

Youth Camp Act
[210 ILCS 100]

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§ 210 ILCS 100/1 (from Ch. 111 1/2, par. 549.1). [Short title].

Section 1. This Act shall be known and may be cited as the Youth Camp Act.
(Source: P.A. 78-715.)

§ 210 ILCS 100/2 (from Ch. 111 1/2, par. 549.2). [Purpose].

Section 2. It is found that there exists, and may in the future exist, within the State of Illinois youth camps which are substandard in one or more important features of safety, cleanliness or

sanitation. Such conditions adversely affect the public health, safety and general welfare of persons.

Therefore, the purpose of this Act is to protect, promote and preserve the public health, safety and general welfare by providing for the establishment and enforcement of minimum standards for safety, cleanliness and general sanitation for all youth camps now in existence or hereafter constructed or developed and to provide for inspection and licensing of all such facilities.

(Source: P.A. 78-715.)

§ 210 ILCS 100/3 (from Ch. 111 1/2, par. 549.3). [Meanings of terms].

Section 3. As used in this Act, unless the context otherwise requires, the terms specified in Sections 3.01 through 3.09 [210 ILCS 100/3.01 through 210 ILCS 100/3.09] have the meanings ascribed to them in those Sections.

(Source: P.A. 78-715.)

§ 210 ILCS 100/3.01 (from Ch. 111 1/2, par. 549.3-01). [Youth Camp].

Section 3.01. "Youth Camp" means any parcel of land having the general characteristics and features of a camp as the term is generally understood, used wholly or in part for recreational or instructional purposes and accommodating, for profit or under philanthropic or charitable auspices, 5 or more children under 18 years of age, apart from their parents, relatives or legal guardians for a period of 3 or more consecutive days or 5 days during the calendar year or more. This site may be equipped with temporary or permanent buildings and may be operated as a day camp or as a resident camp.

(Source: P.A. 78-715.)

§ 210 ILCS 100/3.02 (from Ch. 111 1/2, par. 549.3-02). [Person].

Section 3.02. "Person" means any individual, group of individuals, association, partnership or corporation.

(Source: P.A. 78-715.)

§ 210 ILCS 100/3.03 (from Ch. 111 1/2, par. 549.3-03). [Department].

Section 3.03. "Department" means the State Department of Public Health.

(Source: P.A. 78-715.)

§ 210 ILCS 100/3.04 (from Ch. 111 1/2, par. 549.3-04). [Day].

Section 3.04. "Day" means any portion of the 24-hour period designated by a calendar date.

(Source: P.A. 78-715.)

§ 210 ILCS 100/3.05 (from Ch. 111 1/2, par. 549.3-05). [Applicant].

Section 3.05. "Applicant" means any person making application for a permit or license.

(Source: P. A. 78-715.)

§ 210 ILCS 100/3.06 (from Ch. 111 1/2, par. 549.3-06). [Licensee].

Section 3.06. "Licensee" means any individual having a license under this Act, any member of a firm, partnership or association to which a license is issued under this Act and any corporation having a license under this Act.

(Source: P.A. 78-715.)

§ 210 ILCS 100/3.07 (from Ch. 111 1/2, par. 549.3-07). [Director].

Section 3.07. "Director" means the Director of the Department of Public Health, State of Illinois.

(Source: P.A. 78-715.)

§ 210 ILCS 100/3.08 (from Ch. 111 1/2, par. 549.3-08). [Revocation].

Section 3.08. "Revocation" means to declare a permit or license issued to the applicant or licensee by the Department invalid for an indefinite period of time.

(Source: P.A. 78-715.)

§ 210 ILCS 100/3.09 (from Ch. 111 1/2, par. 549.3-09). [Suspension]

Section 3.09. "Suspension" means to declare a permit or license issued to the applicant or licensee by the Department invalid for a temporary period of time with an expectation of reinstatement.

(Source: P.A. 78-715.)

§ 210 ILCS 100/4 (from Ch. 111 1/2, par. 549.4). [Regulations].

Section 4. Subject to the requirement for public hearings as hereinafter provided, the Department shall develop and publish regulations intended to protect the health and safety of children attending camps and shall, when necessary, utilize the services of any other State agencies to assist in carrying out the purposes of this Act. These regulations shall include, but are not limited to, standards relating to water supply, sewage and solid waste disposal, food service sanitation, design of buildings, rodent and insect control, water and swimming hazards, first aid, and communicable disease control. In the event such regulations include provisions requiring physical examinations or inoculations for children or staff, the operator of a youth camp shall be permitted to grant exemption from physical examinations except those prescribed for the purpose of establishing freedom from contagious disease and exemption from inoculations when such exemptions are requested on the grounds of religious conviction.

