

CR 91-100

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Gerald Whitburn, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to campgrounds were duly approved and adopted by this Department on July 13, 1992.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 13th day of July, 1992.



Gerald Whitburn, Secretary
Department of Health and Social Services

SEAL:

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ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING AND RECREATING RULES

To repeal and recreate HSS 178, relating to campgrounds.

Analysis Prepared by the Department of Health and Social Services

This order repeals and recreates ch. HSS 178, the Department's rules for campgrounds to update and clarify particular provisions; add to the definition of campground as land for temporary overnight use by recreational units the limitation that it is for use of 4 or more recreational units except when land for use by one to 3 recreational units is represented as being a campground, because of the impracticality of regulating most use by one to 3 recreational units; eliminate requirements that are no longer considered important for protecting the public's health and safety, such as those for showers at service buildings and concerning the width of campground roads; eliminate the distinction between primitive and developed campgrounds; increase the minimum number of required toilet fixtures in relation to the number of camp sites; and add rules concerning rental of recreational units and lesser standards for temporary campgrounds associated with special events such as county fairs and festivals that run a maximum of 7 nights.

There are more than 1100 campgrounds in Wisconsin. No one may operate a campground for public use without being issued a permit by the Department or a city or county acting as agent of the Department. The permit is evidence that the campground complies with this chapter. A permit will not be issued to the operator of a new campground or the new operator of an existing campground without a prior inspection by the Department or its agent city or county to make sure the campground complies with this chapter.

The requirements in this chapter cover the location and physical layout of a campground, water supply, sewage disposal, toilets, sanitary stations for recreational vehicles, garbage and refuse storage and disposal, and maintenance of the campground in a clean and safe condition.

The Department's authority to adopt these rules is found in s. 140.05 (3), Stats. The rules interpret s. 140.05 (1) and (17), Stats.

SECTION 1. HSS 178 is repealed and recreated to read:

CHAPTER HSS 178

CAMPGROUNDS

	<u>Page</u>
HSS 178.01 Authority and Purpose	1
HSS 178.02 Scope	1
HSS 178.03 Definitions	1
HSS 178.04 Plan Approval	3
HSS 178.05 Permit	4
HSS 178.06 Physical Layout	4
HSS 178.07 Water Supply	5
HSS 178.08 Sewage Disposal System	7
HSS 178.09 Toilets	8
HSS 178.10 Sanitary Station	10
HSS 178.11 Toilet or Shower Building	10
HSS 178.12 Garbage and Refuse	11
HSS 178.13 Fire Protection	11
HSS 178.14 Rental	12
HSS 178.15 Management	12
HSS 178.16 Special Event Campgrounds	13
HSS 178.17 Enforcement	13

CHAPTER HSS 178

CAMPGROUNDS

HSS 178.01 AUTHORITY AND PURPOSE. This chapter is promulgated under the authority of s. 140.05 (1), (3) and (17), Stats., to regulate the maintenance and operation of campgrounds in order to protect the health and safety of the public.

HSS 178.02 SCOPE. (1) APPLICABILITY. This chapter applies to the operator of any campground, except that only ss. HSS 178.12 (1) through (5), 178.16 and 178.17 apply to special event campgrounds.

(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:

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

HSS 178.03 DEFINITIONS. In this chapter:

(1) "Agent" means the city, county or village designated by the department under s. 50.535 (2), Stats., and ch. HSS 192 to issue permits to and make investigations or inspections of campgrounds.

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

(3) "Campground" means any parcel or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the parcel or tract of land is represented as a campground.

(4) "Camping unit" means any portable device, no more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent.

(5) "Department" means the Wisconsin department of health and social services.

(6) "Dependent camping unit" means a camping unit without a toilet and which therefore depends on campground toilets.

(7) "Group campsite" means a piece of land within the campground for overnight camping use by more than 6 campers.

(8) "Independent camping unit" means a camping unit which contains, at a minimum, a water storage facility and a toilet facility which discharges to a liquid waste holding tank that is an integral part of the unit or to a sewage disposal system.

