

HB4719, As Passed House, May 16, 2002

**SUBSTITUTE FOR
HOUSE BILL NO. 4719**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 12541 (MCL 333.12541).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12541. (1) The local health officer or an authorized
2 representative of the local health department having jurisdiction
3 may test and otherwise evaluate the quality of water at bathing
4 beaches ~~open to the public~~ to determine whether the water is
5 safe for bathing purposes. HOWEVER, THE LOCAL HEALTH OFFICER OR
6 AUTHORIZED REPRESENTATIVE SHALL NOTIFY THE CITY, VILLAGE, OR
7 TOWNSHIP IN WHICH THE BATHING BEACH IS LOCATED PRIOR TO CONDUCT-
8 ING THE TEST OR EVALUATION.

9 (2) IF A LOCAL HEALTH OFFICER OR AN AUTHORIZED
10 REPRESENTATIVE OF A LOCAL HEALTH DEPARTMENT CONDUCTS A TEST OR
11 EVALUATION OF A BATHING BEACH UNDER SUBSECTION (1), WITHIN

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1 36 HOURS OF CONDUCTING THE TEST OR EVALUATION, HE OR SHE SHALL
2 NOTIFY THE DEPARTMENT, THE CITY, VILLAGE, OR TOWNSHIP IN WHICH
3 THE BATHING BEACH IS LOCATED, AND THE OWNER OF THE BATHING BEACH
4 OF THE RESULTS OF THE TEST OR EVALUATION.

5 (3) THE OWNER OF THE BATHING BEACH SHALL POST AT THE MAIN
6 ENTRANCE TO THE BATHING BEACH OR OTHER VISIBLE LOCATION A SIGN
7 THAT STATES WHETHER OR NOT THE BATHING BEACH HAS BEEN TESTED OR
8 EVALUATED UNDER SUBSECTION (1) AND, IF THE BATHING BEACH HAS BEEN
9 TESTED, THE LOCATION OF WHERE TEST RESULTS MAY BE REVIEWED.

10 (4) If A LOCAL HEALTH OFFICER OR AUTHORIZED REPRESENTATIVE
11 OF THE LOCAL HEALTH DEPARTMENT CONDUCTS A TEST OR EVALUATION
12 UNDER SUBSECTION (1) AND, based upon the standards ~~prescribed by~~
13 ~~the rules~~ promulgated under section 12544, the health officer or
14 the authorized representative determines THAT the water is unsafe
15 for bathing, he or she may petition the circuit court of the
16 county in which the BATHING beach is located for an injunction
17 ordering the person owning or operating the bathing beach to
18 close the BATHING beach for use by bathers or ORDERING other mea-
19 sures ~~that the court deems proper~~ to keep persons from entering
20 ~~thereon.~~ ~~The~~ ON THE BATHING BEACH. UPON RECEIPT OF A PETITION
21 UNDER THIS SUBSECTION, THE court may grant an injunction if cir-
22 cumstances warrant it.

23 (5) AS USED IN THIS SECTION:

24 (A) "BATHING BEACH" MEANS A BEACH OR BATHING AREA OFFERED TO
25 THE PUBLIC FOR RECREATIONAL BATHING OR SWIMMING. IT DOES NOT
26 INCLUDE AN OPEN STRETCH OF BEACH OR ROAD END THAT IS NOT

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- 1 ADVERTISED OR PROMOTED AS A PUBLIC BATHING OR SWIMMING BEACH OR A
- 2 PUBLIC SWIMMING POOL AS DEFINED IN SECTION 12521.
- 3 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
- 4 QUALITY.