

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

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