued by the department, its agent or representative, or a**
23 **representative of a designated local health department until it**
24 **has been determined that the violations have been corrected.**

25 (4) A licensee aggrieved by a decision of the ~~director~~
26 **department, its agent or representative, or a representative of a**
27 **designated local health department** to revoke the license may

1 appeal to ~~the courts~~ **a court of competent jurisdiction** as
 2 provided by the administrative procedures act of 1969.

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

8 (2) The board shall consist of ~~11~~ **15** members as follows: 1
 9 representing the Michigan ~~mobile home and recreational vehicle~~
 10 ~~institute~~ **association of recreation vehicles and campgrounds; 1**
 11 **representing the association of RV parks and campgrounds of**
 12 **Michigan;** 2 representing consumers, including 1 who represents a
 13 recognized campground users association; ~~2~~ **3** campground owners
 14 **or operators**, including 1 who represents a primitive type of
 15 campground; 2 representing counties; **1 representing townships; 1**
 16 **representing cities and villages;** 2 representing local health
 17 departments; the director of the department of natural resources
 18 or his or her authorized representative; and the director or his
 19 or her authorized representative.

20 (3) Except for the directors of the departments, or their
 21 authorized representatives, the members shall serve for a term of
 22 3 years. However, of the members first appointed, 3 members
 23 shall serve for a 1-year term, 3 members shall serve for a 2-year
 24 term, and 3 members shall serve for a 3-year term.

25 Sec. 12514. An ~~authorized agent or~~ representative of the
 26 department **or a representative of a designated local health**
 27 **department** shall have access during all reasonable hours to a

1 campground for the purpose of inspection or otherwise carrying
2 out sections 12501 to 12516.

3 Sec. 12516. (1) A person who violates sections 12501 to
4 12515 is guilty of a misdemeanor.

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

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

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

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

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

19 (d) ~~-(b)-~~ "Public swimming pool" means an artificial body of
20 water used collectively by a number of individuals primarily for
21 the purpose of swimming, wading, recreation, or instruction and
22 includes related equipment, structures, areas, and enclosures
23 intended for the use of individuals using or operating the
24 swimming pool such as equipment, dressing, locker, shower, and
25 toilet rooms. Public swimming pools include those which are for
26 parks, schools, motels, camps, resorts, apartments, clubs,
27 hotels, mobile home parks, subdivisions, **waterparks**, and the

1 like. A pool or portable pool located on the same premises with
2 a 1-, 2-, 3-, or 4-family dwelling and for the benefit of the
3 occupants and their guests, a natural bathing area such as a
4 stream, lake, river, or man-made lake **or pond that uses water**
5 **from natural sources and has an inflow and outflow of natural**
6 **water**, an exhibitor's swimming pool built as a model at the site
7 of the seller and in which swimming by the public is not
8 permitted, or a pool serving not more than 4 **hotel, motel,**
9 **apartment, condominium, or similar** units is not a public swimming
10 pool.

11 Sec. 12527. (1) A public swimming pool shall not be
12 operated without ~~an operation permit~~ **a license**.

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

19 (3) ~~An operation permit~~ **A license** shall be displayed by the
20 owner in a conspicuous place on the premises.

21 (4) ~~An operation permit~~ **A license** shall expire December 31
22 of ~~each~~ **every third year if the annual renewal fee is paid or**
23 **as stipulated on the license, whichever is sooner.**

24 (5) ~~An operation permit~~ **A license** shall be renewed upon
25 receipt of a proper application, an annual renewal fee as
26 specified in section 12527a, and evidence that the public
27 swimming pool is being operated and maintained in accordance with

1 sections 12521 to 12534 and the applicable rules and
2 regulations.

3 (6) ~~An operation permit~~ **A license** shall not be transferred
4 to another person but it may be replaced by another ~~operation~~
5 ~~permit~~ **license** upon receipt of a proper application and the fee
6 specified in section 12527a.

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

9 ~~—(a) Construction permit fees for a swimming pool,~~
10 ~~except as provided in subdivision (b)..... \$200.00~~
11 ~~—(b) Construction permit fee for each additional~~
12 ~~swimming pool of the same design, constructed at the~~
13 ~~same site, and at the same time..... \$100.00~~
14 ~~—(c) Initial operation permit fee for a swimming pool,~~
15 ~~except as provided in subdivision (d)..... \$200.00~~
16 ~~—(d) Initial operation permit fee for each additional~~
17 ~~swimming pool of the same design, constructed at the~~
18 ~~same site, and at the same time..... \$100.00~~
19 ~~—(e) Renewal operation permit fee, to March 31..... \$50.00~~
20 ~~—(f) Renewal operation permit fee, after March 31..... \$75.00~~
21 ~~—(g) Renewal operation permit fee, after lapse of 1~~
22 ~~licensure year without an operation permit..... \$100.00~~
23 ~~—(h) Replacement operation permit fee for transfer to~~
24 ~~another person..... \$50.00~~

