

GERMANE MODIFICATIONS-July 24, 2015

Modifications indicated by ~~double strikethroughs~~ and double underscoring

ORDER OF DEPARTMENT OF HEALTH SERVICES TO ADOPT PERMANENT RULES

The Wisconsin Department of Health Services hereby proposes to repeal and recreate ch. DHS 178, relating to campgrounds and affecting small businesses.

RULE SUMMARY

Statute interpreted

See the “Statutory authority” section.

Statutory authority

Sections 227.11 (2) (a), 250.04 (1) and (7), 254.47 (1), (1m), and (4), 254.69 (2) (am) and (d), 254.85 (1) and (2), and 254.86 Stats.

Explanation of agency authority

Section 227.11 (2) (a), Stats., permits an agency to promulgate rules interpreting the provisions of any statute enforced or administered by the agency if the agency considers it necessary to effectuate the purpose of the statute. Section 250.04 (1), Stats., authorizes the department to enter upon and inspect private property, to execute what is reasonable and necessary for the prevention and suppression of disease, to investigate the cause and circumstances of any special or unusual disease or mortality, to inspect any public building, and to do any act necessary for investigation. Section 250.04 (7), Stats., authorizes the department to 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. Section 254.47 (1), Stats., authorizes the department to issue permits to and regulate campgrounds, as defined under rules. Section 254.47 (1m), Stats., requires the department to conduct a preinspection before a permit is granted to a person intending to operate a new campground or to a person intending to be the new operator of an existing campground. Section 254.47 (4), Stats., requires the department to establish by rule, permit fees, preinspection fees, reinspection fees, fees for operating without a permit, and late fees for untimely permit renewal. Section 254.69 (2) (am) and (d), Stats., authorizes the department to grant agent status to certain local health departments for issuing permits to and making investigations or inspections of campgrounds and allows local health departments with agent status to establish separate fees for licensure, including fees for preinspections. Section 254.85 (1) and (2), Stats., authorizes the department to enter the premises of campgrounds to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed for enforcement of rules or statutes and to issue orders to protect the public health safety and welfare.

Section 254.86, Stats., authorizes the department to suspend, revoke, or refuse to issue a permit required under s. 254.47, Stats.

Related statute or rule

The department of safety and professional services has rules that relate to campgrounds when campgrounds build commercial buildings (chs. SPS 314, and 361 to 365; build one or two family dwelling structures (chs. SPS 321 to 325); install plumbing systems (chs. SPS 381 to 385); install privies or portable toilets (ch. SPS 391) or install a manufactured home community (ch. SPS 326). The department of natural resources has rules that relate to campgrounds installed in or near floodplains (ch. NR 116) and rules relating to the installation of wells (chs. NR 809, 811, and 812).

Plain language analysis

This proposed order repeals and recreates ch. DHS 178, relating to campgrounds. 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 existing rules.

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.

Summary of, and comparison with, existing or proposed federal regulations

There appear to be no existing or proposed federal regulations that address state campgrounds.

Comparison with rules in adjacent states

Regulations in Illinois, Iowa, Michigan, and Minnesota relating to campgrounds are similar to the department's existing and proposed regulations in terms of public health, safety, and welfare. The proposed rules and the regulations in each of the adjacent states include basic public health provisions that help protect the safety of campers and the general public. These basic requirements include the following: campground siting provisions; the availability of safe and conveniently available water supply; wastewater disposal; garbage disposal; insect and rodent control; fire prevention and safety; and availability of toilet fixtures and shower facilities. Below are specific similarities and differences between the department's proposed rules and the rules of adjacent states.

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 sewerated 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 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 ways 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.

Summary of factual data and analytical methodologies

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.

Analysis and supporting documents used to determine effect on small business or to prepare an economic impact analysis

Chapter DHS 178 has not been substantially updated since 1978 when the use of tents or small pop-up campers for weekend camping was popular. Since 1978, the campground industry has undergone considerable change. Many campgrounds are now designed to accommodate a variety of camping units, including large privately owned or operator-provided recreational vehicles, operator-provided camping cabins with no plumbing or other amenities, or tourist rooming houses with modern amenities including plumbing, furnishings, and bedding for weekends or seasonal visits. Whether privately owned or operator-provided, camping units are often in place for an entire camping season as opposed to being at the campground for a weekend as was often the case in 1978. Camping in conjunction with concerts, fairs, shows, or similar events have also changed since 1978. Special event campgrounds are now larger in scale in that many attract larger crowds and occur more frequently. Another considerable change in the campground industry is the increased popularity of rustic camping, currently only offered in state parks or forests.