(9) "Individual campsite" means a piece of land within a campground for overnight camping use by not more than 6 campers unless all are members of an individual family.

(10) "Individual family" means the principal campsite occupant and persons related to that person as spouse, child, parent, grandparent, sibling or grandchild, or the spouse's child, parent, grandparent, sibling or grandchild.

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

(12) "Permanent structure" means a structure resting on its own foundation and not intended to be part of the camping unit as it is in transit.

(13) "Person" means, for purposes of issuing a permit, an individual, partnership, association, firm, company, corporation, municipality, county, town or state agency, whether tenant, owner, lessee or licensee, or the agent, heir or assignee of any of these.

(14) "Sanitary station" means a facility connected to approved sewerage, and designed for receiving liquid and water-carried waste from camping unit holding tanks.

(15) "Shelter unit" means a structure located on an individual or group campsite which is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities.

(16) "Special event" means a single event such as a fair, rally or festival involving the gathering of camping units for a maximum of 7 consecutive nights.

(17) "Temporary dwelling" means a dwelling occupied no more than 4 continuous months in a 12 month period.

(18) "Vault toilet" means a structure not connected to a water supply system, which is used by persons for the deposit of human body wastes.

HSS 178.04 PLAN APPROVAL. The operator shall submit plans and specifications for a new or expanded campground to the department for examination and approval before beginning construction or modification. No change in plans or specifications which involves any provision of this chapter may be made unless the change is approved and dated by the department.

Note: Operators should consult the Department of Industry, Labor and Human Relations (DILHR) as well as local building and zoning regulations before commencing construction or modification.

HSS 178.05 PERMIT. (1) APPLICATION. Before opening a campground for public use, the operator shall obtain a permit from the department or its agent by application made on a form furnished by the department or its agent.

Note: To obtain a copy of the application form for a permit to operate a campground or to determine which agent to contact for an application form, write: Bureau of Environmental Health, P. O. Box 309, Madison, Wisconsin 53701.

(2) 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 campground or to the new operator of an existing campground without prior inspection of the campground by the department or its agent to ensure that the campground complies with this chapter.

HSS 178.06 PHYSICAL LAYOUT. (1) SITE DESIGNATION. Each designated campsite shall be clearly marked and numbered on a sign at each site, except at special event campgrounds, and on a map available to all campground occupants. There shall be a minimum separation of 10 feet between campsites.

(2) ATTACHMENT PROHIBITED. A camping unit may not be placed or attached onto a permanent foundation or a permanent structure at the campsite, except that attachment to an approved sewage disposal system or to an approved water supply system is permitted.

(3) LOCATION. Camping units may be located only in an area of a campground which is not subject to the accumulation of storm water or other surface water.

Note: The location of campsites and facilities 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 Department of Natural Resources.

(4) DENSITY. Density of campers and campsites may not exceed:

(a) For an individual campsite, 6 campers or an individual family;

(b) No more than 20 individual campsites per acre; and

(c) No more than 80 campers per acre in group campsites.

(5) ROADWAYS. Where internal roads are provided, they shall be graded and maintained to provide drainage and control dust.

(6) ACCESS. Access to a campground shall be designed to minimize congestion and hazards at the entrance and exit.

(7) MULTIPLE UNIT SITES. An individual campsite may be occupied by more than one camping unit provided that the site is large enough to contain the additional unit or units with a separation of at least 10 feet between units and provided that the total number of occupants at the multiple unit campsite does not exceed 6 campers unless they are members of an individual family.

HSS 178.07 WATER SUPPLY. (1) REQUIREMENTS. (a) Outlets. For campgrounds the plans and specifications for which are approved under s. HSS 178.04 on or after the effective date of this chapter [revisor to insert effective date], an outlet supplying water which is under pressure and which is safe for human consumption shall be located not more than 400 feet from any individual campsite and not within 50 feet of a sanitary station. Water which is safe for human consumption shall be available for users of group campsites.

