MEMORANDUM

City of Philadelphia

Date: 12/3/13

TO: Shelley Smith, City Solicitor
FROM: Jeanne Reedy, Administrative Services Director, Records Dept.
SUBJECT: Regulation Regarding Public Swimming Places

The above Regulation promulgated by the City of Philadelphia Department of Public Health was received in the Department of Records on 10/31/13 for filing and advertising. Inasmuch as there were no requests for hearings, this Regulation became effective midnight 12/2/13.

CC: Dr. Donald Schwarz, Commissioner, Department of Public Health
    Nan Feyler, Chief of Staff
    Giridhar Mallya, Director of Policy and Planning
    Palak Raval-Nelson, Environmental Health Services Director
    Raymond Leung, Public Policy Attorney Department of Public Health
    Lewis Rosman, Senior Attorney Law Department
Memorandum

To: Dr. Donald Schwarz, Commissioner, Department of Public Health
From: Jeanne Reedy, Administrative Services Director, Records Dept.
Subject: Regulation Regarding Public Swimming Places

The above Regulation promulgated by the City of Philadelphia Department of Public Health was received in the Department of Records on 10/31/13 for filing and advertising. If there are no requests for hearings this Regulation will become effective midnight 12/2/13.

CC: Nan Feyler, Chief of Staff
Giridhar Mallya, Director of Policy and Planning
Palak Raval-Nelson, Environmental Health Services Director
Raymond Leung, Public Policy Attorney Department of Public Health
Lewis Rosman, Senior Attorney Law Department
Memorandum

City of Philadelphia

Date: 10/31/13

To: June Mechlin, Advertising Supervisor

From: Jeanne Reedy, Administrative Services Director

Subject: Regulation Regarding Public Swimming Places

The attached forms provide an exact copy of the subject for insertion in the three Philadelphia newspapers with the largest paid circulation as required under Section 8-407 of the Philadelphia Home Rule Charter.

We request that the insertion appear as soon as possible.

It will be necessary to inform the three newspapers to furnish us with a notarized original affidavit of proof of this publication within a week after it has been published.

Please acknowledge receipt of this advertisement by signing the enclosed copy of this memorandum and returning it to us.

Thank you.

Received In Procurement By: June Mechlin Date: 11/1/13
NOTICE IS HEREBY GIVEN, under Philadelphia Home Rule Charter Section Number 8-407 and 7-400 that on October 31, 2013 Regulation Regarding Public Swimming Places

promulgated by the City of Philadelphia Department of Public Health was filed with the Department of Records, Room 158, City Hall. Anyone affected thereby may file written request for hearing with the Department of Records within thirty (30) days from the above date.

Joan T. Decker
Commissioner of Records

Cc: THE INQUIRER
THE DAILY NEWS
THE LEGAL INTELLIGENCER
MEMORANDUM

To: Joan T. Decker, Commissioner
Department of Records

Cc: Nan Feyler, Chief of Staff
Giridhar Mallya, Director of Policy and Planning
Palak Raval-Nelson, Environmental Health Services Director
Raymond Leung, Public Policy Attorney
Department of Public Health

Lewis Rosman, Senior Attorney
Law Department

From: Donald F. Schwarz, Health Commissioner
Department of Public Health

Date: October 29, 2013

Re: Regulation Regarding Public Swimming Places

In accordance with § 8-407(a) of the Philadelphia Home Rule Charter, enclosed herewith please find (1): Regulation Regarding Public Swimming Places, which has been approved by the Board of Health; and (2) the Law Department approval for this regulation.

The following procedural actions have been taken:

Regulation approved by the Board of Health October 10, 2013
Regulation approved by the Law Department October 22, 2013

It is requested that the attached Regulation Regarding Public Swimming Places be filed for final action by the Department of Records.

Attachments:
Law Department approval memorandum
Regulation
Memorandum

TO: Dr. Donald F. Schwarz, Health Commissioner

FROM: Lewis Rosman, Senior Attorney

DATE: October 22, 2013

SUBJECT: Regulation Regarding Public Swimming Places

I have reviewed the attached "Regulation Regarding Public Swimming Places" that were submitted to the Law Department and find the amendments to be legal and in proper form. In accordance with Section 8-407(a) of The Philadelphia Home Rule Charter, this regulation having been approved by the Board of Health, you may forward these amendments to the Department of Records where they will be made available for public inspection.

Lewis Rosman
Senior Attorney

Attachment
CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH  
BOARD OF HEALTH  

Regulation Regarding Public Swimming Places  

SECTION 1. Adoption of the Public Bathing Law.  

(A) Any violation of the Public Bathing Law, Act of June 23, 1931, P.L. 899, No. 299, as amended (35 P.S. § 672 et seq.), or of any regulation under Chapter 18 of Title 28 of the Pennsylvania Code (regulations issued by the Department of Health of the Commonwealth of Pennsylvania pursuant the Public Bathing Law), with respect to any “swimming place” as defined by § 6-102(50) and subject to § 6-402(5) of The Philadelphia Code (pertaining to swimming places), shall be a violation of this Regulation.  