The Department shall hold a public hearing on all proposed rules and amendments. At least 20 days' notice of such public hearing shall be given by the Department in such manner as the Department considers adequate to bring such hearing to the attention of persons interested in such rules and regulations. Notice of any such public hearing shall be given by the Department to those who file a written request for a notice of any such hearings. Hearings shall be conducted by

the Director or a Hearing Officer designated in writing by the Director. Such rules and regulations shall be filed with the Secretary of State as a public record. The Department may, without public hearing, promulgate rules and regulations governing the procedure for hearings as provided in this Act.

This Act shall apply to the State of Illinois and Departments thereof; however, the provisions in this Act for fees for licenses, and the provision for fine and imprisonment shall not apply to the State of Illinois, to Departments thereof.

(Source: P.A. 78-715.)

§ 210 ILCS 100/5 (from Ch. 111 1/2, par. 549.5). [License required].

Section 5. It shall be unlawful for any person to establish, maintain, conduct or operate a youth camp within this State without obtaining a license by making application to the Department on a prescribed form. Such applications shall be made at least 45 days prior to the proposed opening date of the camp. All applications, except those of any political subdivision of the state, or those of any public or parochial school, shall be accompanied by a license application fee of \$25. A separate application must be submitted for each camp the person intends to operate. The Department shall inspect the proposed facilities before issuing any license, except for the first six months following the effective date of this Act during which period the Department may issue a provisional license pending inspection. If satisfied that the facilities of the camp are conducive to the health and safety of children, a license shall be issued. A provisional license may be issued if the camp does not meet all the regulations promulgated by the Department under Section 4 [210 ILCS 100/4]. All licenses shall expire on December 31 of the year of issue, unless revoked under Section 14 of this Act [210 ILCS 100/14], and shall be reissued annually upon application, except that a provisional license may not be in effect for more than 3 consecutive years. All applications for a renewal license, except those of any political subdivision of the State, shall be accompanied by a license application fee of \$25. Each license shall specify the number of children which may be served and the specific site where the camp may operate.

(Source: P.A. 78-715.)

§ 210 ILCS 100/6 (from Ch. 111 1/2, par. 549.6). [Construction permit required].

Section 6. After January 1, 1974, it shall be unlawful for any person to construct any youth camp as herein defined unless he holds a valid construction permit issued by the Department. Construction permits shall be issued to the person identified in the application for the specific construction described therein and shall be valid for one year from date of issue. All applications for a construction permit shall be made to the Department on forms furnished by the Department and shall contain the following:

- a) Name and address of applicant.
- b) The name and address of all persons having an interest in the proposed youth camp.
- c) Location and legal description of the proposed youth camp.
- d) Plans and specifications for the construction of the proposed youth camp which shall include:
 - 1) The area and the dimensions of the tract of land;

- 2) The location of roadways;
- 3) The location of service buildings, sanitary stations, and any other proposed structures or facilities;
- 4) The location of water and sewer lines and rise pipes;
- 5) Plans and specifications of food handling facilities, water supply, refuse
- 6) Plans and specifications of all buildings constructed, or to be constructed within the youth camp;
- 7) The location and details of all lighting and electrical systems;
- 8) The location and description of all swimming and bathing areas;
- e) The calendar months of the year during which the applicant will operate the youth camp.
- f) A statement of the fire fighting facilities, public or private, which are available to the youth camp.
- g) Such other information as may be required by rules adopted by the Department hereunder.

(Source: P. A. 78-715.)

§ 210 ILCS 100/7 (from Ch. 111 1/2, par. 549.7). [Compliance inspections].

Section 7. The Department may designate county and multiple-county health departments or municipal boards of health to make inspections relating to compliance with this Act and the standards prescribed by the Department. The reports and recommendations of any such agency shall be in writing and shall state its findings with respect to compliance or non-compliance with this Act and the regulations. The Department or the designated agency shall make at least one annual inspection of each youth camp while it is in operation. The duly authorized representative of the Department or designated agency shall have the right of entry and access to any such camp at any reasonable time.

All youth camps operated by the State of Illinois and Departments thereof shall be inspected only by Department personnel.

(Source: P. A. 78-715.)

§ 210 ILCS 100/8 (from Ch. 111 1/2, par. 549.8). [County, city or township regulations].

Section 8. Any county, city or township may establish regulations including standards governing health or safety in youth camps which are at least equal to the standards and regulations promulgated under this Act.

(Source: P.A. 78-715.)