(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 112, 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 109. Prior to the start of the season, or annually for a year-around

campground, the operator shall submit a water sample taken from the plumbing distribution system to a laboratory certified under ch. HSS 165 for bacteriological analysis, and a copy of the report giving the results of the analysis shall be made available to the department or its agent upon request. A campground served by more than one well shall submit a sample from each well annually. Whenever bacteriologically safe water cannot be obtained consistently from a well constructed in apparent compliance with ch. NR 112, as evidenced by laboratory reports, the well shall be reconstructed or a new well constructed in accordance with the requirements of ch. NR 112. 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.

Note: Bottles for 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 certified laboratory is acceptable to satisfy the requirement.

(2) INDIVIDUAL WATER CONNECTIONS. Plans for any water distribution system shall be approved by the department of industry, labor and human relations or its designated agent. If facilities for individual water service connections for camping units are provided, the following standards shall apply:

(a) Water riser pipes shall extend at least 18 inches above ground elevation with the outlet directed downward;

(b) Adequate provision shall be made to prevent freezing of service lines, valves or riser pipes;

(c) Stop and waste-type control valves may not be installed underground, as stated in s. ILHR 82.40 (8)(e) 2.;

(d) Approved devices to prevent backflow shall be provided on all outlets; and

(e) All plumbing shall comply with the sections of chs. ILHR 82 and 84 that apply to campgrounds.

HSS 178.08 SEWAGE DISPOSAL SYSTEM. (1) GENERAL. If a campground requires a sewage system and a public sewer facility is available to the campground, connection and use are required.

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

(2) 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 campground. The system shall be located, designed, constructed and operated in accordance with chs. ILHR 82, 83 and 84.

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. 144.245 (4), Stats.

(c) A plan and installation details for the design and construction, alteration or extension of a private sewage disposal system shall be submitted to the department of industry, labor and human relations or its designated agent for approval before construction or the work of altering or extending the private sewage disposal system is begun.

Note: Local jurisdictions may require additional approvals.

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

(e) Sewage, which includes all liquid and water-carried wastes from sinks, bathing and toilet facilities, may not discharge onto the ground surface.

(f) Containers installed outside of a camping unit and used to receive the discharge from its toilet, shower, bathing and sink facilities may be accepted by the department if approved by the department of industry, labor and human relations. Containers shall be emptied as often as necessary so as not to create a nuisance. Wastewater shall be disposed of in a manner approved by the department.

HSS 178.09 TOILETS. (1) TYPE AND LOCATION. (a) Separate toilet rooms shall be provided for each sex and shall be available at all times while the campground is occupied by dependent camping units. Vault toilets or other approved outdoor toilet units are permitted. Vault toilets shall be constructed in accordance with the outdoor toilet requirements in ss. ILHR 52.63 and 83 and shall be maintained in good repair. All toilet rooms shall be fly-tight, vermin-proof and constructed with impervious floors, seat risers and seats. Doors shall have self-closing devices.

(b) No vault toilet may be located within 75 feet of an individual campsite or a building used for human occupancy.

(c) Each toilet shall be enclosed in a separate compartment equipped with a privacy lock.

(2) TOILETS FOR PEOPLE WITH PHYSICAL DISABILITIES. The construction of toilets, toilet rooms and toilet buildings, and their accessibility, shall comply with s. ILHR 52.04.

(3) WALKWAYS TO TOILET BUILDINGS. Walkways to toilet buildings shall be provided and shall have a prepared slip-resistant surface to allow safe and clean access under all weather conditions.

(4) DISTANCE TO TOILETS. A toilet for each sex shall be located within 400 feet from each individual or group campsite on which a dependent camping unit is located.

(5) NUMBER. (a) Individual campsites. 1. For campgrounds the plans and specifications for which are approved under s. HSS 178.04 on or after the effective date of this chapter [revisor to insert effective date], the number of toilet fixtures for individual campsites shall be determined by the total number of sites, excluding sites intended solely for use by independent camping units, using table 178.09. If a campground has more than 100 sites, one additional toilet for each sex shall be provided for every additional 75 sites or fraction thereof except that urinals may be substituted for up to 50% of the calculated number of toilets required for males.