The purpose of the proposed rules is to update the rules to align with current trends and practices in the campground industry while continuing to help minimize incidence of illness, injury or death to campers and the general public; and to increase operators' understanding of the requirements by increasing readability and clarity of intent.

The proposed rules would directly affect 1,193 private and state owned campgrounds currently under permit to operate in the state, with over 4,900 campsites, and thousands of campers annually. Some

campgrounds are owned, operated or franchised by large companies with national scope while other campgrounds are locally owned and operated. Approximately 60% of the campgrounds with 50 or fewer campsites are locally owned and operated, and may be small businesses as that term is defined under s. 227.114, Stats.

The proposed rules contain the existing requirements relating to permit applications; fees; enforcement actions; water supply; sewage and wastewater; toilet and shower facilities; garbage and refuse; and general management, with minor substantive revisions. The following is an analysis of the major new or changed revisions to ch. DHS 178:

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.

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

requirements 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 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.

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.

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.

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 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.

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 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.

Effect on small business

Based on the foregoing analysis, 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 this proposed rule because the campgrounds regardless of size, serves the same camping public who are subjected to the same public, health, or safety issues.

The proposed rule includes an option available to all operators to seek a variance to a rule. This option allows all businesses, including small businesses, the flexibility to be innovative in terms of method, practice, material, equipment or design in meeting the requirements for public health, safety, and welfare.

Agency contact person

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Statement on quality of agency data

The department developed the proposed rules in consultation with WACO, the largest association of campground owners in Wisconsin, large and small private campground owners, local fire inspectors, and the department of natural resources.

Place where comments are to be submitted and deadline for submission

Comments may be submitted to the agency contact person that is listed above until the deadline given in the upcoming notice of public hearing. The deadline for submitting comments and the notice of public hearing will be posted on the Wisconsin Administrative Rules Website at <http://adminrules.wisconsin.gov> after the hearing is scheduled.

RULE TEXT

SECTION 1. Chapter DHS 178 is repealed and recreated to read:

CAMPGROUNDS

- DHS 178.01 Authority and purpose.
- DHS 178.02 Scope.
- DHS 178.03 Definitions.
- DHS 178.04 Plan and specifications for campgrounds.
- DHS 178.05 Permits.
- DHS 178.06 Department fees.
- DHS 178.07 Enforcement.
- DHS 178.08 Suspension or revocation of permit.
- DHS 178.09 Appeals of actions by the department.
- DHS 178.10 Appeals of actions by agent health departments.
- DHS 178.11 Campsite use, designation, location, and density.
- DHS 178.12 Campground access and road systems.
- DHS 178.13 Camping units.
- DHS 178.14 Water supply; water systems and service connections.
- DHS 178.15 Sewage and wastewater treatment and handling.
- DHS 178.16 Toilet facilities.
- DHS 178.17 Shower building.
- DHS 178.18 Petting zoos.
- DHS 178.19 Fish and game cleaning station.
- DHS 178.20 Garbage and refuse.
- DHS 178.21 Insect and rodent control.
- DHS 178.22 Fire prevention.
- DHS 178.23 Play equipment.
- DHS 178.24 General campground administration.
- DHS 178.25 Manufactured homes in a campground.
- DHS 178.26 Special event campgrounds.
- DHS 178.27 Rustic campsites.

DHS 178.01 Authority and purpose. This chapter is promulgated under the authority of ss. 250.04 (1) and (7) and 254.47, Stats., to regulate the maintenance and operation of campgrounds in order to protect the health and safety of the public.

DHS 178.02 Scope. (1) APPLICABILITY. This chapter applies to all campgrounds, except that only s. DHS 178.26, apply to special event campgrounds.

(2) VARIANCE. (a) 1. The department may approve a variance to a method, practice, material, equipment or design required under this chapter that will not be contrary to public health, safety or welfare if the department is provided with satisfactory proof that the variance will achieve results that are closely equivalent to the results of literal application of the requirement under this chapter.

2. To apply for a variance, the operator shall apply on a form provided by the department. An application for a variance from the requirements of this chapter shall be made in writing to the department, specifying all of the following. The department may require additional information from the operator before acting on the request:

- a. The rule from which the variance is requested.
- b. The specific alternative action which the operator proposes.
- c. The reason for the request.
- d. Justification that the variance will not adversely affect the public health, safety, or welfare.

Note: The form can be found on the departments' website at www.dhs.wisconsin.gov/regulations/fsrl/publications.htm. Completed applications can either be send electronically to: DHSFSRLgroup@wisconsin.gov or mailed to: Food Safety and Recreational Licensing, P.O. Box 2659 Madison, WI 53701-2659.

