STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
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ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☐ Original ☒ Updated ☐ Corrected

2. Administrative Rule Chapter, Title and Number
DHS 178 Campgrounds

3. Subject

The proposed rules update existing rules relating to safe drinking water; wastewater disposal; garbage disposal; fire prevention; and injury prevention to minimize the risk of death, illness, injury or disease of campers and the public at large that use private and publicly owned campgrounds.

In addition to updating existing rules, the proposed rules are organized to increase readability and interpretation through use of plain language and better and more defined terms. The updated language also make it clear that the regulatory authority for water safety and plumbing and construction standards for campground structures, including toilet and shower facilities, operator-provided camping units, and add-ons such as porches and decks, is the department of natural resources and the department of safety and professional services respectively.

4. Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget
☐ Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy ☒ Specific Businesses/Sectors
☒ Local Government Units ☐ Public Utility Rate Payers
☒ Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than $20 million?
☐ Yes ☒ No

9. Policy Problem Addressed by the Rule
The purpose of the proposed rules is to clarify and update existing rules to respond to the changes that have occurred in the campground industry over the 36 years since ch. DHS 178 was created in 1978. The differences between the existing rules and current developments and practices in the campground industry make it difficult for a campground (operator) and department and agent health inspectors to implement and comply with the existing rules.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.
The department formed an advisory committee to help develop the proposed rules. The committee included owners of small, medium, and large privately owned traditional and special event campgrounds; representatives of the Wisconsin Association of Campground Owners (WACO); staff from the departments of natural resources and safety and professional services; city and county agent health inspectors; and department

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health inspectors. The committee reviewed and commented on several iterations of proposed rules. Changes to the draft rules were made by the department as suggested by the committee.

The department also consulted with the Recreational Vehicle Industry Association (RVIA) and Recreational Park Trailer Industry Association (RPTIA) concerning the safety and design standards of recreational vehicles

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units requested participation in the development of the EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The department estimates that the proposed rule will affect businesses, but is anticipated to have little to no economic impact. See Attachment (A) regarding the costs expected to be incurred with the proposed rule.

When soliciting comments on the rule's economic impact, the department received one comment from WACO concerning DHS 178.13 (1), relating to minimum distance requirements between camping units.

WACO commented that these changes to the rule would negatively impact many, perhaps most operators, causing significant relocation or removal of personal property, and in many cases require costly restructuring of campsites to achieve compliance.

The department agrees that some campgrounds would be adversely impacted by the above provision. The department met with WACO on October 1, 2014, to discuss their comments and how the department could work with the association to resolve the potential adverse economic impact described above. The department and WACO were able reach resolution by amending the language with regard to existing seasonal sites with structural additions.

The department and WACO agreed that, moving forward, all newly created campsites will meet the proposed language and that existing campsites would remain as currently constructed provided there is a 10-foot separation distance from camping unit to camping unit. Campsites not currently meeting the existing rule will develop an action plan with the department to come into compliance.

The proposed language will alleviate the fiscal impact indicated in WACO's comments on the economic impact of the rule.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Both industry and regulatory personnel will have a plain language rule that is easy to understand and follow. This will result in a consistent application of the rule by regulatory agencies throughout the state ensuring public health and safety requirements are met. The rule will reflect current trends in the campground industry.

14. Long Range Implications of Implementing the Rule

See #13 above.

15. Compare With Approaches Being Used by Federal Government

There are no known federal requirements for campgrounds.

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

All neighboring states either use statutes or administrative rules to govern campgrounds. The following is a comparison of neighboring states rules:

Illinois:

[Title 77 Ill. Adm. Code 800 (July 24, 2013)]

Similarities: Illinois requires an emergency number to be posted; a 10 foot distance between a camping unit and an open fire; injury reporting, campground plan reviews, numbers of toilets based on number of campsites, handwash sinks where water carriage toilets are installed, requirements for campground equipment maintenance, garbage containers to be within 250 feet of a campsite, has language for camping cabins including sleeping room square footage, minimum ceiling height, windows, lighting, multiple exits and smoke alarms, and has similar rules for fish cleaning houses.

Differences: Illinois campground regulations do not require permits for special event campgrounds or soap and single use toweling for sinks. Illinois does require campgrounds to have a first aid kit, requires efforts to maintain the stability of garbage containers, and requires toilets in campground marinas.

Iowa:

Iowa regulations relating to campgrounds only apply to state owned and operated campgrounds. Iowa Administrative Code 571 governs these state park campgrounds.

Michigan:

[Mich. Adm. Code R. 325.1551-325.1599 (July 24, 2013)]

Similarities: Michigan requires approvals for changes to existing campsites; specifies a maximum density per acre and per campsite; specifies distance requirement between camping units; requires signage indicating the location of the emergency phone; specifies a toilet to campsite ratio; specifies a 20 feet width requirement for campsites; and requires that buildings meet applicable construction codes.

