

HOUSE BILL No. 4703

May 20, 2003, Introduced by Rep. Whitmer and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 12507, 12511, 12514, 12515, 12516, 12522,
12523, 12524, 12525, 12530, 12531, and 12533 (MCL 333.12507,
333.12511, 333.12514, 333.12515, 333.12516, 333.12522, 333.12523,
333.12524, 333.12525, 333.12530, 333.12531, and 333.12533),
section 12525 as amended by 1980 PA 522 and section 12533 as
amended by 1989 PA 153; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12507. (1) ~~Before an application for a campground~~
2 ~~license is approved, the department or the~~ A local health
3 ~~department shall determine that the~~ may conduct an inspection
4 of any campground within its jurisdiction to ensure that the
5 campground contains facilities ~~which~~ that meet the requirements
6 prescribed under section 12511. Upon completion of an

1 investigation, the local health department shall give the owner
2 of the campground a copy of the results of the inspection and any
3 recommendations or suggestions for improvement.

4 (2) A local health department may charge the owner of the
5 campground a reasonable fee for the inspection conducted under
6 subsection (1) and for any administrative costs incurred as a
7 result of the inspection.

8 Sec. 12511. (1) The department ~~—, with the advice,~~
9 ~~assistance, and approval of the advisory board,~~ shall promulgate
10 rules regarding sanitation and safety standards for campgrounds
11 and public health. The rules shall recognize and provide
12 controls for different types of campgrounds.

13 (2) A local health department may adopt regulations to assist
14 the local health department in carrying out its duties and
15 functions under this part.

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

20 Sec. 12515. (1) Sections 12501 to 12516 do not apply to a
21 campground used solely as a children's camp licensed by the
22 department of ~~—social services—~~ **consumer and industry services** or
23 to properties owned by a person licensed pursuant to part 124,
24 and used for housing seasonal agricultural workers employed by
25 that person. A campground ~~—licensed—~~ **operated** under sections
26 12501 to 12516 shall not be used for the housing of seasonal
27 agricultural workers unless ~~—also—~~ licensed under part 124.

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

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

8 Sec. 12516. (1) A person who violates sections 12501 to
 9 12515 is guilty of a misdemeanor.

10 (2) Notwithstanding the existence of any other remedy, ~~the~~
 11 ~~department or~~ the local health department may maintain an action
 12 ~~in the name of the state~~ for an injunction against a person to
 13 restrain or prevent ~~the construction, enlargement, or alteration~~
 14 ~~of a campground without a permit, or~~ the operation ~~or conduct~~
 15 of a campground. ~~without a license.~~

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

20 (1) ~~-(2)-~~ The department shall promulgate rules to carry out
 21 sections 12521 to ~~12534~~ 12533.

22 (2) **A local health department may adopt regulations to assist**
 23 **the local health department in carrying out its duties and**
 24 **functions under sections 12521 to 12533.**

25 Sec. 12523. The **local health** department has supervisory and
 26 visitorial power and control as limited in sections 12521 to
 27 ~~12534~~ **12533** over persons engaged in the ~~construction and~~

1 operation of public swimming pools.

2 Sec. 12524. (1) The **local health** department, **or** its agents
3 or representatives, ~~or representatives of a designated local~~
4 ~~health department shall~~ **may** make periodic inspections of public
5 swimming pools.

6 (2) The **local health** department, **or** its agents or
7 representatives, ~~or representatives of a designated local health~~
8 ~~department~~ may enter upon the swimming pool premises and other
9 property of a person at all reasonable times for the purpose of
10 inspecting the swimming pool and carrying out the authority
11 vested in the **local health** department under sections 12521 to
12 ~~12534~~ 12533.

13 (3) The local health department may charge the owner of the
14 public swimming pool a reasonable fee for the inspection
15 conducted under this section and for any administrative costs
16 incurred as a result of the inspection.

17 (4) Upon completion of an inspection, the local health
18 department shall give the owner of the public swimming pool a
19 copy of the results of the inspection and any recommendations or
20 suggestions for improvement.

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

1 ~~public swimming pool until the permit for the construction is~~
2 ~~issued by the department.~~

3 ~~—— (2) Sections 12521 to 12534 or an action of the department~~
4 ~~shall not relieve the applicant or~~ **The** owner of a public
5 swimming pool ~~from responsibility~~ **is responsible** for securing a
6 building permit or complying with applicable local codes,
7 regulations, or ordinances not in conflict with sections 12521 to
8 ~~12534. Compliance with an approved plan does not authorize the~~
9 ~~owner constructing or operating~~ **12533 and shall not operate** a
10 public swimming pool to create or maintain a nuisance or a hazard
11 to health or safety.

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

16 Sec. 12530. ~~The~~ **A local health** department ~~shall~~ **may**
17 provide for a system of periodic reports covering the operation
18 of the public swimming pool ~~so that the department may readily~~
19 **to** determine compliance with sections 12521 to ~~12534~~ **12533** and
20 the rules.

21 Sec. 12531. If the **local health** department, **or** its agent or
22 representative, ~~or a representative of a designated local health~~
23 ~~department~~ considers that conditions warrant prompt closing of a
24 swimming pool until sections 12521 to ~~12534~~ **12533** and the rules
25 are complied with for the protection of the public health and
26 safety, the ~~department or designated~~ local health department
27 may order the owner or operator of the swimming pool to prohibit

1 an individual from using it until corrections are made to protect
2 adequately the public health and safety.

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

9 Enacting section 1. Sections 12505, 12506, 12508, 12509,
10 12512, 12513, 12526, 12527, 12527a, 12528, 12529, 12532, and
11 12534 of the public health code, 1978 PA 368, MCL 333.12505,
12 333.12506, 333.12508, 333.12509, 333.12512, 333.12513, 333.12526,
13 333.12527, 333.12527a, 333.12528, 333.12529, 333.12532, and
14 333.12534, are repealed.

15 Enacting section 2. This amendatory act takes effect
16 October 1, 2003.