(b) The department shall approve or deny a request for a variance in writing within 30 business days after receiving a complete application for a variance and any additional information requested by the department. A variance approved by the department under par. (a) may be made conditional for:

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

DHS 178.03 Definitions. In this chapter:

(1) "Agent" means the city, county or village designated by the department under s. 254.69 (2), Stats., and ch. DHS 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 a parcel or tract of land owned by a person, state, or local government that is designed, maintained, intended, or used for the purpose of providing campsites offered with or without charge, for temporary overnight sleeping accommodations.

(4) "Camping cabin" means a building or other structure that is 400 square feet or less in area. A camping cabin includes a yurt, but does not include a tent, recreational vehicle, tourist rooming house, mobile home, or manufactured home.

(5) "Camping trailer" has the meaning given in s. 340.01 (6m), Stats.

Note: Section s. 340.01 (6m), Stats., defines "camping trailer" to mean a recreational vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.

(6) "Camping unit" means a structure, including a tent, camping cabin, yurt, recreational vehicle, mobile home, or manufactured home, bus, van, or pickup truck.

(7) "Campsite" means an area of a campground that is designated by the operator as capable of accommodating an independent or dependent camping unit. A campsite may be one or a combination of the following:

(a) Individual campsite.

(b) Group campsite.

(c) Seasonal campsite.

(d) Rustic campsite.

(8) "Campground attribute" means any of the following:

(a) Water system.

(b) Water distribution system.

(c) POWTS.

(d) Sanitary dump station.

(e) Toilet building.

(f) Toilet room.

(g) Shower room.

(h) Campground road system.

(i) Campsite.

(j) A camping unit that is operator-provided.

(k) Any other operator-provided building or structure.

(9) "Collection point" means an area within a campground used for the accumulation of garbage, refuse, or recyclables.

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

(11) "Dependent camping unit" means a camping unit that is not equipped with a toilet or toilet facilities.

(12) "Dependent campsite" means an individual or group campsite that is capable of supporting one or more dependent camping units.

(13) "Domestic wastewater" has the meaning given in s. SPS 381.01 (78).

Note: Section SPS 381.01 (78) reads: "Domestic wastewater" means the type of wastewater, not including storm water, normally discharged from or similar to that discharged from plumbing fixtures, appliances and devices including, but not limited to sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewaters.

(14) "Group campsite" means a campsite designated for use by 7 or more campers.

(15) "Independent camping unit" means a camping unit that is equipped with a self-contained water storage tank and toilet facility which discharges to a holding or transfer tank.

(16) "Independent campsite" means an individual or group campsite that is capable of supporting one or more independent camping units.

(17) "Individual campsite" means a campsite designated for use by 6 or fewer campers, unless the campers are members of an individual family.

(17m) "Individual family" means the principal campsite occupant and persons related to that person as a spouse, child, parent, grandparent, sibling or grandchild, or the spouse's child, parent, grandparent, sibling or grandchild.

(18) "Manufactured home" has the meaning given in 42 USC 5402 (6).

Note: Section 42 USC 5402 (6) reads: "manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure

which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this chapter; and except that such term shall not include any self-propelled recreational vehicle.”

(19) "Mobile home" has the meaning given in s. 101.91 (10) Stats.

Note: Section 101.91 (10) Stats., reads: "Mobile home" means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

(20) "Motor home" has the meaning given in s. 340.01 (33m), Stats.

Note: Section 340.01 (33m), Stats., reads: "Motor home" means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

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

(22) "Operator-provided" means a thing made available to the public by the operator with or without charge.

(23) "Park model" means a recreational vehicle that is built on a single chassis mounted on wheels, that has a gross trailer area of not more than 400 square feet in the setup mode, and that bears a label, symbol, or other identifying mark indicating construction to nationally recognized standards ANSI 119.5.

(24) "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, as applicable.

(25) "Petting zoo" means a collection of animals that can be touched or fed.

(26) "Plumbing system" has the meaning given in s. SPS 381.01 (179).

Note: Section SPS 381.01 (179) reads: "Plumbing system" includes the water supply system, the drain system, the vent system, plumbing fixtures, plumbing appliances and plumbing appurtenances that serve a building, structure or premises.

(27) "Potable" has the meaning given in s. NR 812.07 (75).

Note: Section NR 812.07 (75) reads: "Potable" means water supplied for human consumption, sanitary use or for the preparation of food or pharmaceutical products.