Differences: Michigan does not allow campgrounds to be located on completed landfills; requires campgrounds to have a designated campground manager; specifies a campsite to parking space ratio; requires backup toilets for sewered campsites; and does not have rules relating to campground rental units or fish or game cleaning stations.

Minnesota:

[Minn. R. Part 4630 (July 24, 2013)]

Similarities: Minnesota requires campground plan approvals; permits for special event campgrounds; a distance of 10 feet between camping units in traditional campgrounds and a distance of seven feet between camping units in special event campgrounds; a sanitary station; privy construction standards; specifies pest control measures for insects and rodents; specifies a distance of 400 feet of safe water to campsites; requires fire extinguishers and exits in camping cabins; has specifications for bunk bed construction; requires a guest registry. Minnesota rules also specify campsite density per acre requirements, includes a minimum campsite

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size requirement in special event campgrounds; specifies a toilet to gender ratios; requires that fire protection measures; specifies multi-use utensil washing procedures; and specifies distance requirements between campsites and animal housing structures.

Differences: The Minnesota code contains campsite setback requirements from highway right of way's and property lines, does not address campground rental units; requires showers in dependent campsites; specifies speed limit and speed limit signs, in campgrounds; requires signs indicating that pets may not run free, requires a minimum road frontage for special event campground sites, special event campgrounds are not allowed to contain poison ivy or other noxious weeds; requires a campground caretaker be present at traditional and special event campgrounds at all times; specifies a minimum slope requirement for land on which special event campgrounds are sited.

17. Contact Name	18. Contact Phone Number
James Kaplanek	608-261-8361

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

Campground Permits

When permits are required: To resolve agent budget and workload issues resulting from some campgrounds being physically located in multiple jurisdictions but paying a single permit and preinspection fee to only one jurisdiction, the department proposes that a separate permit be obtained for each campground whenever two or more campgrounds are located within a tract of land that is owned and operated by the same person and the central registration for each campground is separated by five or more miles. The proposed change would result in a cost increase to these operators.

The department estimates that less than five percent of campgrounds in the state would be impacted by this provision. This provision will primarily impact state owned campgrounds. Applicable fees are outlined in Table DHS 178.06.

Plan approvals: Under existing rules, operators must receive approval from the department or its agent for an operator's campground plans for a new or expanded campground before beginning construction or modification. The department maintains the approval requirement and proposes to codify the existing requirement that operators complete an application for plan approval to the department or its agent for approval. The application will be made available for operators free of charge on the department's website or by request and will provide information to the operator as to what information to include as part of the plan approval. The department proposes to continue to provide plan approvals free of charge to the operator.

Decisions on applications: The existing rules do not include a time period within which the department will review and make a decision on an application for a new or renewal permit as required under s. 227.116, Stats. The department proposes to issue a decision on an application within 30 days after the department receives an accurate and completed application and supporting documents and further proposes to provide appeal rights if an application is denied. The 30 day period for issuing a decision on an application is consistent with current practice and other department administrative codes, codifies current practice, and conforms the rules to s. 227.116, Stats. The department does not anticipate any costs to the department, local governmental units, or the private sector due to this rule provision.

Special event campground permits: As a matter of practice, the duration of a special event campground permit is limited to seven days. Existing rules require applicants for a permit for a special event campground to be submitted at least seven days before the permit.

Because many special event campground operators host several events throughout the summer, limiting the permit period to seven days may be burdensome by requiring the operator to obtain multiple permits resulting in multiple application and permit fees. To ease the potential burden on these operators, the department proposes to increase the permit period from seven days to 14 days. Increasing the special event permit duration would allow operators flexibility in their operations and may result in savings through fewer permit fees.

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The department also proposes to require an application to be submitted to the department at least 30 days before the event as opposed to current seven days. Because many special event campgrounds involve the gathering of large numbers of people, the department has experienced issues with carbon monoxide poisoning and death related to improper campsite placement. Seven days is an insufficient amount of time for the department to review the campground map, campsite locations and spacing, water supply requirements, waste water disposal, garbage disposal and make the necessary field visit prior to issuing a permit. Thirty days will allow the department sufficient time to review and make a decision on the application including time for working with operators on the special event campground design. Because in practice, special events are normally planned months in advance, no costs to the operator are anticipated. Applications are provided to operators without charge.

