

## **Board of Health Regulation: Chapter 3**

### **Pools and Recreational Facilities Regulation**

- 3-0.010 Authority and Purpose.**
- 3-0.020 Applicability.**
- 3-0.030 Definitions.**
- 3-0.040 Enforcement.**
- 3-0.050 Licenses.**
- 3-0.060 Fees.**
- 3-0.070 Plans and Construction.**
- 3-0.080 Regulations, Rules and Laws adopted by reference.**
- 3-0.090 Appeals.**
- 3-0.100 Violation –Penalties.**
- 3-0.110 Effective Date.**

#### **3-0.010 Authority and Purpose.**

The Board of Health of the Eau Claire City-County Health Department holds the authority to adopt regulations to protect and improve public health under ss. 251.04(3) and 97.615(2)(g) Stats. Under s. 97.615(2) Stats., the State Department of Agriculture, Trade, and Consumer Protection (DATCP) designated the Eau Claire City-County Health Department as an agent for issuing licenses to and making investigations or inspections of pools, campgrounds, and recreational educational camps. Under ss. 97.615(2)(g) Stats., the Board of Health may adopt and impose regulations on licenses and premises for which the local health department is the designated agent, which are stricter than these chapters or rules adopted by the state.

#### **3-0.020 Applicability.**

The provisions of this regulation shall apply to the operator of any pool, campground, recreational and educational camp in the City or County of Eau Claire including all municipalities within Eau Claire County.

#### **3-0.030 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this regulation.

- A. "Health Department" means the Eau Claire City-County Health Department.
- B. "Health Officer" means the director of Eau Claire City-County Health Department or that person's authorized representative.
- C. "Other definitions" as enumerated in the Wisconsin State Administrative Code and Wisconsin Statutes adopted by reference in this regulation.

#### **3-0.040 Enforcement.**

The provisions of this regulation shall be administered by or under the direction of the Health Officer, who in person or by duly authorized representatives shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this regulation.

**3-0.050 Licenses.**

- A. *License Required.* No person shall operate a pool, campground, recreational educational camp without first obtaining a license from the Eau Claire City-County Health Department. The annual, non-returnable, non-prorated license shall expire on June 30 following their issuance.
- B. *Transferability.* A license shall not be transferable to a location other than the one for which it was issued, nor shall a license be transferred from one operator to another.
- C. *Conditional License.* The issuance of a license may be conditioned upon the licensee correcting a violation of this regulation within a specified period of time. If the condition is not met within the specified period of time, the license shall be voided.
- D. *Preinspection Required.* A license shall not be granted to a person intending to operate a new pool, campground, or recreational education camp establishment or existing establishment for which a person intends to be a new operator without a preinspection.
- E. *License Suspension and Revocation.* Such permits may be temporarily suspended by the Health Department for a violation of any provision of this regulation, which creates an immediate danger to health. Such permits may be revoked after repeated violations. The licensee shall have an opportunity for a hearing by the Board of Health as provided in section 3-0.090 of this regulation.
- F. *Application.* Application for licenses shall be made in writing to the Health Department on forms provided, stating the name and address of the applicant and the address and location of the proposed pool, campground, recreational and educational camp.

**3-0.060 Fees.**

Section 66.0628 Wis. Stats. provide the authority to set and impose fees for services.

- A. *License Fees.*
  - 1. The fees for the licenses shall be established by the Board of Health to cover part or all of the cost of issuing licenses, making investigations, inspections, sampling, providing education, training and technical assistance, plus the cost required to be paid to the state for each license issued.
  - 2. If the annual renewal fee is not received on or before the license expiration date, late fees shall be issued pursuant to 3-0.060B. Additionally, establishments operating 15 calendar days after the expiration will be closed by order of the Health Officer.
- B. *Late and Penalty Fees.*
  - 1. A late fee shall be required, as established by the Board of Health, for each license if the renewal fee is not paid before the license expires.
  - 2. Fees/payments received and returned by the financial institution for insufficient funds are subject to a fee, as established by the Board of Health.
  - 3. Operators found to be operating without a valid permit shall be subject to an initial permit fee as well as a penalty fee equal to that of the permit fee.
- C. *Preinspection Fees.* An inspection fee is required for the initial inspection of new pools, campgrounds, recreation and educational camps or existing facilities for which a person intends to be a new operator. Such fees shall be established by the Board of Health.
- D. *Reinspection Fees.* Reinspection fees shall be established by the Board of Health.
  - 1. A reinspection will be performed when an imminent hazard is identified during an inspection or onsite visit and is not correct before the inspector leaves.