(28) "POWTS" or "Private on-site waste treatment system" has the meaning given in s. 145.01 (12), Stats.

Note: Section 145.01 (12), Stats., reads: PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM. "Private on-site wastewater treatment system" means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private on-site wastewater treatment system may be owned by the property owner or by a special purpose district.

(29) "Private water system" has the meaning given in s. NR 812.07 (78).

Note: Section NR 812.07 (78) reads: "Private water system" means any water system supplying water that is not a public water system.

(30) "Public sewer" has the meaning given in s. SPS 381.03 (198).

Note: Section SPS 381.01 (198) reads: "Public sewer" means a sewer owned and controlled by a public authority.

(31) "Public water system" has the meaning given in s. NR 812.07 (80).

Note: Section NR 812.07 (80) reads: "Public water system" means a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a "community water system" or a "non-community water system." Such system includes:

(a) Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and

(b) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(32) "Recreational vehicle" means a vehicle that has walls of rigid construction, does not exceed 45 feet in length, is designed to be towed upon a highway by a motor vehicle or has a motor of its own, and is equipped and used, or intended to be used, primarily for temporary or recreational human habitation. A recreational vehicle includes camping trailers, motor homes, and park models.

(33) "Rustic campsite" means an individual campsite that is accessible only by canoe, boat, horse, walking, or a non-motorized vehicle and for which there are no operator-provided campground attributes.

Note: DNR primitive and semi-primitive camping facilities as defined in NR 44.07 (6) (e) 2., are covered under an memorandum of understanding established between the department and the DNR.

(34) "Sanitary dump station" means a department of safety and professional services approved facility that is designed to receive sewage and domestic wastewater from the holding tank or transfer tank of a recreational vehicle.

(35) "Seasonal campsite" means a campsite in which the operator allows a camper to park a privately owned camping unit for 30 or more consecutive days.

(36) "Special event campground" means a campground temporarily created to provide campsites in conjunction with a special event, such as a fair, rally, carnival, music festival, sporting event, community festival, or other similar event.

(37) "Tourist rooming house" notwithstanding s. DHS 195.03 (20), when used in connection with this chapter, means a lodging place other than a hotel or motel, that is more than 400 square feet, in which sleeping accommodations are offered for pay to a tourist or transient. A "tourist rooming house" does not include private boarding or rooming houses not accommodating a tourist or transient, or a bed and breakfast establishment regulated under ch. DHS 197.

(38) "Vault privy" has the meaning given in s. SPS 391.03 (9).

Note: Section SPS 391.03 (9) reads: "Vault privy" means an enclosed nonportable toilet into which nonwater-carried human wastes are deposited to a subsurface storage chamber that is watertight.

(39) "Water distribution system" has the meaning given in s. SPS 381.01 (280).

Note: Section SPS 381.01 (280) reads: "Water distribution system" means that portion of a water supply system from the building control valve to the connection of a fixture supply connector, plumbing fixture, plumbing appliance, water-using equipment or other piping systems to be served.

(40) "Water service" has the meaning given in s. SPS 381.01 (282).

Note: Section SPS 381.01 (282) reads: "Water service" means that portion of a water supply system from the water main or private water supply to the building control valve.

(41) "Water system" has the meaning given in s. NR 812.07 (118).

Note: Section NR 812.07 (118), reads: "Water system" means the water supply, storage, treatment facilities and all structures and piping by which water is provided for any purpose.

(42) "Yurt" means a round domed structure constructed of wood and fabric.

DHS 178.04 Plans and specifications for campgrounds. (1) APPROVAL REQUIRED. (a) Except as specified in par. (b), an operator shall obtain plan approval from the department or its agent before any one of the following occurs:

1. The operator begins construction of a campground.

2. The operator modifies or increases the number or type of any campground attribute that was subject to a previous plan review by the department or its agent.

(b) An operator-provided camping unit that meets s. DHS 178.13 (3) or that has been approved by the department or its agent under sub. (2) ~~and s. DHS 178.13 (3)~~, may be placed or relocated on any approved campsite.

Note: In addition to meeting the department's plan review requirements, a person should consult with other agencies that may also require prior plan or construction approval, such as the department of safety and professional services, the department of natural resources, or the local building and zoning agency before commencing construction or modification of a campground.

(2) APPLICATION FOR PLAN APPROVAL. (a) An applicant for plan approval shall submit all of the following to the department or its agent:

1. A fully and accurately completed, signed and dated application for plan approval on a form provided by the department.

2. A copy of the plans and specifications drawn to scale or a drawing indicating distance of separation measured in feet in accordance with the applicable requirements of this chapter.

