

Act No. 408
Public Acts of 2004
Approved by the Governor
November 29, 2004
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November 29, 2004
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**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Rep. Whitmer

ENROLLED HOUSE BILL No. 4703

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," 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:

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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:

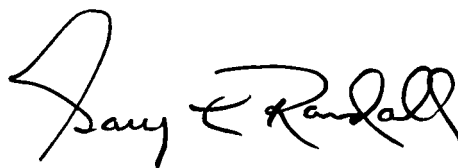
(a) Initial license fee for a swimming pool.....	\$100.00
(b) Annual renewal license fee.....	\$30.00
(c) Late annual renewal license fee.....	\$45.00
(d) Lapsed annual renewal license fee.....	\$70.00

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

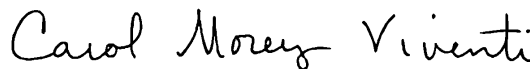
(3) A designated local health department may collect additional fees as provided under section 2444 from the owner of a swimming pool for services provided under sections 12521 to 12534.

Enacting section 1. This amendatory act takes effect October 1, 2004.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor