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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-157

AN ORDER to repeal and recreate chapter HFS 175, relating to recreational and educational camps.

Submitted by **DEPARTMENT OF HEALTH AND FAMILY SERVICES**

11-16-99 RECEIVED BY LEGISLATIVE COUNCIL.

12-15-99 REPORT SENT TO AGENCY.

RS:LR:rv;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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CLEARINGHOUSE RULE 99-157

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. HFS 175.03 (2), it may be helpful to list in paragraphs the conditions which lead to food being considered adulterated. If this is not changed, the word "or" in the fifth line should be deleted.

b. Generally, the rule is drafted in the passive voice. Where possible, use the active voice.

c. Several parts of the rule, such as s. HFS 175.09, provide references to Department of Commerce administrative rules followed by a phrase "as administered by the Wisconsin Department of Commerce." That phrase should be deleted wherever it appears. The rule should be followed as promulgated, not as administered by the Department of Commerce.

d. In s. HFS 175.13 (5) (c) and (h), delete the phrase "but not limited to"; it is unnecessary.

4. Adequacy of References to Related Statutes, Rules and Forms

a. In the Note to s. HFS 175.08 (4) (b), the Note purports to s. 145.245 (4), Stats. However, the quote is not a verbatim statement of the statute. If a statute is quoted, it should be done verbatim.

b. In s. HFS 175.11 (2), the notation "ch." should be replaced by the notation "s."

c. In s. HFS 175.19 (4), the statutory cross-reference should read "ss. 66.124 and 254.69 (2) (g), Stats."

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The Note to s. HFS 175.01 states that the department "strongly recommends" that each camp owner or operator implement a comprehensive system of criminal background checks for certain camp staff members. The department should review s. 50.065, Stats., to determine whether, in fact, the camp owner is required to make criminal background checks. Arguably, the camp owner or camp is an "entity" and a camper is a "client" under this section of the statutes. In its report to the Legislature, the department should analyze the applicability of this section of the statutes to recreational and educational camps.

b. In s. HFS 175.03 (5), the phrase "which is operated" should be inserted before the phrase "for a planned program."

c. In s. HFS 175.03 (8), the word "gelfilte" should be replaced by the word "gefilte."

d. The definition of family camping program in s. HFS 175.03 (14), implies that the child must attend a family camping program with an adult with whom the child resides. If a child may also attend with an adult with whom the child does not reside, this definition should be rephrased accordingly.

e. In s. HFS 175.03 (20), insert the word "the" between the words "whether" and "tenant."

f. In s. HFS 175.03 (25), replace the word "deposition" with the word "deposit."

g. In s. HFS 175.03 (29), second to the last sentence, delete the word "as" and insert a comma after the word "only."

h. In s. HFS 175.05 (2) (b), when does the "permit renewal period" occur?

i. In s. HFS 175.07 (1) (b), the phrase "upon request" at the end of the fourth sentence is repetitive and should be deleted.

j. In s. HFS 175.08 (4) (b), use the terminology that is used in s. 145.245 (4), Stats., ("failing private sewage system") instead of "failed on-site private waste disposal system."

k. In s. HFS 175.11 (4) (a) 1., what constitutes an "approved source" from which food may be served at outdoor food service? This should be clarified. [See, also, sub. (4) (c).]

l. In s. HFS 175.11 (4) (a) 2., the term "potentially hazardous" should be defined.

m. In s. HFS 175.12 (2) (d), new camps and new buildings are referred to. This is a vague reference and should be clarified by specifying the beginning date for the application of this provision.

n. In s. HFS 175.13 (5) (d) 3., the requirement should be that a designated check-in and check-out system, rather than a check-out system only, should be used.

o. In s. HFS 175.13 (5) (e), the term "water activity director" should be "water activities director" as it is used in other parts of the rule.

p. In s. HFS 175.13 (5) (i), rephrase as follows: "The camp operator or water activities director shall designate a separate area for each water activity."

q. In s. HFS 175.14 (5) (a), (b) and (c), it appears that an exception should be made for par. (e), which implies that a camp operator is not required to provide health services staff when permanent facilities are used for more than three nights by members of the camp operator's organization or by an organized group from outside the camp operator's organization.

r. In s. HFS 175.14 (7) (b), the items listed should be separated by semicolons rather than commas.

s. In s. HFS 175.14 (7) (d), should the phrase "public health officials" be replaced by the phrase "department or agent"?

t. In s. HFS 175.16 (3), it appears that the word "horizontally" should be inserted after the second occurrence of the word "feet." Also, in the third sentence of sub. (4), it appears that the word "that" should be replaced by the word "than."

11-15-99

PROPOSED ORDER OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES
REPEALING AND RECREATING RULES

Comments
11/15/99

To repeal and recreate chapter HFS 175, relating to recreational and educational camps.

Analysis Prepared by the Department of Health and Family Services

The Department and local health departments that serve as agents of the Department regulate all educational and recreational camps operating in Wisconsin to protect public health and safety. Regulation is on the basis of administrative rules promulgated by the Department. The Department's rules are in ch. HFS 175, Wis. Adm. Code. No one may operate a camp without a permit issued by the Department or by one of the Department's agent local health departments. A permit is evidence that when the permit was issued the camp complied with the Department's rules. At the end of 1998 there were 246 educational and recreational camps in Wisconsin, 191 regulated by the Department and 55 by agent local health departments.

Chapter HFS 175 has not been generally revised since November 1985. A workgroup drawn from camp operators, local public health department staff and staff of the Department's Environmental Sanitation Section began reviewing the current rules in early 1993 with the object of developing recommendations for updating them, including making them more flexible in recognition of changes in the industry, clarifying various provisions, making provision for the exceptional risk involved in some activities and adding new safety requirements.

This order makes changes in ch. HFS 175 based upon the workgroup's recommendations, as follows:

-The definition of "recreational and educational camp" is modified to delete the limitation that the overnight living quarters provide 4 or more consecutive nights of lodging. The definition would now cover programs for one to 3 nights, but only if the premises included permanent facilities for food and lodging. This change allows some camps to make use of their facilities the year around and in many cases eliminate the need for more than one license or other approval.

-There is no longer a requirement that plans for a new or expanded camp be submitted to the Department for review and approval before construction begins. An operator may submit the plans for the Department's review but is not required to do so.

-The current rules section on Water Supply and Waste Disposal is divided into separate sections on Water Supply, Sewage Disposal System, Toilet and Shower Facilities, and Garbage and Refuse.

-Food safety and service requirements and related equipment and utensil requirements in ch. HFS 196, the Department's rules for restaurants, are made to apply also to camp dining halls, commissary operations and concession stands in place of separate rule sections currently in ch. HFS 175 relating to food supplies and protection, equipment and utensils, and washing, rinsing and sanitizing utensils.

-New rules are added for outdoor food service. These rules are intended to ensure food safety and proper sanitation when food is prepared and/or served out-of-doors at camps.

-The rules section relating to Safety is expanded to require that specified high-risk camper activities, such as rock climbing and archery, be under the supervision of a trained adult; to require a camp emergency plan covering camper security, fire, severe weather, a lost camper and a lost swimmer; to require notification of local fire-fighting and law enforcement officials when a camp opens; and to require that permanent structures be in compliance with Department of Commerce fire safety rules which DHFS staff and agent local health department staff will enforce. The Waterfront subsection in the current rules, which covers swimming and watercraft activities, is renamed Water Activities, the training requirements for lifeguards are updated and an alternative safety measure is provided to the requirement for supervision of adults engaged in non-swimming water activities.

-The rules section relating to Health is revised to delete the requirement that each camper and staff member on arrival at a camp present a written report of a physical examination performed within the preceding 36 months (an up-to-date health history is still required, except in family camping programs), to provide more flexibility in staffing for on-site health services but limited service by persons who have only completed an American Red Cross first aid and safety course, to add a requirement that the staff or consulting physician, in cooperation with the camp operator, develop a written protocol for the administration of medications and provision of routine and emergency medical care at the camp, and to require a health services staff person to accompany all overnight programs that go off-site or to primitive camping areas.

The Department's authority to repeal and recreate these rules is found in ss. 227.11 (2)(a), 250.04 (7) and 254.47 (4), Stats. The rules interpret ss. 250.04 (1) and 254.47, Stats.

SECTION 1. Chapter HFS 175 is repealed and recreated to read:

CHAPTER HFS 175

RECREATIONAL AND EDUCATIONAL CAMPS

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HFS 175.01 Authority and purpose. This chapter is promulgated under the authority of ss.

227.11 (2)(a), 250.04 (7) and 254.47 (4), Stats., to prescribe rules for recreational and educational camps for enforcement by the department and agent local health departments to protect public health and safety.

Note: The Department of Health and Family Services strongly recommends that each camp owner or operator implement a comprehensive system of background checks for all persons who apply to be camp staff members and who will have direct, regular contact with campers. The system should include:

--Asking the person to self-disclose in writing any of the following in their background: pending criminal charges, criminal convictions, governmental findings of abuse or neglect of a child or an adult, or governmental findings of misappropriation of a child's or an adult's property.

--Conducting background checks from the records maintained by the Wisconsin Departments of Justice, Health and Family Services, and Regulation and Licensing. These checks can be completed by submitting the Department of Justice's criminal history request form with the request purpose designated as "Caregiver Background Check-General."

The checks should be completed either before or within 60 days after hiring a staff member, and the camp owner or operator should consider any information obtained from the background checks in making a decision about whether to hire or retain the staff member.

Guidelines and forms for conducting comprehensive background checks can be found in ch. HFS 12) X
or on the Department's internet site: www.dhfs.state.wi.us. of?

HFS 175.02 Scope. (1) **APPLICABILITY.** This chapter applies to the operators of recreational and educational camps and to the department and its agents.

(2) **APPROVED COMPARABLE COMPLIANCE.** (a) The department may approve an alternative to a method, practice, material, equipment or design required under this chapter that will not be contrary to public health, safety or welfare when the department is provided with satisfactory proof that the alternative will achieve results which are closely equivalent to the results of literal application of the requirement under this chapter.

(b) An alternative approved by the department under par. (a) may be made conditional for either of the following:

1. A defined period of time.
2. Experimental or trial purposes.

HFS 175.03 Definitions. In this chapter:

- (1) "Adult" means a person 18 years of age or older.
- (2) "Adulterated" means the condition of a food if it bears or contains any poisonous or deleterious substance in a quantity which may be injurious to health; if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established under U.S. food and drug administration regulations, or in excess of the tolerance if one has been established; if it consists in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for human consumption; if it has been processed, prepared, packed or held under unsanitary conditions which may have rendered it

injurious to health; if it is in whole or in part the product of a diseased animal or an animal which has died otherwise than by slaughter; or if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health. ^{USA ②}

(3) "Agent" means the city, county or village designated by the department under s. 254.69 (2), Stats., and ch. HFS 192 to issue permits to and make investigations or inspections of recreational and educational camps.

(4) "Approved" means acceptable to the department, based on its determination of conformance with this chapter and good public health practices.

(5) "Camp" means a premises, including temporary and permanent structures, which is operated as an overnight living quarters where both food and lodging or facilities for food and lodging are provided for children or adults or both children and adults, for a planned program of recreation or education, and which is offered free of charge or for payment of a fee by a person or by the state or a local unit of government.

"Camp" does not include any of the following:

(a) An overnight planned program of recreation or education for adults or families at an establishment holding a current hotel or motel or restaurant permit.

(b) An overnight planned program of recreation or education for less than 4 consecutive nights and without permanent facilities for food and lodging.

(c) An overnight planned program for credit at an accredited academic institution of higher education.

(d) A tournament, competition, visitation, recruitment, campus conference or professional sports team training camp.

(6) "Camp health services staff" means a person or persons qualified under the requirements of s. HFS 175.14 (5)(b) and responsible to the camp health supervisor.

(7) "Camp health supervisor" means an adult responsible for routine and emergency health care supervision at the camp. *qualif. deleted (5)*

(8) "Comminuted" means reduced in size by methods including chopping, flaking, grinding or mincing. Comminuted includes fish or meat products that are reduced in size and restructured or reformulated such as gelfilte fish, gyros, ground beef, and sausage; and a mixture of 2 or more types of meat that have been reduced in size and combined, such as sausages made from 2 or more meats.

(9) "Corrosion-resistant material" means a material which maintains its original surface characteristics under prolonged contact with food, cleaning compounds and sanitizing solutions.

(10) "Department" means the Wisconsin department of health and family services.

(11) "Easily cleanable" means readily accessible and made of a kind of material and finish and so fabricated that residue may be completely removed by normal cleaning methods.

(12) "Equipment" means, in connection with the operation of a food service facility at a camp, stoves, ranges, hoods, meat blocks, counters, refrigerators, sinks, ice-making machines, dishwashing machines, steam tables, blenders, meat grinders and slicers and similar items used to prepare or hold foods or to clean utensils.

(13) "Existing camp" means operating with a permit first issued by the department or an agent before [revisor to insert effective date of this chapter].

(14) "Family camping program" means that a parent or guardian or, if no parent or guardian is available, another adult relative with whom the child resides is supervising his or her own children at a camp. *or attends camp with? (5)*

(15) "Furnishings" means linens, beds, bedding, chairs, tables, shelves, drapes, curtains, decorations, fixtures and similar items provided in the sleeping areas, the common areas and the food preparation and service area or areas of a camp.

(16) "Hazardous substance" has the meaning given in s. 289.01 (11), Stats.

(17) "Hot water" means water at a temperature of 110°F. (43°C.) or higher.

(18) "New camp" means operating with a permit first issued by the department or an agent on or after [revisor to insert effective date of this chapter].

(19) "Operator" means the owner of a camp or the person responsible to the owner for the operation of the camp.

(20) "Person" means a partnership, association, firm, company, corporation, organization, municipality, county, town or state agency, whether ^{the} tenant, owner, lessee or licensee, or the agent, heir or assignee of any of these.

(21) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. "Potentially hazardous food" does not include foods which have a pH of 4.6 or below or a water activity (a_w) value of 0.85 or less.

(22) "Pre-wash" means the process of water scraping of utensils prior to washing.

(23) "Premises" means the tract or tracts of land on which a camp is located and all buildings on that land.

(24) "Primitive camping area" means a portion of a camp or other site under the control of the person owning or operating a camp, at which site the basic needs for the operation of a camp, such as sleeping accommodations, a water supply system, permanent toilet facilities and permanent culinary facilities, are not usually available.

(25) "Privy" means a structure that is not connected to a plumbing system which is used by persons for the deposition of human body wastes. ^{as per 16}

(26) "Recreational and educational camp" has the meaning prescribed for "camp."

(27) "Restaurant" means any building or room at a camp where meals are prepared or served to campers and staff, and all facilities used in connection with the building or room.

(28) "Sanitize" means effective bactericidal treatment of the clean surfaces of equipment or utensils by a process which has been approved by the department as being effective in destroying micro-organisms, including pathogens.

(29) "Single-service article" means a cup, container, lid or closure, plate, knife, fork, spoon, stirrer, paddle, straw, place mat, napkin, doily, wrapping material, or any similar article constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic or synthetic or other readily destructible material, and intended by the manufacturer and generally recognized by the public as for one usage only, after which it is discarded.

(30) "Tempered water" means water ranging in temperature from 85°F. (29°C.) to less than 110°F. (43°C.).

(31) "Utensil" means any kitchenware, tableware, glassware, cutlery, container or similar item with which food or drink comes into contact during storage, preparation or serving.

(32) "Water activity" means any aquatic pursuit such as but not limited to swimming, boating, canoeing or water skiing.

(33) "Wholesome" means in sound condition, clean, free from adulteration and otherwise suitable for use as human food.

HFS 175.04 Plan consultation. An operator may consult with the department or its agent before beginning construction of a camp or modifications to an existing camp. The operator may submit plans and specifications for a new or expanded camp, as it relates to this chapter, to the department or its agent for review and comment before beginning construction or modifications.

Note: Operators should also consult the Wisconsin Department of Commerce building regulations, chs. Comm 50 to 64, and county zoning regulations before beginning construction or modification.

HFS 175.05 Permit. (1) **APPLICATION.** Before a camp is opened for public use, the operator shall obtain a permit from the department or an agent of the department. Application for a permit shall be made on a form provided by the department or its agent. An application for a permit submitted to the department shall be accompanied by the fee required under sub. (2)(a).

Note: To obtain a copy of the application form for a permit to operate a camp, or to determine which agent to contact for an application form, write or phone: Bureau of Environmental Health, P. O. Box 2659, Madison, Wisconsin 53701-2659; (608) 266-2835.

(2) **DEPARTMENT FEES.** (a) *Annual permit fee.* The operator of a camp shall pay an annual permit fee of \$77 to the department.

(b) *Penalty fee.* If the annual fee is not paid within the first 15 days of the permit renewal period, the department shall require the operator of the camp to pay a penalty fee of \$75, in addition to the annual permit fee, for the renewal of the permit.

(c) *Fee for duplicate permit.* The department shall charge the operator of a camp \$10 for a duplicate permit.

(3) **ACTION BY THE DEPARTMENT.** Within 30 days after receiving a completed application for a permit, the department or its agent shall either approve the application and issue a permit or deny the application. If the application for a permit is denied, the department or its agent shall give the applicant reasons, in writing, for the denial. A permit may not be issued to the operator of a new camp or to a new operator of an existing camp without prior inspection of the camp by the department or its agent to ensure that the camp complies with this chapter.

HFS 175.06 Location of the camp. (1) Every camp shall be located on a well-drained site not subject to flooding. The premises shall be properly graded to prevent the accumulation of storm or other

waters that may create hazards to the property or to the health and safety of the occupants. No camp may be located in an area that is situated so that drainage from any source of filth, such as garbage or animal waste disposal, can be deposited on the site.

Note: A camp's location with regard to flood plains and shore land areas must comply with local zoning ordinances and with ch. NR 115 and s. NR 116.12 (2)(b), rules of the Wisconsin Department of Natural Resources. *see*

(2) Livestock shall not be permanently quartered closer than 500 feet from central and unit cooking, dining or camper sleeping quarters.

HFS 175.07 Water supply (1) REQUIREMENTS. (a) *General.* A water supply that is safe for human consumption shall be available at every camp.

(b) *Privately owned wells.* A privately owned well is permitted as a source of water. The well shall be located on the premises and shall be constructed and the pump installed in accordance with ch. NR 812, rules of the department of natural resources governing well drilling and pump installation. All drinking water shall comply with the applicable water quality standards in ch. NR 809. Prior to the start of the season, or annually for a year-round camp, the operator shall submit a water sample taken from the plumbing distribution system to a laboratory certified under ch. HFS 165 [ch. ATCP 77] for bacteriological analysis and, if requested by the department or its agent, shall submit a copy of the report giving the results of the analysis to the department or its agent upon request. A camp served by more than one well shall submit a sample from each well annually. Whenever bacteriologically safe water cannot be obtained under the requirements of ch. NR 809 from a well constructed in apparent compliance with ch. NR 812, as evidenced by laboratory reports, the well shall be reconstructed or a new well constructed in accordance with the requirements of ch. NR 812. If reconstruction or new construction is determined to be impractical or is found to be ineffective, the use of the well shall be discontinued and water shall be transported on a temporary basis from a source and in a manner approved by the department. *see*

Note: Bottles for the collection of water samples may be obtained by writing to the State Laboratory of Hygiene, 465 Henry Mall, Madison, WI 53706, or by calling 1-800-442-4618. Use of any private or public laboratory certified by the Department of Agriculture, Trade and Consumer Protection is acceptable to satisfy the requirement.

(c) *Containers for transporting drinkable water.* Containers for transporting water for human consumption shall be labeled and easily distinguishable from other containers and shall be constructed of a food grade material which does not allow the migration of deleterious substances or impart colors, odors or tastes and is easily cleanable. Water containers shall be cleaned and sanitized between uses.

(2) **DRINKING FACILITIES.** Drinking fountains of a type approved by the department or individual drinking cup shall be provided and shall be kept in a sanitary condition. Common drinking cups are prohibited.

(3) **PLUMBING.** (a) All plumbing shall be in compliance with the requirements of chs. Comm 82 and 84, as administered by the Wisconsin department of commerce, that apply to recreational and educational camps.

(b) Air gaps or approved devices to prevent backflow shall be provided on all water supply outlets.

HFS 175.08 Sewage disposal system. (1) **SEWAGE.** Sewage, including all liquid and water-carried wastes from sinks, bathing and toilet facilities, may not discharge onto the ground surface.

(2) **PLUMBING FIXTURES.** All plumbing fixtures shall be connected to the building drainage system, with discharge to a public sewer or private sewage disposal system.

(3) **PUBLIC SEWER.** When a public sewer facility is available to the camp, connection and use are required.

Note: See s. Comm 83.03 (2), Public Sewer Connection.

(4) **PRIVATE SEWAGE DISPOSAL.** (a) A private sewage system, as defined in s. 145.01 (12), Stats., is permitted when a public sewer facility is not available to the camp. The system shall be located,

designed, constructed and operated in accordance with chs. Comm 82, 83 and 84, as administered by the Wisconsin department of commerce.

Note: See s. 66.036, Stats., regarding building on unsewered property.

(b) A failed on-site private waste disposal system shall be corrected or its use discontinued. A failed system has the meaning prescribed for "failing private sewage system" under s. 145.245 (4), Stats.

Note: Section 145.245 (4), Stats., reads: "A failing septic system is one which causes or results in any of the following conditions: (a) the discharge of sewage to surface water or ground water; (b) the introduction of sewage into zones of saturation which affects the operation of a private sewage system; (c) the discharge of sewage to a drain tile or into zones of bedrock; (d) the discharge of sewage to the surface of the ground; (e) the failure to accept sewage discharges and the backup of sewage into the structure served by the private sewage system."

(c) A camp shall submit plan and installation details for the design and construction, alteration or extension of a private sewage disposal system to the Wisconsin department of commerce or its designated agent for approval and shall acquire a sanitary permit before construction or the work of altering or extending the private sewage disposal system is begun.

Note: Local jurisdictions may require additional approvals.

HFS 175.09 Toilet and shower facilities. (1) REQUIREMENTS. (a) A minimum of one toilet and one handwash facility shall be provided for every 10 campers and staff or fraction thereof. Urinals may be substituted for up to 1/2 of the required number of toilets for males.

(b) Separate toilet rooms shall be provided and marked for each sex.

(c) Toilet rooms shall be well-ventilated and well-lighted, and shall comply with the requirements of ss. Comm 52.50 to 52.60 and ch. Comm 69, as administered by the Wisconsin department of commerce.

(d) Toilet rooms shall be located within 400 feet of lodging units and shall provide for privacy.

Toilet room doors shall have self-closing devices.

(e) Privies shall be constructed in accordance with s. Comm 52.63 and ch. Comm 83, as administered by the Wisconsin department of commerce, and shall be approved by the department and maintained in good repair.

(f) A minimum of one shower or bathtub shall be provided for every 20 campers and staff or fraction thereof.

(g) Tempered water shall be provided at all handwash sinks in all rooms where flush toilets are installed and at all shower or bathing facilities.

(h) Carpeting is prohibited in toilet rooms and shower and bathing facilities.

(2) TOILETS AND BATHING FACILITIES FOR PEOPLE WITH PHYSICAL DISABILITIES.

The construction and accessibility of toilets, toilet rooms, toilet buildings and bathing facilities shall comply with s. Comm 52.04 and ch. Comm 69, as administered by the Wisconsin department of commerce.

HFS 175.10 Garbage and refuse. (1) CONTAINERS. (a) Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags may be used to line these containers and may be used for inside storage.

(b) Containers for garbage and refuse used in food preparation and utensil washing areas shall be kept covered or closed when not in use and emptied when they are filled.

(c) Containers stored outside as well as dumpsters, compactors and compactor systems shall be easily cleanable, provided with tight-fitting lids, doors or covers and kept covered or closed when not in use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.

(d) A camp shall have a sufficient number of containers to hold its garbage and refuse until disposal.

(e) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils or food preparation areas.

(2) STORAGE. (a) Garbage and refuse stored inside shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

(b) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent materials, shall be kept clean, shall be insect-proof and rodent-proof and shall be large enough to store the garbage and refuse containers that accumulate.

(c) Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean.

(d) Recyclables shall be stored in a clean and sanitary manner to prevent insect and rodent attraction.

(3) DISPOSAL. (a) Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

(b) Solid waste disposal sites on the premises shall be in compliance with chs. NR 500 to 536 and shall be licensed by the Wisconsin department of natural resources.

HFS 175.11 Food preparation and service. (1) STANDARDS. (a) The preparation and service of food and the equipment required for that purpose at camp dining halls, commissary operations and concession stands shall comply with ch. HFS 196, the department's rules for restaurants, except that the effective date for being in compliance with the equipment design and fabrication requirements in s. HFS 196.11 shall be [revisor to insert effective date of this chapter].

(b) Food preparation and handling in primitive camping areas shall comply with the requirements in sub. (4).

(2) KNOWLEDGE OF FOOD PROTECTION PRACTICES. Beginning one year after the effective date of this chapter [revisor to insert the effective date of this chapter], the operator or at least one manager

of the food service facility at each camp shall have a certificate issued by the department that states that the operator or manager has passed a department-approved written examination on food protection practices in compliance with the requirements of ch. HFS 196.19.

(3) **USE OF FACILITIES.** When a camp's food service facilities are used by an organized group and the camp operator does not provide staffing, the operator, in consultation with the person certified under sub. (2), shall provide the group with written or video-presented procedures for the safe handling of food, personal hygiene and proper washing and sanitizing of utensils and equipment.

(4) **OUTDOOR FOOD SERVICE.** Outdoor food service shall be conducted in a safe, clean and sanitary manner, as follows:

(a) *Food.* 1. Only food from an approved source and capable of being maintained in a wholesome condition with the equipment available may be used in outdoor food service.

2.a. Potentially hazardous^{refine} foods shall be held at 40°F. (4°C.) or lower or 150°F. (66°C.) or higher. Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of 150°F. (66°C.) or higher, except that comminuted meat including hamburger shall be heated until all parts are 155°F (68°C) and poultry, stuffings and stuffed meats shall be heated until all parts are 165°F. (74°C.) or higher.

b. Once potentially hazardous foods that have been heated leave the kitchen or commissary, the potentially hazardous foods shall not be allowed to cool below 150°F. (66°C.).

3. Food shall be protected from contamination by, for example, dirt, insects or animals.

4. Handling of foods shall be minimized as much as possible. Pre-preparation of potentially hazardous foods such as hamburger patties and pre-sliced foods, is recommended when practical.

5. Once food leaves the kitchen or commissary and is served, what is leftover shall not be re-served, except that prepackaged foods which have not been unwrapped and which are wholesome may be re-served.

(b) *Utensils and equipment.* 1. Utensils and equipment construction and materials shall be appropriate for the type of food service being conducted.

2. Utensils and equipment shall be washed, rinsed, sanitized and air-dried in a manner approved by the department using either an approved sanitizer or hot water at 170°F. (77°C.) for sanitization. When a chemical sanitizer is used, the manufacturer's directions for the proper use of the sanitizer shall be followed and a chemical test kit appropriate for the sanitizer shall be provided.

(c) *Handwashing.* Approved handwash procedures shall be followed by all food handlers.

HFS 175.12 Buildings and grounds. (1) STATE BUILDING CODE. All buildings at a recreational or educational camp shall comply with chs. Comm 50 to 64 and 69, as administered by the Wisconsin department of commerce.

(2) SANITATION AND BUILDING MAINTENANCE. (a) A camp shall be maintained in a clean and sanitary condition at all times.

(b) The floor surfaces in kitchens, walk-in refrigerators and all other rooms and areas in which food is stored or prepared or in which utensils are washed shall be constructed of smooth, nonabsorbent materials and shall be easily cleanable. Carpeting is prohibited in these rooms or areas.

(c) In areas subject to spilling or dripping of grease or fatty substances, the floor coverings shall be of grease-resistant material.

(d) All walls and ceiling of rooms or areas in which food is prepared or stored or utensils are washed shall be smooth, light-colored and easily cleanable. An impervious baseboard made of material approved by the department shall exist at the juncture of the floor and walls in all new camps and all new buildings at existing camps. Materials which are absorbent or have perforated or sculptured surfaces or do not have sealed butt joints are not acceptable for wall and ceiling surfaces in kitchens, food storerooms or cooking areas.

(e) All doors and windows opening to the outer air shall be effectively screened and doors shall be self-closing.

(f) All areas in which food is prepared or stored or utensils are washed and all dressing rooms or locker rooms, toilet rooms and garbage and refuse storage areas shall be well lighted.

(g) All areas in which food is prepared or stored or utensils are washed and all dressing rooms or locker rooms, toilet rooms and garbage and refuse storage areas shall be well ventilated. A ventilation hood sized for adequate air velocity, with grease filters, shall be provided to cover each cooking area. Filters shall be readily removable for cleaning or replacement and shall be cleaned at least once each week and more often if necessary.

(h) The premises shall be maintained in a clean, neat condition free from refuse, insects and rodents.

(i) Parking areas shall be treated with a material approved by the department to minimize dust and dirt.

(j) The exterior of all buildings shall be well-maintained and kept in good repair.

(k) The floors, carpeting, walls, ceilings, light fixtures and decorative materials of all rooms shall be maintained in a clean and sanitary condition and in good repair.

(3) LIGHTING. All rooms shall be adequately lighted to permit cleaning and maintenance.

(4) INSECT AND RODENT CONTROL. (a) Effective measures to minimize the presence of rodents and insects shall be utilized. Control measures shall be used in a safe manner and according to label instructions.

(b) All doors and windows in food service and storage areas, toilet facilities and sleeping areas that open to the outside shall be tight-fitting and effectively screened and the doors shall be self-closing.

HFS 175.13 Safety and supervision. (1) CAMPER SUPERVISION. One staff member, 18 years of age or older, excluding kitchen and maintenance staff, shall be provided for every 10 campers or fraction

thereof under age 18, except that for campers 6 years of age and under there shall be one staff member for every 4 campers or fraction thereof.

(2) HAZARDOUS SUBSTANCES. (a) *Use.* Chemicals, flammables and other hazardous substances shall be used for their intended purpose and according to the manufacturer's directions stated on the container label.

(b) *Storage.* 1. Chemicals and other hazardous substances shall be stored in their original, covered and labeled containers in a separate, secure area accessible only by appropriate staff.

2. If taken on off-site trips, hazardous substances shall be stored in appropriate, easily identifiable containers.

3. Flammable materials shall be stored in a well-ventilated structure, separate from areas occupied by campers and staff.

(c) *Disposal.* Hazardous substances shall be disposed of in a manner and location as directed on the manufacturer's label or the material safety data sheet by the local agency having jurisdiction over handling hazardous substances and the applicable sections of chs. NR 600 to NR 685.

(3) PROGRAM ACTIVITIES. (a) Program activities shall be supervised by trained staff.

(b) A trained adult shall supervise high-risk activities. High-risk activities include but are not limited to firearms, archery, ropes or challenge courses, horseback riding and rock climbing.

(c) No firearms or archery equipment are permitted in a camp except for use in an organized and supervised camp activity. All firearms, ammunition and archery equipment not being used shall be securely stored under lock.

(d) High-risk equipment shall be properly stored or secured when not in use.

(4) PLANS FOR CAMPER SECURITY AND DEALING WITH EMERGENCIES. (a) *Written plans.* A camp shall have written plans for ensuring camper security and for dealing with emergencies including fire, severe weather, a lost camper and a lost swimmer.

(b) *Staff training.* Camp staff shall be instructed and periodically drilled in the use of emergency equipment and the procedures to be followed for the notification of emergency personnel.

(c) *Fire control.* 1. A camp shall have firefighting equipment available in non-permanent sleeping areas. Where fire barrels or buckets are used, they shall be painted red or plainly marked, maintained and kept filled with water.

2. For permanent structures, a camp shall comply with the fire safety requirements ch. Comm 57, as administered by the Department of Commerce, including but not limited to rules on isolation of fire hazards, fire escapes, fire exits, fire extinguishers, fire alarm systems, smoke detectors, exit lighting, space heaters, ventilation and directions of escape.

3. All emergency equipment shall be continuously maintained.

4. Local fire fighting and law enforcement officials shall be notified in writing when a camp is to be in operation or annually if open year round.

(5) WATER ACTIVITIES (a) All swimming and watercraft activities at a camp shall be under the direction of an adult water activities director who holds a current department-approved lifeguard certification.

(b) Every person serving as a lifeguard at a camp shall hold a current department-approved lifeguard certification, a current first-aid certificate approved by the department and a current certificate approved by the department for the completion of a course in cardiopulmonary resuscitation (CPR) for adults, children and infants, and shall have training, as required by the U.S. occupational safety and health administration (OSHA) under 29 CFR 1910.1030, Bloodborne Pathogens Standard.

Note: A list of approved certification courses for lifeguarding, first aid and CPR may be obtained from Bureau of Environmental Health, P.O. Box 2659, Madison, WI 53701-2659.

(c) Except as allowed in par. (d), either the water activities director or a staff person who is certified as stated in par. (b) shall be on duty at each water activity area, such as but not limited to boating, canoeing,

swimming and water skiing areas, for every 50 persons or fraction thereof in the water. There shall be an overall ratio of one staff person at each water activity area for every 10 persons in the water.

(d) A group consisting only of adults or a group participating in a family camping program with at least one parent present and supervising may use water activity areas, other than swimming, without supervision by camp aquatics staff provided the group receives orientation from camp aquatics staff based on written procedures that specify all of the following:

1. Personal floatation devices ^{shall} are to be worn by all persons at all times.
2. Safety regulations ^{shall} are to be followed.
3. A designated checkout system ^{is to be used} is to be used so that camp staff know who is using the water activity areas.

(e) A first-aid kit appropriate for its intended use as determined by the water activity director or the camp health supervisor shall be maintained at each water activity area and shall be equipped and ready for use.

Note: To obtain a copy of the list of the Department-recommended first-aid kit contents or to determine which agent to contact for the list, write: Bureau of Environmental Health, P. O. Box 2659, Madison, Wisconsin 53701-2659.

(f) Lifesaving equipment, including a minimum of at least a backboard, ring buoy or rescue tube or throw bag and reaching pole, shall be continuously maintained and immediately available at each water activity area.

(g) The camp operator or water activities director shall establish and enforce a method for checking persons in and out of the water.

(h) The camp operator or water activities director shall establish and enforce a method for supervising persons in the water such as, but not limited to the buddy system, the colored cap system or a combination of these.

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(i) The camp operator or water activities director shall designate an area for each separate water activity.

(j) The camp operator or water activities director shall conspicuously post swimming and boating regulations and restrictions at all water activity areas.

(k) Access to a water activity area shall be controlled and the area used for swimming shall be clearly marked and separated into sections for nonswimmers, beginners, intermediates and proficient swimmers. No person may go into a section beyond his or her classification except when being tested under supervision for the next higher level.

(L) Water activity areas shall be free of hazards, and equipment in water activity areas shall be maintained. Equipment includes docks, ladders, rafts, diving boards, boats, life jackets and paddles.

(m) A camp may allow swimming after dark in swimming areas if a minimum of 5 footcandles general overhead lighting is provided.

(n) A rescue boat shall be readily available when water activities extend beyond the designated swimming area. The boat shall be provided with at least a ring buoy or rescue tube or throw bag attached to 50 feet of 1/4 inch rope and a reaching pole.

(o) Personal floatation devices shall be U.S. coast guard approved and shall be sized properly for each individual.

Note: To obtain a copy of the department's "Model Ordinance for Public Beaches," write: Bureau of Environmental Health, P. O. Box 2659, Madison, Wisconsin 53701-2659.

(6) SWIMMING POOLS. Any swimming pool, wading pool, whirlpool or similar structure shall be in compliance with ch. Comm 90, as administered by the Wisconsin department of commerce, and the camp operator shall obtain a permit and operate the pool in accordance with ch. HFS 172.

HFS 175.14 Health. (1) **HEALTH SERVICES.** (a) Before a camp opens for the first time and at least annually thereafter, the camp operator shall make written arrangements for medical care of campers and camp staff by a staff physician or consulting physician and for emergency admissions to a designated hospital.

Note: It is recommended that a parent's or guardian's written consent for emergency medical care be secured by the camp director prior to or upon the camper's arrival at camp.

(b) A camp shall have a vehicle available at all times to transport a camper or staff member requiring emergency medical services to a hospital or clinic when the camp cannot provide the needed services.

(2) **HEALTH HISTORY.** Except in a family camping program, each camper and each staff member, upon arrival at the camp, shall present to the health services staff an up-to-date written health history that describes any physical condition, medications or allergies requiring special consideration. For a camper or staff member under 18 years of age, the written health history shall be prepared and signed by a parent or guardian or, if no parent or guardian is available, another adult relative with whom the child resides. All health histories shall be reviewed by health services staff who shall bring special health concerns to the attention of the camp operator.

Note: It is recommended that each camper and staff member, upon arrival at the camp, also present to the health services staff a written report of a physical examination performed within the preceding 24 months by a physician, a physician assistant or a registered nurse.

(3) **INFIRMARY.** A camp shall have written procedures and space for the temporary isolation of sick or injured campers and staff members. Any person reasonably suspected of having a communicable disease shall be suitably isolated.

Note: Reportable communicable diseases are listed in appendix A to ch. HFS 145. Cases are to be reported to the local health officer or the Department as required under s. 252.05, Stats., and ch. HFS 145.

(4) **FIRST-AID SUPPLIES.** A camp shall have on hand first-aid supplies as determined by the health services staff.

Note: A list of the minimum suggested items to be included in the first-aid supplies can be obtained by contacting the Bureau of Environmental Health, P.O. Box 2659, Madison, WI 53701-2659.

(5) **HEALTH SUPERVISION.** (a) A camp shall have an adult camp health supervisor who shall be responsible for routine and emergency health care supervision at the camp.

(b) Except as permitted in par. (d), the on-site health services staff shall include at least one of the following:

1. A physician licensed in Wisconsin.
2. A registered nurse licensed in Wisconsin or a nurse practitioner licensed in Wisconsin.
3. A physician assistant licensed in Wisconsin.
4. A National Athletic Trainers Association certified trainer.
5. An emergency medical technician or a paramedic.
6. A person holding a current certificate for the completion of the American Red Cross Responding to Emergencies Course or equivalent.

(c) Except as permitted in par. (d), anyone working as a member of the on-site health services staff at a camp shall hold current certification from the American Red Cross for ^(N2) CPR for the Professional Rescuer or the American Heart Association for Health Care Provider CPR or equivalent age-appropriate cardiopulmonary resuscitation.

(d) Persons holding a current certificate for the completion of the Red Cross Community First-aid and Safety Course or equivalent and a current certificate for the completion of a course for adult, child and infant cardiopulmonary resuscitation may serve as health services staff provided all of the following conditions are met:

1. The users of the camp are coming as an organized group such as a school class, a church group or a scout troop.
2. The program is for a period of 3 nights or less.

3. The local ambulance service provider states in writing that there is a target response time of 15 minutes or less to the camp unless the department approves a longer response time.

4. There is a telephone capable of connecting with emergency medical services without the use of coins, accessible at all times during camp operation and located in close proximity to the camp buildings or lodging units.

(e) When a camp's permanent facilities are used for more than 3 nights by members of the camp operator's organization or by an organized group from outside the camp operator's organization, and the camp operator does not provide health services staff, the camp operator's organization shall set and require minimum levels of training for leaders of the group which are not less than those required under pars. (a) and (b), before allowing use of the facilities. The camp operator shall ensure that organized groups using the facilities comply with this chapter.

(f) When a camp's permanent facilities are used for more than 3 nights, health services staff shall work under the delegation of a physician licensed under ch. 448, Stats., who is available on-site during the camping season or for consultation services. The staff physician or consulting physician, in cooperation with the camp operator, shall develop a written protocol, signed by the physician, for the administration of medications, routine health care and emergency medical care at the camp. The physician shall review the protocol annually.

Note: A suggested outline for the contents of a protocol document may be obtained from the American Camping Association or from the Bureau of Environmental Health, P. O. Box 2659, Madison, Wisconsin 53701-2659.

(g) A health services staff person qualified under pars. (b) and (c) shall be available on the premises of the camp at all times while the camp is in operation.

(h) A health services staff person qualified under pars. (b) and (c) shall accompany all overnight programs that go to a physical location not owned or operated by the camp. This individual shall work under the direction of the camp health supervisor, have the appropriate camper records, first-aid supplies

appropriate for the occasion as determined by the camp health supervisor and access to a means of communication to summon emergency help and communicate with the camp health supervisor.

(i) A health services staff person who has at least the training required under par. (d) shall accompany all overnight programs that go to a primitive camping area.

(6) MEDICATIONS. (a) All medications brought to camp by a camper or staff member shall be in containers which are clearly labeled to include the name of the camper or staff member, the name of the medication, the dosage, the frequency of administration and the route of administration. All medication prescribed by a physician shall, in addition, be labeled to include the name of the prescribing physician, the prescription number, date prescribed, possible adverse reactions, the specific conditions when contact should be made with the physician and other special instructions as needed.

(b) Except as allowed in par. (c), all medication brought to camp by a camper or staff member under 18 years of age shall be kept in a locked unit and shall be administered by health services staff qualified under sub. (5)(b), except that bee sting medication, inhalers, an insulin syringe or other medication or device used in the event of life-threatening situations may be carried by a camper or staff member. Each camper or staff member 18 years of age or older may take responsibility for the security of his or her personal medication.

(c) When a camp's facilities are used for a program of 3 nights or less, an adult leader of the group shall keep all medications brought to camp by a camper or staff member under 18 years of age in a locked unit. The adult leader shall be responsible for the administration of the medications.

(7) HEALTH AND TREATMENT RECORDS. (a) A camp's health supervisor shall keep available the health history required under sub. (2) for each camper and staff member.

(b) When a medication is administered or treatment provided to a camper or staff member, health services staff shall make a record of the action in a bound book with pre-printed page numbers, indicating the

following information: name of the person receiving the medication or treatment, ailment, name of the medication or treatment, quantity given, date and time, by whom administered and comments.

(c) The camp shall retain health history and treatment records for at least 2 years.

(d) The camp operator shall maintain camper and staff health history and treatment records, except that an organized group using a camp's facilities for fewer than 3 nights when no camp staff are present may maintain its health histories and treatment records. Those records shall be accessible, upon request, to the camp operator and public health officials.

HFS 175.15 Register. (1) A camp shall maintain a camp register which shall contain the names, home addresses and phone numbers of all campers and staff and the names and phone numbers of persons to notify in case of an emergency. The register shall be retained for a minimum of 2 years.

(2) A camp shall have a method for tracking campers which shall be used to monitor persons entering and leaving camp during the program session.

HFS 175.16 Sleeping quarters. (1) **FIRE SAFETY.** Sleeping quarters at a camp shall comply with the fire safety requirements in s. HFS 175.13 (4) (c).

(2) **SPACE.** Sleeping quarters shall provide a minimum of 400 cubic feet of for each occupant over 12 years of age and 200 cubic feet for each occupant 12 years of age or under and shall have a ceiling height of at least 7 feet. Adequate space shall be provided for wheelchair access to bed sides.

(3) **FLOOR SPACE BETWEEN BEDS.** There shall be at least 3 feet horizontally between the sides of beds and at least 6 feet between the heads of sleepers.

(4) **BUNK BEDS.** When campers sleep in upper bunks, guardrails shall be installed to prevent occupants from rolling out. The top of the rail shall be at least 5 inches above the top of the mattress and the bottom of the rail shall be no more than 3.5 inches above the top of the bed frame. No more than 2 beds may

be stacked vertically and there shall be a vertical separation of at least 2.5 feet measured from the top of the lower mattress to the bottom of the frame of the upper bed. A free space of at least 2.5 feet shall be provided above the mattress of the upper bed.

(5) VENTILATION. Sleeping quarters shall be adequately ventilated.

Note: See ss. Comm 64.05, 64.06 and 64.07.

(6) BEDDING. Pillowslips, sheets, towels and washcloths, when provided by the operator, shall be washed at least once a week and before being assigned to a different camper or staff member. Blankets, spreads, mattresses and pillows shall be kept clean and free of insect infestation. Mattresses shall be covered with a non-absorbent cover or other approved protection and shall be maintained clean and in good repair. The cover, pad or mattress shall be cleaned for each incoming camper and staff member and more often if necessary.

(7) SEPARATION. Separate sleeping quarters shall be provided for each sex, except when occupied by a family.

HFS 175.17 Primitive camping. (1) GENERAL. The operator of a camp shall maintain each primitive camping area in a safe, clean and sanitary manner conducive to public health.

(2) WATER SUPPLY. Drinking water taken on hikes and trips away from a primitive camping area shall be from a water supply that is safe for human consumption.

(3) TOILETS. A primitive camping area not provided with approved toilet facilities shall have separate designated areas for each sex for toilet use. At minimum, toilet usage in these areas shall comprise a slit-trench with earth backfill. The toilet areas shall be located at least 50 feet from a stream, lake or well and at least 75 feet from a camp, tent or other sleeping or housing arrangement.

(4) SOLID WASTE. Garbage and refuse generated in primitive camping areas shall be carried back to the central camp area for proper disposal as required under s. HFS 175.10.

HFS 175.19 Enforcement. (1) **ACCESS.** An authorized employe or agent of the department, upon presenting proper identification, shall be permitted to enter any camp at any reasonable time for the purpose of inspecting the camp to determine compliance with this chapter. The department's authorized employe or agent shall be permitted to examine the records of the camp, including camp registration records.

(2) **ENFORCEMENT POLICY.** (a) *Notification.* If upon inspection of a camp the authorized employe or agent of the department finds that the camp is not planned, operated or equipped as required by this chapter, the employe or agent shall, except as provided under par. (b), notify the operator in writing and shall specify the changes required to make the camp conform to the standards established in this chapter and the time period within which compliance shall take place. If the order to correct violations is not carried out by the expiration of the time period stipulated in the order, or any extension of time granted for compliance, the department may issue an order suspending or revoking the permit to operate the camp. The suspension or revocation order shall take effect 15 days after the date of issuance unless a request for a hearing has been received under sub. (3).

(b) *Order to deal with an immediate danger to health.* Where there is reasonable cause to believe that any construction, sanitary condition, operation or method of operation of the premises of a camp or of equipment used on the premises creates an immediate danger to health, an authorized employe or agent of the department may, pursuant to s. 254.85, Stats., acting as the designee of the administrator of the department's division of public health, and without advanced written notice, issue a temporary order to remove the immediate danger to health. That order shall take effect on delivery to the operator or other person in charge of the camp. The order shall be limited to prohibiting the continued operation or method of operation of specific equipment, requiring the camp to cease other operations or methods of operations, or a combination of these, except that if a more limited order will not remove the immediate danger to health the order may direct that all operations authorized by the permit shall cease. If before scheduled expiration of the

temporary order, the department determines that an immediate danger to health does in fact exist, the temporary order shall remain in effect. The department shall then schedule and hold the hearing required under s. 254.85 (3), Stats., unless the immediate danger to health is removed or the order is not contested and the operator and the department mutually agree that no purpose would be served by a hearing.

Note: Under s. 254.85, Stats., the temporary order is effective for 14 days and may be extended for another 14 days to permit the department to complete its examination. The order expires at the end of the 14 day or 28 day period unless it is terminated by the department by notice to the operator within that period, or is kept in effect beyond that period, pending a hearing, by department notification to the operator. The hearing is to be held by the department no later than 15 days after the notice is served on the operator unless the department and the operator agree on a later date, and the department must issue a final decision on the matter within 10 days after the hearing.

(3) **APPEAL BY THE OPERATOR.** Any operator aggrieved by an order of the department under this chapter, except for an order issued pursuant to s. 254.85, Stats., and sub. (2) (b), may request a hearing under this subsection to challenge the order. A request for a hearing under this subsection shall be submitted in writing to the department of administration's division of hearings and appeals and shall be received by that office within 15 days after issuance of the order. Procedures for the hearing shall be in accordance with ch. 227, Stats. After the hearing, the division shall affirm, set aside or modify the order. The final decision of the division may be appealed to the circuit court as provided in ch. 227, Stats.

Note: The mailing address of the Division of Hearings and Appeals is P.O. Box 7875, Madison, Wisconsin 53707. An appeal may be delivered to the Division of Hearings and Appeals at 5005 University Ave., Room 201, Madison, Wisconsin.

(4) **LOCAL GOVERNMENT.** Notwithstanding subs. (2) and (3), if an agent issues permits directly under this chapter, the agent shall create enforcement and appeal procedures in accordance with ss. 254.69 (2)(g) and 66.124, Stats., which shall supersede subs. (2) and (3).

The repeal and rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2), Stats.

Wisconsin Department of Health
and Family Services

DATE:

By:

Joe Leean
Secretary

SEAL:

APPLICATION FOR RECREATIONAL AND EDUCATIONAL CAMP PERMIT

1414 E. Washington Ave., Room 88

P. O. Box 2659

MADISON WI 53701-2659

FEE: \$77

INSTRUCTIONS: Please complete this application and return it to the above address with your remittance, in the form of a check or money order, made payable to the Department of Health and Family Services. **DO NOT SEND CURRENCY. PLEASE TYPE OR PRINT.**

THIS LICENSE APPLICATION IS FOR (Check one): NEW CAMP CHANGE IN OWNERSHIP OTHER

1. NAME OF OPERATOR (If partnership, list all partners; if corporation, give name and agent)	TELEPHONE NUMBER ()
---	--------------------------------

2. NAME OF CAMP	COUNTY
------------------------	---------------

3. CAMP ADDRESS	
CITY, STATE	ZIP CODE

4. MAILING ADDRESS (If same as camp location, write "same")	ZIP CODE
--	-----------------

5. TOTAL CAPACITY OF CAMP _____
--

6. HAS THIS FACILITY BEEN PREVIOUSLY LICENSED BY THE STATE DIVISION OF PUBLIC HEALTH? IF YES, GIVE NAME OF FORMER OPERATOR(S) AND NAME OF FACILITY			Yes <input type="checkbox"/>	No <input type="checkbox"/>
Former Operator(s)	Name of Facility	I.D. Number		

7. YOUR SIGNATURE BELOW WILL ACKNOWLEDGE THAT YOU HAVE RECEIVED AND WILL COMPLY WITH ALL APPLICABLE WISCONSIN ADMINISTRATIVE CODE(S)	

Name of Operator or Agent	Date

250.04(7)

(7) The department may promulgate and enforce rules and issue and enforce orders governing the duties of all local health officers and local boards of health and relating to any subject matter under the department's supervision that are necessary to provide efficient administration and to protect health. Whoever violates a rule or order specified under this subsection shall be fined not less than \$10 nor more than \$100 for each offense, unless a different penalty is provided.

STATE OF WISCONSIN
Department of Health Services
Division of Health Planning and Resources
1111 E. Washington Ave., Room 303
Madison, WI 53706

APPLICATION FOR HOME CARE SERVICES

1. NAME OF OPERATOR OR Partnership, Joint Venture, Corporation, etc.
2. PHONE NUMBER

3. COUNTY

4. CITY, STATE

5. ZIP CODE

6. TOTAL CAPACITY OF CARE

7. NAME OF FAMILY

8. W. 8. THIS IS THE NAME OF THE BEING APPLIED FOR
9. PAYEE OR BENEFITARY NAME AND ADDRESS
10. OPERATOR'S HOME ADDRESS

YOUR SIGNATURE BELOW WILL BE RECORDED AND IS A COMMITMENT TO THE STATE OF WISCONSIN THAT YOU WILL MAINTAIN THE QUALITY OF CARE AS STATED ON THIS APPLICATION.

Operator or Applicant
State

254.47

254.47 Recreational permits and fees.

254.47(1)

(1) Except as provided in ss. 250.041 and 254.115, the department (or a local health department granted agent status under s. 254.69 (2)) shall issue permits to and regulate campgrounds and camping resorts, recreational and educational camps and public swimming pools. No person or state or local government who has not been issued a permit under this section may conduct, maintain, manage or operate a campground and camping resort, recreational camp and educational camp or public swimming pool, as defined by departmental rule.

254.47(2)

(2) A separate permit is required for each campground, camping resort, recreational and educational camp and public swimming pool. No permit issued under this section is transferable from one premises to another or from one person, state or local government to another, except that the permit may be transferred from an individual to an immediate family member, as defined in s. 254.64 (4) (a), if the individual is transferring operation of the campground, camping resort, recreational and educational camp or public swimming pool to the immediate family member.

254.47(2m)

(2m) Except as provided in ss. 250.041 and 254.115, the initial issuance, renewal or continued validity of a permit issued under this section may be conditioned upon the requirement that the permittee correct a violation of this section, rules promulgated by the department under this section or ordinances adopted under s. 254.69 (2) (g), within a period of time that is specified. If the condition is not met within the specified period of time, the permit is void.

254.47(3)

(3) Anyone who violates this section or any rule of the department under this section shall be fined not less than \$25 nor more than \$250. Anyone who fails to comply with an order of the department shall forfeit \$10 for each day of noncompliance after the order is served upon or directed to him or her. The department may also, after a hearing under ch. 227, refuse to issue a permit under this section or suspend or revoke a permit under this section for violation of this section or any rule or order the department issues to implement this section.

254.47(4)

(4) Permits issued under this section expire on June 30, except that permits initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year. Except as provided in s. 254.69 (2) (d) and (e), the department shall promulgate rules that establish, for permits issued under this section, permit fees and late fees for untimely permit renewal.

254.47(5)

(5) No permit may be issued under this section until all applicable fees have been paid. If the payment is by check or other draft drawn upon an account containing insufficient funds, the permit applicant shall, within 15 days after receipt of notice from the department of the

insufficiency, pay by cashier's check or other certified draft, money order or cash the fees from the department, late fees and processing charges that are specified by rules promulgated by the department. If the permit applicant fails to pay all applicable fees, late fees and the processing charges within 15 days after the applicant receives notice of the insufficiency, the permit is void. In an appeal concerning voiding of a permit under this subsection, the burden is on the permit applicant to show that the entire applicable fees, late fees and processing charges have been paid. During any appeal process concerning payment dispute, operation of the establishment in question is deemed to be operation without a permit.

254.47 - ANNOT.

History: 1993 a. 16 ss. 2399 to 2401i; 1993 a. 27 ss. 182, 477; 1993 a. 183, 490; 1993 a. 491 s. 280; 1997 a. 191, 237.