



# City of West Allis

## Legislation Details (With Text)

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**On agenda:**                      **Final action:** 5/2/2006

**Title:** An Ordinance to Repeal and Recreate Section 7.135 of the West Allis Revised Municipal Code Relating to Public Swimming Pools.

**Sponsors:** Rosalie L. Reinke

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/2/2006	2	Common Council	Passed as Amended	Pass
4/25/2006	1	License and Health Committee (INACTIVE)		
4/25/2006	2	License and Health Committee (INACTIVE)		Pass
4/25/2006	1	Staff		
4/18/2006	1	Common Council		
4/18/2006	1	License and Health Committee (INACTIVE)	Held	

An Ordinance to Repeal and Recreate Section 7.135 of the West Allis Revised Municipal Code Relating to Public Swimming Pools.

The Common Council of the City of West Allis do ordain as follows:

PART I.        Section 7.135 of the Revised Municipal Code is hereby repealed and recreated to read:

### 7.135 PUBLIC SWIMMING POOLS.

#### (1) Definitions.

(a) Public Swimming Pool. Public swimming pool shall mean any premises or place as defined or classified by Wisconsin Administrative Code, Commerce, Section 90.03.

(b) Health Commissioner. The term Health Commissioner shall mean the Health Commissioner of the City of West Allis or an authorized agent.

(2) Permit Required. No person shall own, operate or manage a public swimming pool without first obtaining a permit from the Health Department. Permits shall be posted at a conspicuous location in the pool area and conditions or restrictions applying to the operation of the pool which are deemed necessary for the protection of the public by the City Health Commissioner shall be noted thereon. Public swimming pool permits shall not be transferable.

(3) Fees.

(a) Annual Fee. The annual fee for a public swimming pool permit shall be one hundred three dollars (\$103.00), which shall be due and payable before the issuance of a permit. In addition, a one hundred three dollar (\$103.00) pre-inspection fee is required for all public-swimming pools for which a permit has not previously been issued by the City. All fees are waived for public swimming pools owned and operated by the City of West Allis or the West Allis-West Milwaukee School District.

(b) Additional Fees. In addition, the applicant must pay any state administrative fees, the amount of which are on file with the Health Department.

(4) Application for permit. Application for a permit required in this section shall be made to the Health Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee.

(5) Issuance of permit generally. Permits required under this section, once approved by the Health Department, shall be issued by the Health Commissioner.

(6) Inspection fee required prior to granting of permit. A permit will not be granted under this section to an operator of a new swimming pool or to a new operator of an existing public swimming pool without a pre-inspection.

(7) Transfer of permit; issuance to agent or employee. No permit issued under this section may be transferred unless otherwise provided by the ordinances of the City. No permit shall be issued to or used by any person acting as agent for or in the employ of another.

(8) Expiration and renewal of permit. Except where otherwise provided, every Health Department permit shall terminate or expire on June 30<sup>th</sup> of each year and may be renewed annually thereafter. The application for renewal shall be filed with the Health Department on or before June 30<sup>th</sup>, together with payment of the required fees. If the annual renewal fee has not been paid on or before June 30<sup>th</sup>, an additional late payment fee of fifty-two dollars (\$52.00) shall be required. Establishments operating on July 15<sup>th</sup> without a proper permit shall be ordered closed by the Health Commissioner.

(9) Suspension or revocation of permit. The Health Commissioner may suspend or revoke any permit issued pursuant to the section for serious or repeated violations of ordinances or laws regulating the licensed activity.

(10) Right of entry; testing of samples. The Health Commissioner may enter any establishment required to be licensed in this section at all reasonable times to inspect the premises, secure samples or specimens, examine and copy documents, obtain photographs, or take any other action he deems necessary to properly enforce the provisions of applicable laws regulating such business or activity. Samples of water from any licensed premises may be taken and examined by the Health Commissioner at such time as he deems necessary, for detection or microbiological quality, chemical disinfection, or any other enforcement purposes. Standards and definitions set forth in Wisconsin Administrative Code Health and Family Services Chapter 172, as they are from time to time amended, are hereby adopted by reference and incorporated as part of this section.

(11) Corrections of violations; citations. Whenever the Health Commissioner finds that any establishment

required to obtain a permit in this section is not operating or equipped in any manner required by ordinances or laws regulating such establishment, the Health Commissioner may notify, in writing, the person operating the premises, specifying the requirements of such ordinance or law, and requiring that such business comply with the provisions of such ordinance or law, and specify the time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the permit may be suspended or revoked by the Health Commissioner.

**(12) Emergency powers of Health Commissioner.** Whenever the Health Commissioner has reasonable or probable cause to believe that any sanitary condition, equipment, premises or method of operation thereof creates a danger to public health, the Health Commissioner may issue a temporary order prohibiting the continued operation of the premises, or any part thereof, which creates the immediate danger to health. The Health Commissioner may suspend any permit without notice whenever the licensed premises constitutes an immediate health hazard.

**(13) Appeals.** Any person aggrieved by the denial of a permit or by suspension or revocation of a permit required under this section by the Health Commissioner or by any temporary suspension or any other order may appeal any such order to the License and Health Committee of the West Allis Common Council within thirty (30) days of suspension, revocation or issuance of the order. The License and Health Committee of the West Allis Common Council shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of the appeal. The decision of the License and Health Committee shall be final subject to appeal rights as provided by law.

**(14) State sanitation regulations adopted.** All public swimming pools and permits under this section shall be subject to and comply with the provisions of Wisconsin Administrative Code, COMM 90 or HFS 172 as applicable as they are from time to time amended.

**(15) Authority to close public swimming pools.** In addition to the closing criteria set forth in Wisconsin Administrative Code, HFS 172, the Health Commissioner may order any public swimming pool closed if the following conditions exist:

(a) Bacteriological or chemical analysis of water samples exceeds those standards listed in Wisconsin Administrative Code, HFS 172.10 or the presence of *Pseudomonas aeruginosa* or any other microbiological pathogen capable of transmitting a communicable disease is detected, or

(b) Any imminent health or safety hazard is identified.

**PART II.** All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

**PART III.** This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-Repeal&Recreate7.135PublicSwimmingPools