Table 178.09

MINIMUM NUMBER OF TOILET FIXTURES REQUIRED AT A CAMPGROUND

NUMBER OF SITES	TOILETS/URINALS		
	For Women <u>Toilets</u>	For Men <u>Toilets</u>	<u>Urinals</u>
1 to 15	2	1	1
16 to 30	3	2	1
31 to 45	4	2	2
46 to 60	5	3	2
61 to 100	6	3	3

2. Campgrounds with plans and specifications approved by the department before the effective date of this chapter [revisor to insert effective date] shall have the number of toilet fixtures required by the rules in effect when the plans and specifications were approved.

(b) Group campsites. The number of toilet fixtures for group campsites shall be one toilet for each sex for every 30 campers or fraction thereof. Urinals may be substituted for up to 50% of the number of toilets required for males.

(c) Independent camping unit campground. Where a campground is designed for and exclusively limited to use by independent camping units, the campground shall provide a backup toilet for each sex for every 100 sites or fraction thereof, which shall be available at all times that the campground is occupied.

HSS 178.10 SANITARY STATION. (1) All campgrounds accommodating independent camping units on unsewered sites shall provide a sanitary station in the ratio of 1 for every 300 sites or fraction thereof unless the operator submits a plan to the department and obtains an approval for an alternate method for disposal of liquid wastes.

(2) The sanitary station shall consist of at least a trapped 4 inch sewer riser pipe connected to the campground sanitary sewer system, surrounded at the inlet end by a concrete apron sloped to the drain, and with a suitable hinged cover provided for the riser. A water outlet shall be included to permit sanitary maintenance of the station. The water outlet shall be marked: "THIS WATER FOR FLUSHING AND CLEANING - NOT FOR DRINKING OR DOMESTIC PURPOSES". The water outlet hose shall be mounted on a reel or tower to ensure that the nozzle does not touch the ground when not in use. The water outlet shall be provided with an approved device to prevent backflow.

(3) A sanitary station may not be located within 50 feet of a permanent body of surface water nor within 75 feet of a designated campsite.

HSS 178.11 TOILET OR SHOWER BUILDING. If a building housing toilets, handwashing facilities and showers or only toilets or showers is provided at a campground, it shall be constructed in compliance with chs. ILHR 50 to 64. The sewage system serving the building shall be constructed and maintained in compliance with ch. 145, Stats. and chs. ILHR 82, 83 and 84.

HSS 178.12 GARBAGE AND REFUSE. (1) GENERAL. Campground garbage and refuse shall be stored in covered containers which are durable, easily cleanable, and insect, rodent and water resistant. Outside storage of plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited. Containers for garbage and refuse shall be located within 400 feet of each campsite except that the department may approve a centrally located garbage/refuse handling system.

(2) CONTAINER NUMBERS. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.

(3) CONTAINER MAINTENANCE. Garbage and refuse containers shall be emptied as often as necessary to prevent the development of odor, the attraction of insects and rodents and overflow. Containers shall be cleaned as necessary to maintain sanitary conditions.

(4) INCINERATION. Where garbage or refuse is burned on the premises, the burning shall be done by controlled incineration that prevents the escape of particulate matter in accordance with chs. NR 415 and 445, except that incidental burning of combustibles may be done at campsite fireplaces. Areas around incinerator facilities shall be clean and orderly.

(5) SOLID WASTE. Solid waste disposal sites in the campground shall be in compliance with ch. NR 502.

(6) FISH AND GAME CLEANING STATION. When provided, a fish and game cleaning station shall be reasonably fly-tight and vermin-proof and maintained in a sanitary manner.

HSS 178.13 FIRE PROTECTION. Campgrounds shall be kept free of camper generated litter, rubbish and other flammable materials. At least one maintained fire extinguisher shall be available in the campground office or other building within the campground.