Rustic campsites: Currently, only campgrounds operated by the department of natural resources in state parks and forests may offer rustic campsites to the public for camping. Rustic campsites are isolated campsites, with few to no operator-provided campground attributes, which are generally only accessible by canoe, boat, horseback, walking or other non-motorized means. The proposed rules exempt rustic campsites from most of the requirements of traditional campgrounds to maintain the integrity of what rustic camping is. The existing rules make no provision for this type of camping and would require that the campground sites be located close to campground amenities. The proposed rule will allow operators to install rustic campsites. The department expects little cost to private sector operators or the department of natural resources given that there is little cost associated with this type of camping (no requirement to provide amenities). Specifically, proposed rules require a minimum of 400 feet between campsites, and a minimum 500 feet from a parking area, a road, non-rustic campsites, a tourist-rooming house or any other campground building. The proposed rules also open the door to private sector operators to offer rustic campsites to the public, where previously the option was not available to private sector operators.

General Administration

Recordkeeping; maintenance of records: Existing rules require the operator to maintain a campground register of guests, but do not require the operator to maintain other records. The department proposes to require operators to maintain on the premises, records of approved variances; campground plans and specifications; water testing reports; and the most current copy of ch. DHS 178. Maintaining these records on site will help an operator quickly provide an inspector with information they need to collect and verify during the course of an inspection. The department anticipates little cost with keeping these records electronically or in an office file.

Emergencies: Existing rules do not address emergencies in campgrounds. To assist campers who may need emergency services, the proposed rules require that the operator display durable signage providing directions to the nearest location where a telephone is available for emergency use. The costs for this requirement are expected to be negligible and limited to the cost of the material used (computer paper and frame, less than $10) for the number of signs needed. The number of signs posted is at the discretion of the operator.

Campsite occupancy: Under current practice, the department allows a camping unit to be located on the same campsite for up to four continuous months in a 12 month period. To provide operators with more flexibility in renting campsites to seasonal campers, the department proposes to allow camping units to be located on the

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same campsite for up to eight months in a 12 month period, so long as the camping unit is occupied by the same individual. Allowing campers to place and occupy camping units for up to eight months reflects current industry practice at seasonal campsites. This provision will also allow an operator to provide operator-provided camping units for use for up to eight months in a 12 month period. A campground by definition is for temporary overnight use, not for use as a full-time, permanent residence. This requirement helps operators by assuring that campers do not attempt to establish a full time residence in their campground.

General maintenance: The existing rules require that the campground be maintained in a clean, safe and sanitary condition and that operator-provided camping units be maintained in a clean and sanitary condition and in good repair. The proposed rules add language to maintain safety equipment such as smoke and carbon monoxide alarms.

Campground maps: Existing rules require that the operator mark each campsite on a map and make the map available to campers. The proposed rules maintain these requirements and require that campground maps include the layout and location of each operator-provided camping unit or tourist rooming house. The department expects little cost associated with adding the additional amenities to the existing campground map. An accurate campground map helps campers navigate the campground and helps emergency response personnel respond to emergencies more efficiently.

Campsite signage: Existing rules require that each campsite be designated by signage at the campsite. The existing rules do not specify size requirements. The department proposes to require that campsite signage use an alpha or numeric symbol, be at least two inches in height, and visible from the campground's internal road system. The proposed changes would first apply to existing campground signage or symbols when the signage is changed or replaced after the effective date of the rule. The cost to the operator will depend on the number of campsite designations that are being changed or replaced at a given time. Because campsite designation is an existing code requirement, the department expects little additional cost to an operator. Adding a requirement that the campsite designation be visible from the campground's internal road system will assist emergency personnel with efficient delivery of services.

Manufactured homes in a campground: The department of safety and professional services requires under ch. SPS 326 that campgrounds with more than two manufactured homes must have a manufactured home community license issued by the department of safety and professional services. Under the proposed rules, if a campground includes more than two manufactured homes, the operator must work with the department or its agent to formulate a corrective action plan for removal and subsequently remove all but two of the manufactured homes from the campground, unless the department of safety and professional services has issued the operator a license as a manufactured home community. The operator will incur a cost for this provision if the campground includes three or more manufactured homes, and the manufactured home community is not licensed as such by the department of safety and professional services. The department estimates that very few campgrounds will be impacted by this provision as many are already licensed as manufactured home communities or have already removed manufactured homes in excess of two. The cost of the manufactured home community license is determined by the department of safety and professional services.

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Sanitation and hygiene

Linens: Existing and proposed rules require that bed linens be washed after each occupancy. The proposed rules require that separate, nonabsorbent containers be used for handling clean and soiled linens to prevent the contamination of clean linens. The proposed rules would only impact operators that opt to offer linens for rent or bedding in operator-provided camping units. An online search of laundry container vendors reveals that containers range in cost from $5 to $50 per unit. The overall cost will depend on the amount of linens laundered and soiled, and occupancy rate, and rate of bedding rentals.

Mattress Covers: The public expects that rented camping units be maintained in a clean and sanitary condition. The proposed rules require that each mattress or sleeping surface be supplied with a washable mattress pad to help protect the mattress from the accumulation of soil, stains or debris and allow for proper cleaning. An online search of mattress pad vendors reveals that mattress pads range in cost from $12 to $30 per unit and will apply only to operators that rent operator-provided camping units. The actual cost to operators will depend on the number of mattresses.

Washing and sanitizing utensils: The proposed rule requires that if an operator-provided camping unit is supplied with multiuse food and beverage utensils, the operator shall equip the camping unit with, at minimum, a two-compartment sink with water under pressure. This rule first applies to an operator-provided camping unit that is remodeled or placed in the campground after the effective date of this rule. An online search of two-compartment sinks revealed a range of $59 to $99 per unit.

The proposed rule also requires that the operator wash and sanitize multiuse food and beverage utensils between occupancies or provide signage informing campers that utensils are provided as a convenience and that they have not been sanitized. The sign would provide campers with directions on how to properly sanitize the utensils. The department expects the cost to the operator to be the cost of the printer paper used to create the sign. The option to post a sign instead of sanitizing the utensils would save the operator time and staffing costs.

Toilet facilities: Existing rules do not require hand washing supplies in toilet facilities. The proposed rules require if a hand wash sink or portable hand wash sink is provided, operators must also provide soap, single use toweling or a hand drying device, and a waste receptacle in toilet facilities. Proper hand washing and hand drying is known to be an effective measure against the spread of disease. An online search reveals that soap dispensers range in cost from $6 to $15 per unit and that single use toweling dispensers range in cost from $8 to $30 per unit. An online search of hand drying devices shows a range from $150 to $300 per unit. An online search for waste receptacles reveals a range from $10 to $20 per unit. The actual cost to an operator will depend on the number of toilet room hand washing and drying facilities provided and the style of equipment purchased. The department expects that many campgrounds are already in compliance with this requirement.

Existing rules also require that a vault toilet be at least 75 feet from a campsite or building used for human occupancy. Under the proposed rules, the department decreased that distance to 15 feet. Operators may realize a potential benefit from this change as more campsites may be established.

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Existing rules require that backup toilets for each sex be provided in campsites designed and used **exclusively** by independent camping units, e.g., those with toilet facilities built in. The proposed rules eliminate this requirement at independent campsites that are connected to a private or municipal waste treatment system. Eliminating this requirement will be a cost reduction for operators because they will not have to supply and maintain the toilet facilities.

Fish and game cleaning stations: Existing rules require that, if provided in the campground, a fish and game cleaning station must be maintained in a sanitary condition and be insect and vermin proofed. The proposed rules maintain these requirements, and clarify that maintaining a sanitary condition means the surface used to clean or prepare fish and game must be smooth, easily cleanable, and nonabsorbent.

Petting zoos: The department proposes to create rules to require that a hand washing or a hand sanitizing station be placed near the building exit or enclosure housing the animals, if the campground includes a petting zoo. The hand sanitizing or hand washing station is necessary to prevent the spread of communicable diseases known to be associated with petting zoo animals, such as salmonella and E. coli. An online search of hand sanitizing dispensers reveals that the dispensers range in cost from $10 to $30 per unit and that hand wash stations range in cost from $225 to $500 per unit. The department expects this requirement to impact very few campgrounds as there are very few campgrounds with petting zoos.

The department also proposes rules requiring that the operator display durable signage encouraging patrons to wash their hands after contacting animals in the petting zoo. The costs for this requirement are expected to be negligible and limited to the cost of the material used (computer paper and frame, less than $10) for the number of signs needed. The number of signs posted is at the discretion of the operator.

Sewage and wastewater treatment and handling: The proposed rules would allow an operator to operate a failing POWTS if the operator has received approval of a plan for repair, remediation, or replacement of the POWTS from the department of safety and professional services and approval from the department on a plan for waste water removal and management. Consideration of such a plan would allow the operator to potentially stay open until the dispersal component repairs were performed. The proposed rules would also require that POWTS access covers remain locked or secured except for inspection, evaluation, maintenance or servicing purposes.

Existing rules require that a sanitary dump station be located 75 feet or more from a campsite and 50 feet or more from a permanent body of surface water. The proposed rules maintain the required distance from water, but reduce the distance required from a campsite to 15 feet. The proposed rules also require that a distance of five feet or more be provided around the sanitary dump station apron to prevent contamination from splash to areas used by the general public. Reducing the setback from 75 feet to 15 feet will allow the operator to potentially add campground sites.

The proposed rules clarify that RV transfer tanks and holding tanks must remain leak-proof as designed and maintained in good condition. Maintaining these tanks in a leak-proof condition will prevent campers from potentially being exposed to untreated, raw sewage.

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Injury and Disease Prevention

Shower rooms: The existing rules relating to showers only require that they be constructed in accordance with the department of safety and professional services requirements. Slips and falls continue to be a significant factor in injuries in shower areas. To reduce the risk of slip and fall injuries, existing department of safety and professional services construction rules require shower room floors to be slip resistant. The proposed rules maintain existing requirements and provided that shower room floors must remain slip-resistant as designed or be provided with nonabsorbent, easily cleanable matting that is maintained in a clean condition. An online search for slip resistant matting revealed that they range in cost from $1 to $20 per unit. The actual cost will depend on the number of shower rooms the operator provides. The department expects that most shower room floors are already made slip-resistant as required by the department of safety and professional services or are already provided with slip-resistant matting.

Carbon monoxide alarms: Existing rules do not include provisions relating to carbon monoxide alarms. The proposed rules require that operator-provided camping units that have a fuel-burning appliance such as a water heater, fire place, stove or furnace be equipped with a carbon monoxide alarm. Construction standards including NFPA 1192 and SPS 320-325, for camping units, including camping cabins, yurts and recreational vehicles already require the installation of a carbon monoxide alarm where fuel burning appliances are provided. Dangerous levels of carbon monoxide cause injuries and deaths. The department expects that few camping units will be impacted by this requirement as many are not provided with fuel burning appliances and that the cost of the provision will depend on the number of camping units that have fuel burning appliances. For any camping units without a carbon monoxide alarm, an online search of alarm vendors reveals that carbon monoxide alarms range in cost from $18 to $40 per unit. Current NFPA 1192 standards require that one carbon monoxide alarm be provided per unit.

Fish, game, and other animals; campsite proximity: The existing rules do not provide direction on siting campsites in proximity to fish and game cleaning stations or enclosures housing animals. In an effort to help reduce the exposure of campers to vector borne disease found around structures housing animals, the department proposes that campsites be located at least 100 feet from a barn or enclosure housing an animal, a petting zoo, or other source of odors or flies, and 75 feet from a fish and game cleaning station. Proposed rules on siting a campsite from a fish and game cleaning station first applies to a fish and game cleaning station that is new or replaced after the effective date of the rule. Proposed rules on locating a campsite from a barn or enclosure housing an animal, petting zoo, other source of odors or flies first applies to campsites built after the effective date of this rule. Very few campgrounds currently have animal enclosures.

Insect and rodent control. The existing rule requires that campgrounds be maintained in a clean, safe and sanitary condition at all times including proper pest control. Many options exist for pest control methods, and this, coupled with a wide array of potential pests, makes it difficult to estimate the actual operator cost. Many existing operators already utilize some type of pest control method in their weekly or monthly maintenance plans for their campground. Proposed rules require that an operator take measures to minimize the presence of rodents and insects, including bed bugs, in operator-provided camping units and other buildings on the campgrounds. The actual cost will depend on the number of operator-provided camping units and buildings in the campground. The requirement that operators must maintain operator- provided camping units in good

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repair and in a clean and sanitary condition will help to limit the presence of rodents and pests in these structures, and hold down costs for insect and pest control.

Play equipment: Existing rules do not include provisions on play equipment. The department proposes to create rules to require that any play equipment in the campground be free of hazards, installed according to manufacturer's instructions, and be maintained in good repair. The proposed rules should not result in an increase in costs for the operator unless the requirement is not met and will only apply to campgrounds with play equipment.

Bunk beds: Existing rules do not include provisions on bunk beds, but federal regulations require that bunk beds constructed after June 19, 2001, be constructed in accordance with 16 CFR 1513 to reduce the number of injuries and deaths from improperly designed and constructed bunk beds. The department proposes separation and mattress requirements, and that the bunk beds be constructed in accordance with the requisite federal regulations. Few campgrounds will be impacted by this provision. The department expects few bunk beds would have to be replaced. Existing bunk beds may need to be modified to include a guard rail or similar safety device. For any existing bunk beds that are not equipped with top bunk guard rails, an online search for rail materials revealed a cost range of $3 to $6 per rail (2 may be needed) and $3 to $5 for mounting hardware(wood screws).

Recreational vehicle standards: The proposed rules require that privately owned and owner- provided recreational vehicles in seasonal campsites bear a label, symbol or other identifying mark labeled by a nationally recognized testing laboratory, inspection agency, or other organization that evaluates products to nationally recognized standards NFPA 1192 and ANSI 119.5. These standards are minimum safety standards for electrical safety, fire safety, smoke and carbon monoxide alarms, combustion air requirements and exiting requirements for recreational vehicles. The proposed rules further require that the operator remove from the campground any recreational vehicle that does not meet the standards.

Recreational vehicles in the campground on or before the effective date of the proposed rules may remain in a campground until the owner vacates or sells the recreational vehicle. This requirement may only be a cost to an operator when a camper abandons their camping unit in the campground. This cost may be mitigated by the ability of the operator to sell the camping unit for salvage.

Wheels and Hitches of Recreational Vehicles: This proposed rule provision incorporates a previous policy that allows the wheels and the hitch to be removed from an RV. By removing the wheels and hitch, an operator or camper is able to better stabilize the RV and lightly skirt the RV.

Camping units; attachments and additions: Under existing rules, additions and attachments such as decks and screened porches to camping units are prohibited. The department proposes to allow additions and attachments, including decks and screened porches, to camping units if the addition or attachment meets the applicable construction standards established by the department of safety and professional services. The proposed rules are in response to the camping industry trend for additions or attachments to camping units for both privately-owned camping units in seasonal campsites, and owner-provided camping unit rentals. The proposed rules change is not expected to result in any costs to the operator.

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Fire Prevention and Safety

Smoke alarms: The proposed rules require that at least one smoke alarm be provided in each operator-provided camping unit. Because of existing requirements listed in SPS 323, NFPA 1192 and ANSI 119.5, camping units are already required to have smoke alarms. The department anticipates that few operators will be impacted by this requirement. An online search of smoke alarm vendors reveals that smoke alarms range in cost from $11 to $30 per unit.

Camping unit and campsite separation: The existing rules require that campsites be separated by at least 10 feet. To help prevent the possible spread of fire from camping unit to camping unit, the proposed rules eliminate that requirement and instead requires that camping units be separated by at least 10 feet and makes clear how the 10 foot separation is to be measured. Campsites existing before the effective date of the rule may remain as currently constructed provided there is a 10 foot separation distance from camping unit to camping unit. Campsites not in compliance with the existing rule must develop an action plan to come into compliance. Newly constructed campsites must require a minimum distance of 10 feet between camping units measured from the outside edge of one camping unit to the outside edge of another camping unit, excluding slideouts. Any accessory within 10 feet of a camping unit such as, but not limited to, a deck or storage shed must be considered part of the camping unit for the purposes of determining distance separation.

Overcrowding of camping units in special event campgrounds can result in the rapid spread of fire between camping units and can slow fire departments when they are attempting to respond to a fire. Additionally, the increased use of portable generators in crowded campgrounds has caused carbon monoxide poisonings and death. To reduce fire safety and carbon monoxide concerns at special event campgrounds, the department proposes that campsites in special event campgrounds be at least 800 square feet in area.

These proposed rules may benefit operators who are able to rent additional campsites given the above provisions for square footage, number of camping units per site and number of campers per campsite.

Campfires: To help reduce the potential spread of fire in a campground, the proposed rules require that campfires be contained in a campfire ring located at least five feet from camping units, building structures, and motor vehicles. Many existing campsites already meet this five foot setback provision. The department expects little cost associated with this provision. A campsite existing before the effective date of the rule is exempt from this requirement.

Water Supply

Water supply; water systems and services connections: Existing rules include prescriptive provisions on private wells and water supply systems, including requiring operators to reconstruct an existing well or construct a new well whenever bacteriologically safe water cannot be obtained consistently from a well. Existing rules further require that the use of the well be discontinued if a new or reconstructed well is impractical or determined not to be effective. Because well construction and drinking water are regulated by the department of natural resources, the department proposes to remove these prescriptive and possibly duplicative requirements from ch. DHS 178 and simply require operators to discontinue use of the water

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system supplying the campground, whether public or private, whenever potable water does not meet the bacteriologically safe drinking water standards in ch. NR 809.

The proposed rules are more plainly written, making it easier for operators to comply with the safe water supply provisions and may decrease costs for campground operators by reducing prescriptive and possibly duplicative rule provisions, and by saving time on interpreting regulations or for costs for professional services.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

The department formed an advisory committee to help develop the proposed rules. The committee included owners of small, medium, and large privately owned traditional and special event campgrounds; representatives of the Wisconsin Association of Campground Owners (WACO); staff from the departments of natural resources and safety and professional services; city and county agent health inspectors; and department health inspectors. The committee reviewed and commented on several iterations of proposed rules. Changes to the draft rules were made by the department as suggested by the committee.

The department also consulted with the Recreational Vehicle Industry Association (RVIA) and Recreational Park Trailer Industry Association (RPTIA) concerning the safety and design standards of recreational vehicles.

The department utilized national retail stores to determine equipment costs for necessary component such as smoke alarms, mattress pads, sinks and CO alarms.

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

☒ Less Stringent Compliance or Reporting Requirements
☒ Less Stringent Schedules or Deadlines for Compliance or Reporting
☒ Consolidation or Simplification of Reporting Requirements
☒ Establishment of performance standards in lieu of Design or Operational Standards
☒ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

The proposed rules will affect small businesses, but are anticipated to have little to no economic impact on small business. The proposed rules contain the minimum safety requirements (safe water, availability of toilets, proper waste water disposal, proper disposal of garbage and refuse, fire safety and structural safety) for operating a campground. The department considered the methods under s. 227.114 (2), Stats., for reducing the rule's impact on small businesses but, except as provided below is unable to lessen or exempt small businesses from the requirements of the proposed rules because the campgrounds regardless of size, serves the same camping public who are subjected to the same public, health, or safety issues.

Additionally, the proposed rules include the option to seek a variance to a rule. The option is available to all operators and allows all businesses, including small businesses, the flexibility to be innovative in terms of

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method, practice, material, equipment or design in meeting the requirements for public health, safety, and welfare.

5. Describe the Rule's Enforcement Provisions

The existing enforcement provisions in ch. DHS 178 have been retained in the proposed repeal and recreation of the rule, with no change. The enforcement provisions are as follows:

DHS 178.07 Enforcement. (1) INSPECTIONS AND ACCESS TO THE PREMISES. (a) *Inspections.* Under ss. 254.69 (2) and 254.85 (1), Stats., an authorized employee or agent of the department, upon presenting proper identification, may enter any campground at any reasonable time, for any of the following purposes:

1. To inspect the campground.

2**.** To determine if there has been a violation of this chapter or s. 254.47, Stats.

1. To determine compliance with previously written orders to correct violations.

4. To secure samples or specimens.

5. To examine and copy relevant documents and records related to the operation of the campground.

6. To obtain photographic or other evidence needed to enforce this chapter.

(b) *Reinspections.* 1. The department or its agent may reinspect a campground whenever an inspection or the investigation of a complaint reveals the existence of a violation that is potentially hazardous to the health and welfare of patrons or employees of the campground.

2. A reinspection shall be scheduled to allow the operator a reasonably sufficient time to correct the deficiencies.

3. A reinspection fee shall be charged for the reinspection based on Table DHS 178.06 or applicable charges determined by an agent of the department.

4. If an additional reinspection is required because a violation has not been corrected in the scheduled time, the department shall assess a second or subsequent reinspection fee based on Table DHS 178.06 as authorized under s. DHS 178.06 (2) (d), and the department may order the operator to show just cause why the permit should not be suspended or revoked under s. DHS 178.08.

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(2) GENERAL ORDERS TO CORRECT VIOLATIONS. (a) *Written orders.* If upon inspection of a campground, the department or agent finds that the campground is not designed, constructed, equipped or operated as required under this chapter, the department or agent shall issue a written order to correct the violation. The order shall specify the correction needed for compliance and the time period within which the correction should be made. The time period specified in the order may be extended at the discretion of the department or agent as specified in par. (c).

(b) *Failure to correct a violation.* 1. If a violation is not corrected by the expiration of the time period stated in the order given under par. (a), or any extension of time granted under par. (c), the department or agent may issue an order under s. DHS 178.08 to suspend or revoke the permit to operate the campground. An order for suspension or revocation shall take effect as provided under s. DHS 178.08.

2. Under s. 254.47 (3), Stats., any person 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. A person may appeal a forfeiture under s. DHS 178.09.

(c) *Requests for an extension to correct a violation.* 1. The department or its agent may extend the time to correct a violation based on a determination of the seriousness of the violation, the operator's progress towards correcting the violation, and the operator's previous history of compliance.

2. To request an extension to correct a violation, the operator shall submit a written request to the department or agent before the time specified in the written order to correct the violation. The operator shall provide information that demonstrates to the department or its agent that corrective action has been initiated, but additional time is needed to fully correct the violation.

(3) TEMPORARY ORDERS. (a) *Conditions for a temporary order.* As provided in s. 254.85 (2) (a), Stats., whenever, as a result of an inspection under sub. (1), the department or its agent has reasonable cause to believe that an immediate danger to health or safety exists, the department or its agent may issue a temporary order without advance notice or hearing to do any of the following:

1. Prohibit the continued operation or method of operation of specific equipment.

2. Require that the premises or affected areas within the premises to cease operations and close until remedies are applied that eliminate the immediate danger to health or safety.

(b) *Duration of a temporary order; actions prohibited.* 1. A temporary order shall take effect upon delivery of the order to the operator or responsible supervisor. Except as provided in par. (c), the temporary order shall remain in effect for 14 days from the date of its delivery, but a temporary order may be reissued for one additional 14-day period if necessary to complete any analysis or examination of samples, specimens, or other evidence.

2. No operation or method of operation prohibited by the temporary order may be resumed without the approval of the department or agent until the order has terminated or the time period specified in subd. 1. has

expired, whichever occurs first, unless as provided under par. (c), the department or its agent provides notice that an immediate danger to health or safety is present. If upon completed analysis or examination, the department or agent determines that construction, sanitary condition, operation or method of operation of the premises or equipment does not constitute an immediate danger to health or safety, the department or agent shall immediately notify the owner, operator or responsible supervisor in writing and the temporary order shall terminate upon receipt of the written notice.