- a. An imminent hazard shall be defined by the Wisconsin Department of Health Service's publication titled, "Reinspection Criteria for Campground Establishments," "Reinspection Criteria for Recreational Education Campground Establishments," and "Reinspection Criteria for Recreational Water Establishments."
  - b. A reinspection fee will be assessed for a second and each successive reinspection stemming from the same complaint, sampling event or routine inspection.
2. A reinspection fee will be immediately assessed when any violation is repeated on three consecutive inspections or onsite visits.
  3. A reinspection fee will be immediately assessed when an inspection is unable to be completed due to an establishment refusing entry to a properly identified Environmental Health Specialist.
  4. Reinspection fees will be assessed for every required reinspection completed until such time as the inspection is able to be fully completed or the violation ceases to exist.
  5. The Health Department will generate an invoice for a reinspection fee after the billable reinspection is completed.
  6. The Health Department may not issue or renew an establishment license until all fees due under this regulation are paid in full.
- E. *Plan Review Fees.* Plan review fees shall be established by the Board of Health to cover part or all of the cost to review plans for new construction or expansion of a campground establishment. Operators found to have built new or expanded without a plan review submission and approval shall be subject to a plan review fee as well as a penalty fee equal to that of the plan review fee.

### **3-0.070 Plans and Construction.**

- A. A set of plans approved by the Wisconsin Department of Safety and Professional Services for any new, repaired or remodeled pool requiring plan approval must be submitted to the Health Department prior to the beginning of any construction or remodeling.
- B. The operator shall submit plans and specifications for a new or expanded campground to the Health Department for examination and approval before beginning construction or modification. No change in plans or specifications which involves any provision of state codes or this regulation may be made unless the change is approved by the Health Department.
- C. The Health Department shall review and make a determination on whether or not a plan review submission is complete and communicate, in writing, within 10 business days of submission. After confirming receipt of a complete application, the Health Department shall approve or deny the application within 20 business days. If the application for a permit is denied, the Health Department shall give the applicant reasons, in writing, for the denial.

### **3-0.080 Regulations, Rules and Laws Adopted by Reference.**

The applicable laws, rules, regulations set forth in ss. 97 Stats., Chapters ATCP 76, 78, and 79 and SPS 390 of the Wisconsin Administrative Code are incorporated in this regulation by

reference and they shall be construed, read and interpreted as though fully set forth herein. The express provisions of this regulation shall control where more restrictive.

**3-0.090 Appeals.**

Appeals of Health Department orders shall be made pursuant to Health Department policy adopted in conformance with the procedures for conducting appeals enumerated in s. 68 Stats. Copies of the appeal procedure shall be available at the Health Department.

**3-0.100 Violation –Penalties.**

Any person who violates or refuses to comply with any provisions of this regulation shall be subject to a citation under s. 1.24.010 of the City of Eau Claire Code of Ordinances and s. 1.50.010 of the Eau Claire County Code. Each day a violation exists or continues shall be considered a separate offense. Citations shall be issued in the City of Eau Claire under Chapter 1.24 of the City of Eau Claire Code of Ordinances and in Eau Claire County under Chapter 1.50 in the Eau Claire County Code and the issuance shall follow the procedures therein. Injunctive relief may be sought by the Health Department against continuing violations.

**3-0.110 Effective Date.**

All regulations and parts of regulations in conflict with this regulation are hereby repealed; and this regulation shall be in full force and effect on August 24, 2016 after its adoption and publication as provided by law.

By order - Eau Claire City-County Board of Health

Dated this twenty-fourth day of August 2016.  
Effective on August 24, 2016.