25 **(a) Construction permit fee for a swimming pool with a**
26 **surface area as follows:**

27 **(i) 500 square feet or less..... \$550.00**

1	(ii) 501 to 1,500 square feet.....	\$700.00
2	(iii) 1,501 to 2,400 square feet.....	\$800.00
3	(iv) 2,401 to 4,000 square feet.....	\$1,300.00
4	(v) More than 4,000 square feet.....	\$1,800.00
5	(b) Construction permit fee for modification of an	
6	existing swimming pool.....	\$275.00
7	(c) Initial license fee for a swimming pool with a surface	
8	area as follows:	
9	(i) 500 square feet or less.....	\$550.00
10	(ii) 501 to 1,000 square feet.....	\$600.00
11	(iii) 1,001 to 1,500 square feet.....	\$625.00
12	(iv) 1,501 to 2,000 square feet.....	\$650.00
13	(v) 2,001 to 2,500 square feet.....	\$700.00
14	(vi) 2,501 to 3,500 square feet.....	\$800.00
15	(vii) 3,501 to 4,500 square feet.....	\$900.00
16	(viii) More than 4,500 square feet.....	\$1,000.00
17	(d) Initial license fee for a modified swimming pool.	\$275.00
18	(e) Annual renewal license fee, to December 31.....	\$55.00
19	(f) Late annual renewal license fee, after December	
20	31 through April 30.....	\$100.00
21	(g) Lapsed annual renewal license fee, after April 30	\$150.00
22	(h) Replacement license fee for transfer to another	
23	person.....	\$50.00
24	(2) The department may adjust the amounts prescribed in	
25	subsection (1) every 3 years by an amount determined by the state	
26	treasurer to reflect the cumulative annual percentage change in	
27	the Detroit consumer price index and rounded to the nearest	

1 dollar.

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

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

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

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

22 (4) The department shall annually prepare a report containing
23 an accounting of revenues and expenditures from the public
24 swimming pool fund. This report shall include details of the
25 departmental costs and activities of the previous year in
26 administering this public swimming pool program. This report
27 shall be provided to the senate and house of representatives

1 appropriations committees, the standing committees of the senate
2 and house of representatives with jurisdiction over issues
3 pertaining to natural resources and the environment, and the
4 senate and house of representatives fiscal agencies.

5 Sec. 12528. If upon investigation, the department, ~~or~~
6 ~~designated its agent or representative, or a representative of a~~
7 **designated** local health department finds that a public swimming
8 pool was not constructed or modified in accordance with the
9 approved plans and specifications, the department, ~~or~~
10 ~~designated its agent or representative, or a representative of a~~
11 **designated** local health department shall give written notice to
12 the applicant that the ~~operation permit~~ **license** will not be
13 issued, citing the deficiencies or noncomplying items that
14 constitute the reasons for not issuing the ~~operation permit~~
15 **license and a date by which the licensee shall comply.** An
16 applicant who fails to correct the deficiencies or noncomplying
17 items **within the time specified** shall be denied ~~an operation~~
18 ~~permit~~ **a license.**

19 Sec. 12529. The department may, **in accordance with the**
20 **administrative procedures act of 1969,** revoke the ~~operation~~
21 ~~permit~~ **license** upon a finding that the pool is not being
22 operated or maintained in accordance with sections 12521 to 12534
23 or the rules. A person aggrieved by a decision of the department
24 ~~shall be granted a hearing. A permit~~ **or its authorized**
25 **representative to revoke the license may appeal to a court of**
26 **competent jurisdiction as provided by the administrative**
27 **procedures act of 1969. A license** that has been revoked shall be

1 reissued only when the department determines the deficiencies are
2 corrected.

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

9 (a) Initial ~~operation permit~~ **license fee** for a
10 swimming pool ~~—, except as provided in subdivision (b)—~~ \$100.00
11 ~~—(b) Initial operation permit for each additional~~
12 ~~swimming pool of the same design, constructed at the~~
13 ~~same site, and at the same time.....~~ \$ 50.00
14 (b) ~~—(c) Renewal operation permit, to March 31~~
15 **Annual renewal license fee.....** \$ 30.00
16 (c) ~~—(d) Renewal operation permit, after March 31~~
17 **Late annual renewal license fee.....** \$ 45.00
18 (d) ~~—(e) Renewal operation permit, after lapse of 1~~
19 ~~license year without an operation permit~~ **Lapsed**
20 **annual renewal license fee.....** \$ 70.00

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

23 (3) A **designated local health department may collect**
24 **additional fees as provided under section 2444 from the owner of**
25 **a swimming pool for services provided under sections 12521 to**
26 **12534.**

27 Enacting section 1. This amendatory act takes effect

1 October 1, 2004.