(B) Any person who violates subsection (A) shall be subject to a fine of not less than one hundred fifty (150) dollars and not more than three hundred (300) dollars. Where the Department of Public Health finds that any continuing violation of subsection (A) constitutes a public nuisance pursuant to Phila. Code § 6-402(9), it may order abatement of such nuisance, and seek any remedy provided under Phila. Code § 6-103(5). This Regulation shall not limit the authority of the Department of Public Health to order a swimming place closed pursuant to Phila. Code § 6-402(5)(c).  

SECTION 2. The regulation titled “Regulations Governing Bacteriological Quality and Disinfection of Water in Swimming Places,” submitted to the Department of Records on May 31, 1956, is hereby rescinded.
CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
BOARD OF HEALTH

Regulation Regarding Public Swimming Places

SECTION 1. Adoption of the Public Bathing Law.

(A) Any violation of the Public Bathing Law, Act of June 23, 1931, P.L. 899, No. 299, as amended (35 P.S. § 672 et seq.), or of any regulation under Chapter 18 of Title 28 of the Pennsylvania Code (regulations issued by the Department of Health of the Commonwealth of Pennsylvania pursuant the Public Bathing Law), with respect to any "swimming place" as defined by § 6-102(50) and subject to § 6-402(5) of The Philadelphia Code (pertaining to swimming places), shall be a violation of this Regulation.

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SECTION 2. The regulation titled "Regulations Governing Bacteriological Quality and Disinfection of Water in Swimming Places," submitted to the Department of Records on May 31, 1956, is hereby rescinded.
NOTICE IS HEREBY GIVEN, under Philadelphia Home Rule Charter Section Number 8-407 and 7-400 that on October 31, 2013 Regulation Regarding Public Swimming Places promulgated by the City of Philadelphia Department of Public Health was filed with the Department of Records, Room 158, City Hall. Anyone affected thereby may file written request for hearing with the Department of Records within thirty (30) days from the above date.

JOAN T. DECKER
Commissioner of Records
11-5-1*
STATE OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA

Florence Devlin being duly sworn, deposes and says that The Philadelphia Inquirer is a daily newspaper published at 8th and Market Street, Philadelphia, Pennsylvania, which was established in the year 1829, since which date said daily newspaper has been regularly published and distributed in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of said daily newspaper on the following dates:

November 5, 2013

Affiant further deposes and says that she is an employee of the publisher of said newspaper and has been authorized to verify the foregoing statement and that she is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Sworn to and subscribed before me this 5th day of November, 2013.

Mary Anne Logan  
Notary Public  

My Commission Expires:  

NOTARY SEAL  
MARY ANNE LOGAN, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires March 30, 2017
Florence Devlin being duly sworn, deposes and says that The Philadelphia Daily News is a newspaper published daily, except Sunday, at Philadelphia, Pennsylvania, and was established in said city in 1925, since which date said newspaper has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said newspaper on the following dates:

November 5, 2013

Affiant further deposes and says that she is an employee of the publisher of said newspaper and has been authorized to verify the foregoing statement and that she is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Sworn to and subscribed before me this 5th day of November, 2013.

Mary Anne Logan
Notary Public
PROOF OF PUBLICATION OF NOTICE IN THE LEGAL INTELLIGENCER
Under Act of May 16, 1929, P.L. 1784, as amended

Commonwealth of Pennsylvania,
County of Philadelphia

STEPHANIE MURRAY, being duly sworn, deposes and says that The Legal Intelligencer is a daily newspaper published at One Penn Center at Suburban Station, 1617 John F. Kennedy, Philadelphia, Pennsylvania 19103, and was established in said city in 1843, since which date said legal newspaper has been regularly issued in said county, that it has been issued daily since September 4, 1933, and that it was entered at the Philadelphia Post Office under the Postal Laws and Regulations as second class matter in the United States mails on July 19, 1879; that The Legal Intelligencer is a daily legal newspaper complying in all respects with the Newspaper Advertising Act of May 16, 1929, P.L. 1784, its amendments and supplements; and that a copy of the printed notice or publication is attached hereto exactly as the same was printed or published in the regular editions and issues of the said legal newspaper on the following date, viz.:
NOVEMBER 05, 2013

Affiant further deposes and says that she is an employee of the publisher of said legal newspaper and has been authorized to verify the foregoing statement and that she is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

NOTICE IS HEREBY GIVEN,
under Philadelphia Home Rule Charter Section Number 8-407 and 7-400 that on October 31, 2013 Regulation Regarding Public Swimming Places promulgated by the City of Philadelphia Department of Public Health was filed with the Department of Records, Room 158, City Hall. Anyone affected thereby may file written request for hearing with the Department of Records within thirty (30) days from the above date.

JOAN T. DECKER
Commissioner of Records
11-5-1*

Sworn to and subscribed before me this 05th day of NOVEMBER, 2013

LAURETTE LEBLANC
Notary Public

Philadelphia, Philadelphia, County

Office:
One Penn Center at Suburban Station
17th Floor
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103