(c) *Notice of findings upon analysis or examination.* If the analysis or examination under sub. (1), shows that the construction, sanitary condition, operation or method of operation of the premises or equipment constitutes an immediate danger to health or safety, the department or agent, within the effective period of the temporary order specified in par. (b) 1., shall provide written notice of the findings to the owner, operator or responsible supervisor. Upon receipt of the notice, the temporary order remains in effect until a final decision is issued under s. DHS 178.09. The notice shall include a statement that the facility has a right to request a hearing under s. DHS 178.09 within 15 days after issuance of the notice.

(d) *Failure to comply with temporary order; forfeitures and penalties.* Any person who fails to comply with a temporary order issued by the department shall forfeit $10 for each day of noncompliance after the order is served upon or directed to him or her and, under s. 254.85 (5) (a), Stats., may be fined not more than $10,000 or imprisoned not more than one year in the county jail, or both. A person may appeal a forfeiture under s. DHS 178.09.

(4) ACTION PLANS. (a) When required by the department, its agent, or this chapter, the operator and the department or its agent shall develop, on a form provided by the department, an action plan for compliance. The action plan shall include all of the following:

1. A description of the violation and code citation.

2. The steps the operator will take to correct the violation.

3. The date compliance will be achieved.

(b) The department or its agent shall void the campground permit under s. DHS 178.05 (5) (b), if the operator continues to be out of compliance or fails to meet the objectives outlined in the action plan past the date provided in the action plan.

DHS 178.08 Suspension or revocation of permit. The department may, after a hearing under s. DHS 178.09, suspend or revoke a permit for violation of s. 254.47, Stats., this chapter or an order issued by the department. The suspension or revocation order shall take effect 15 days after the date of issuance unless a hearing is requested under s. DHS 178.09 (1).

DHS 178.09 Appeals of actions by the department. (1) (a) Except as provided in sub. (2) or (3), a request for a hearing to contest the denial of a permit, a voided permit, suspension, revocation, forfeiture, or the issuance of an order under s. DHS 178.07 (2) shall be submitted in writing to, and be received by, the

department of administration's division of hearings and appeals within 15 calendar days after the date of the department's action.

(b) A request for hearing that is mailed to the division of hearings and appeals shall be considered filed with the division on the date of the postmark.

(c) A request for hearing that is hand-delivered to the division of hearings and appeals shall be considered filed on the date the request is received by the division of hearings and appeals.

(d) A request for hearing transmitted by facsimile to the division of hearings and appeals shall be considered filed on the date and time imprinted by the division's facsimile machine on the transaction report that accompanies the document. Documents received by facsimile after midnight local time shall be deemed filed on the first following business day.

Note: A request for hearing can be submitted by mail or hand-delivered to the Division of Hearings and Appeals, at 5005 University Ave., Room 201, Madison, WI 53705-5400, or faxed to the Division at (608) 264-9885.

(e) As a condition for requesting a hearing to appeal the voiding of a permit, an applicant or operator shall comply with sub. (3). In an appeal concerning voiding a permit, the burden is on the applicant or operator to show that all the applicable fees, late fees and processing charges have been paid.

(2) A request for hearing to contest a temporary order given by the department under s. DHS 178.07 (3) shall be made in writing to the department within 15 days of receipt of the order. The department shall hold a hearing within 15 days after the department receives the written request for hearing, unless the department and the operator agree to a later date, the immediate danger to health is removed, the order is not contested or the operator and the department mutually agree that no purpose would be served by a hearing. A final decision shall be issued under s. 227.47, Stats., within 10 days following the conclusion of the hearing. The decision may order any of the following to remove the danger to health:

(a) Changes to or replacement of equipment or construction.

(b) Changes in or cessations of any operation or method of operation of the equipment or premises.

Note: A request for a hearing under sub. (2) may be submitted by mail or hand-delivered to the Department of Health Services, at 1 W. Wilson St., Room 650, P.O. Box 7850, Madison, WI, 53707-7850, or faxed to the Department at (608) 266-7882. The hearing may be conducted by the department secretary, the secretary's designee, or a hearing examiner under s. 227.43 (1) (bu), Stats.

(3) If the department voids a permit for failure to pay fees under s. DHS 178.05 (6), the operator shall submit, within 15 days after receipt of the notice of the department's action, documentary evidence that all applicable fees, late fees and processing charges have been paid and that there are no outstanding payments due to the department.

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DHS 178.10 Appeals of actions by agent health departments. If an agent issues a permit under this chapter, the operator shall appeal enforcement action to the agent health department.

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)
☐ Yes ☒ No