§ 210 ILCS 100/9 (from Ch. 111 1/2, par. 549.9). [Fees; display of license or permit].

Section 9. All fees shall be submitted in the form of a check or money order. All licenses and permits provided for in this Act shall be displayed in a conspicuous place for public view, within or on said premises. In case of revocation or suspension, the owner or operator or both shall cause the license to be removed and to post the notice of revocation or suspension issued by the Department.

(Source: P.A. 78-715.)

§ 210 ILCS 100/10 (from Ch. 111 1/2, par. 549.10). [Right of entry at reasonable times].

Section 10. Subject to constitutional limitations, the Department, by its representatives, after proper identification, is authorized and shall have the power to enter at reasonable times, upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Act and regulations issued hereunder. Written notice of all violations shall be given to the owners, operators and licensees of youth camps.

(Source: P.A. 78-715.)

§ 210 ILCS 100/11 (from Ch. 111 1/2, par. 549.11). [Access to premises].

Section 11. It shall be the duty of the owners, operators and licensees of youth camps to give the Department and its authorized agents free access to such premises at all reasonable times for the purpose of inspection.

(Source: P.A. 78-715.)

§ 210 ILCS 100/12 (from Ch. 111 1/2, par. 549.12). [Notice of violation].

Section 12. Whenever the Department determines that there are reasonable grounds to believe that there has been violation of any provision of this Act or the rules and regulations issued hereunder, the Department shall give notice of such alleged violation to the person to whom the license was issued, as herein provided. Such notice shall:

- a) be in writing;
- b) include a statement of the reasons for the issuance of the notice;
- c) allow reasonable time as determined by the Department for the performance of any act it requires;
- d) be served upon the owner, operator or licensee as the case may require; provided that such notice or order shall be deemed to have been properly served upon such owner, operator or licensee when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Department; or, when he has been served with such notice by any other method authorized by the laws of this State;
- e) contain an outline of remedial action, which, if taken, will be required to effect compliance with the provisions of this Act and the rules and regulations issued hereunder.

(Source: P.A. 78-715.)

§ 210 ILCS 100/13 (from Ch. 111 1/2, par. 549.13). [Notice to specify violations and remedies].

Section 13. The Department shall in any proceeding to suspend, revoke or refuse to issue a license or permit, first serve or cause to be served upon the applicant, or licensee a written notice specifying the way or ways in which such applicant or licensee has failed to comply with this Act, or any rules, regulations or standards promulgated by the Department pertaining thereto. In the case of a revocation or suspension, this notice shall require the licensee to remove or abate such violation, insanitary or objectionable condition, specified in such notice, within 5 days or

within a longer period of time as may be allowed by the Department; if the licensee fails to comply with the terms and conditions of the notice, within the time specified or such extended period of time, the Department may revoke or suspend such license or permit. If an applicant fails to comply with the Act, rules or regulations or standards promulgated thereunder, the Department may refuse to issue a license.

(Source: P.A. 78-715.)

§ 210 ILCS 100/14 (from Ch. 111 1/2, par. 549.14). [Right to a hearing].

Section 14. The Department shall give written notice by certified or registered mail to any person refused a license or whose license is suspended or revoked; such person has a right to a hearing before the Department; however, a written notice of a request for such a hearing shall be served on the Department within 10 days of notice of such refusal of a license or suspension or revocation thereof. The hearing shall be conducted by the Director, or a Hearing Officer designated in writing by the Director to conduct the hearing. A stenographic record shall be made of the hearing and the cost borne by the Department; however, a transcription of the hearing will be made only if a party requests and shall be transcribed at the cost of such party. The hearing shall be conducted at such place as designated by the Department. The Director shall give written notice of time and place of hearing, by registered or certified mail, to the owner, operator, licensee, or applicant, as the case may be, at least 20 days before such hearing. The Director or Hearing Officer shall permit the owner, operator, licensee or applicant to appear in person or to be represented by counsel at the hearing at which time such party shall be afforded an opportunity to present all relevant matter in support of his application for license or in resisting the revocation or suspension thereof.

(Source: P.A. 78-715.)

§ 210 ILCS 100/15 (from Ch. 111 1/2, par. 549.15). [Witnesses; documents; contempt proceedings].

Section 15. The Director or Hearing Officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of books and papers and administer oaths to witnesses. All subpoenas issued by the Director or Hearing Officer may be served as provided for in a civil action. The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the circuit court and shall be paid by the party to such proceeding at whose request the subpoena is issued. If such subpoena is issued at the request of the Department, the witness fee shall be paid as an administrative expense.