HSS 178.14 RENTAL. (1) GENERAL. When a campground operator rents a camping unit or shelter unit, the interior of the unit shall be in a clean and sanitary condition and in good repair.

(2) FURNISHINGS. (a) All furnishings and appliances in a rented camping unit shall be cleaned between occupancies and maintained in a good state of repair. Whenever multi-use food and beverage utensils are provided, they shall be washed and sanitized between occupancies. At a minimum, the sanitizing process shall include the use of a 100 part per million hypochlorite solution.

Note: Bleach is a commonly used sanitizer. One-half ounce of bleach at a 5.25% concentration of sodium hypochlorite mixed with two gallons of water yields a 100 ppm solution.

(b) Rented sleeping paraphernalia such as sleeping bags and bed linens shall be laundered or dry cleaned between rentals.

HSS 178.15 MANAGEMENT. (1) GENERAL. The campground operator shall maintain the campground and related facilities in a clean, safe and sanitary condition at all times.

(2) REGISTER. A campground register shall be maintained containing the name of the principal campsite occupant and the number in the party. The register shall be available to any authorized employe or agent of the department who, in carrying out his or her duties, wishes to inspect the register. The register information shall be kept for at least one year after the departure of the occupant of a site.

(3) CHANGE OF OWNERSHIP. The campground operator shall promptly notify the department in writing of an intention to permanently cease operations and shall supply the department with the name and mailing address of any new operator.

HSS 178.16 SPECIAL EVENT CAMPGROUNDS. (1) GENERAL. The operator of a special event campground shall submit a letter of application for a permit to the department or agent at least 7 days prior to opening. At a minimum, the application shall include the location of the event, an estimate of the number of people to be accommodated, the number of, type and provisions for servicing and maintaining toilet facilities to be provided, the water supply source and distribution method, and the method of handling solid and liquid waste.

(2) WATER. Water which is safe for human consumption shall be provided in a manner approved by the department or its agent.

(3) TOILETS. The number of toilets shall be provided as stated in s. ILHR 55.32 (2). Toilets shall be constructed in accordance with s. ILHR 52.63 and shall be fly-tight and vermin proof with impervious floors, seat risers and seats. Doors shall have self-closing devices and be equipped with a privacy lock.

(4) WASTEWATER. Water which was used for cleaning or personal hygiene shall be disposed of in a manner not to create a nuisance.

(5) SOLID WASTE, STORAGE AND DISPOSAL. Garbage and refuse shall be stored in accordance with s. HSS 178.12.

HSS 178.17 ENFORCEMENT. (1) ACCESS. An authorized employe or agent of the department, upon presenting proper identification, shall be permitted to enter any campground at any reasonable time for the purpose of inspecting the campground to determine compliance with this chapter. The department's authorized employe or agent shall be permitted to examine the campground registration records.

(2) ENFORCEMENT POLICY. (a) Notification. If upon inspection of a campground the authorized employe or agent of the department finds that the campground 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 campground 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 campground. 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 campground 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. 50.575, Stats., acting as the designee of the administrator of the department's division of health, and without advance 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 campground. The order shall be limited to prohibiting the continued operation or method of operation of specific equipment, requiring the campground 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. 50.575(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. 50.575, 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. 50.575, 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's office of administrative hearings 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 department shall affirm, set aside or modify the order. The final decision of the department may be appealed to the circuit court as provided in ch. 227, Stats.

Note: The mailing address of the office of administrative hearings is P.O. Box 7875, Madison, Wisconsin 53707.

(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. 50.535 (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
Social Services

Date: July 13, 1992

By:



Gerald Whitburn
Secretary

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Tommy G. Thompson
Governor
Gerald Whitburn
Secretary



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State of Wisconsin
Department of Health and Social Services

July 13, 1992

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Mr. Bruce E. Munson
Revisor of Statutes
119 Martin Luther King, Jr., Blvd.
Madison, WI 53703

Dear Mr. Munson:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 178, administrative rules relating to campgrounds.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald Whitburn".

Gerald Whitburn
Secretary

Enclosure