In cases of refusal of a witness to attend or testify, or to produce books or papers, concerning any matter upon which he might be lawfully examined, the circuit court of the county where the hearing is held, upon application of any party to the proceeding, may compel obedience by proceeding as for contempt.

(Source: P.A. 83-334.)

§ 210 ILCS 100/16 (from Ch. 111 1/2, par. 549.16). [Depositions].

Section 16. In the event of the inability of any party, or the Department, to procure the attendance of witnesses to give testimony or produce books and papers, such party or the

Department may take the deposition of witnesses in accordance with the laws of this State. All testimony taken at a hearing shall be reduced to writing, and all such testimony and other evidence introduced at the hearing shall be a part of the record of the hearing.

(Source: P.A. 78-715.)

§ 210 ILCS 100/17 (from Ch. 111 1/2, par. 549.17). [Rendering of decision].

Section 17. The Director shall make findings of fact in such hearing, and the Director shall render his decision within 30 days after the termination of the hearing, unless additional time is required by him for a proper disposition of the matter. When the hearing has been conducted by a Hearing Officer, the Director shall review the findings of fact and recommendations of the Hearing Officer, and the transcribed record if a party has requested and paid for such record before rendering a decision. It shall be the duty of the Director to forward a copy of his decision by registered or certified mail, to the owner, operator, licensee or applicant within 5 days of rendition of such decision. Technical errors in the proceeding before the Director or Hearing Officer or their failure to observe the technical rules of evidence shall not be grounds for the reversal of any administrative decision unless it appears to the court that such error or failure materially affects the rights of any party and results in substantial injustice to him.

(Source: P.A. 81-1509.)

§ 210 ILCS 100/18 (from Ch. 111 1/2, par. 549.18). [Certification].

Section 18. The Department is not required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of one dollar (\$1) per page representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

(Source: P.A. 78-715.)

§ 210 ILCS 100/19 (from Ch. 111 1/2, par. 549.19). [Emergency orders].

Section 19. Whenever the Department finds that an emergency exists which requires immediate action to protect the public health, it may, without notice or hearing, issue an order reciting the existence of such an emergency and then require that such action be taken as it may deem necessary to meet the emergency including the closing of the youth camp or the suspension or revocation of the license. Notwithstanding any other provision in this Act such order shall be effective immediately. The State's Attorney and Sheriff of the county in which the youth camp is located shall enforce the closing order after receiving notice thereof. Any owner, operator or licensee affected by such an order is entitled, upon request, to a hearing as provided in this Act. When such conditions are abated, in the opinion of the Department, the Department may authorize reopening the youth camp.

(Source: P.A. 78-715.)

§ 210 ILCS 100/20 (from Ch. 111 1/2, par. 549.20). [Violations; penalties].

Section 20. Any person who violates this Act or any rule or regulation adopted by the

Department, or who violates any determination or order of the Department under this Act shall be guilty of a Class A misdemeanor and shall be fined a sum not less than \$100.

Each day's violation constitutes a separate offense. The State's Attorney of the county in which the violation occurred, or the Attorney General shall bring such actions in the name of the people of the State of Illinois, or may in addition to other remedies provided in this Act, bring action for an injunction to restrain such violation, or to enjoin the operation of any such establishment.

(Source: P.A. 78-715.)

§ 210 ILCS 100/21 (from Ch. 111 1/2, par. 549.21). [Law governing review of decisions].

Section 21. The Administrative Review Law, as now or hereafter amended [735 ILCS 5/3-101 et seq.], and the rules adopted under the Administrative Review Law [835 ILCS 5/3-101 et seq.] apply to and govern all proceedings for judicial review of final administrative decisions of the Department under this Act. The term "Administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101].

(Source: P.A. 82-783.)

§ 210 ILCS 100/21a (from Ch. 111 1/2, par. 549.21a). [Administrative rules and procedures].

Section 21a. The provisions of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.] are hereby expressly adopted and shall apply to all administrative rules and procedures of the Director of the Department of Public Health under this Act, except that in case of conflict between the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.] and this Act the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35] relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

(Source: P.A. 88-45.)

§ 210 ILCS 100/22 (from Ch. 111 1/2, par. 549.22). [Applicability].

Section 22. The provisions of this Act for license and fee do not apply to any facility subject to licensure under the "Recreational Area Licensing Act" [210 ILCS 95/1 et seq.].

(Source: P.A. 78-715.)

§ 210 ILCS 100/23. (from Ch. 111 1/2, par. 549.23). [Severability].

Section 23. If any part of this Act is adjudged invalid, such adjudication shall not affect the validity of the Act as a whole or of any other part.

(Source: P.A. 78-715.)