3. Any other information required by the department or its agent regarding the operation of the campground as it relates to the health, safety, and welfare of the public.

Note: To obtain a copy of the plan approval application form, write to the Food Safety and Recreational Licensing Section at 1 W. Wilson St., P.O. Box 2659, Madison, WI 53701-2659, or call the section at 608-266-2835, or download the form at www.dhs.wi.gov/fsrl.

(b) 1. If the department or its agent receives a plan or application that is not completed as specified in par. (a) 1. and 2., the department shall contact the operator to seek additional information.

2. Within 30 days after receipt of any additional information requested under subd. 1., the department or its agent shall approve or deny the plan. If the department or its agent approves the plan, the department or its agent shall issue a plan approval letter to the operator. If the department or its agent denies a plan, the applicant shall be given reason, in writing, for the denial. The applicant may appeal the decision made by the department under s. DHS 178.09. If the decision was made by a department's agent, the applicant may appeal the decision under s. DHS 178.10.

DHS 178.05 Permit to operate a campground. (1) PERMIT REQUIRED. (a) *Conditions requiring a permit.* No person may operate a campground without a permit from the department or its agent if any one of the following applies:

1. A person offers or intends to offer 3 or fewer campsites and advertises or otherwise presents to the public an offer of the campground or specific campsites.

2. A person offers or intends to offer 4 or more campsites, regardless whether the person advertises or otherwise presents to the public an offer of the campground or specific campsites.

Note: Pursuant to s. 254.47 (1g), Stats., a campground permit is not required for camping at a county or district fair at which 4-H Club members exhibit, for the 4 days preceding the fair, the duration of the fair, and the 4 days following the fair.

3. a. Except as provided under subd. par. b., if a permit holder sells or otherwise transfers ownership or operation of a campground to another person a new permit is required under s. 254.64 (4) (b), Stats., and the campground may not be opened to the public until the department or its agent has issued a new permit.

b. As provided in s. 254.64 (4) (d) and (e), Stats., an individual may transfer a permit to an immediate family member, if the individual is transferring operation of the campground. A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a permit to the newly formed business entity or sole proprietorship if the campground remains at the location for which the permit was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the permit was issued has an ownership interest in the newly formed sole proprietorship or business entity.

c. Except as provided in this paragraph, no permit issued under this chapter is transferable from one premise to another or from one person or entity to another.

d. A person who wishes to transfer a permit under subd. par. a. or b. shall notify the department or its agent prior to operation of the campground.

Note: Under s. 254.64 (4) (a) 2., Stats., "Immediate family member" means a spouse, grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent, parent, sibling, child, stepchild, or grandchild. Under ss. 254.64 (4) (a) 1. and 179.70 (1), Stats., "business entity" means: a corporation, as defined in s. 180.0103 (5), Stats., a limited liability company, as defined in s. 183.0102 (10), Stats., a limited partnership, or a corporation, as defined in s. 181.0103 (5), Stats., a foreign limited liability company, as defined in s. 183.0102 (8), Stats., a foreign limited partnership, a foreign corporation, as defined in s. 180.0103 (9), Stats., or a foreign corporation, as defined in s. 181.0103 (13), Stats.

Note: To notify the department of a transfer of ownership, write to the Food Safety and Recreational Licensing Section at 1 W. Wilson St., P.O. Box 2659, Madison, WI 53701-2659, or call the section at 608-266-2835.

(b) *Conditions requiring multiple permits.* If 2 or more campgrounds are located within a tract of land owned by the person who owns or operates both campgrounds and the central registration location of each campground is separated by 5 or more miles, a separate permit is required for each campground.

(c) *Preinspection required.* Before the department or its agent may issue a permit to operate a campground under par. (a) or (b), the department or agent shall conduct a preinspection. A preinspection is not required for a transfer to an immediate family member under par. (a) 3. b.

Note: Pursuant to 254.47 (1m), Stats., the department or a local health department granted agent status under s. 254.69 (2), Stats., may not, without a preinspection, grant a permit to a person intending to operate a new public campground or to a person intending to be the new operator of an existing campground

(2) PERMIT DURATION AND RENEWAL. (a) *Expiration.* Each permit issued under this chapter expires on June 30, except that a permit initially issued during the period beginning on April 1 and ending on June 30, expires on June 30 of the following year.

(b) *Annual renewal.* Each permit shall be renewed annually as provided in sub. (4).

(3) NEW PERMIT. (a) *Application.* To apply for a new permit, the applicant shall apply on an application form provided by the department or its agent. The completed application shall be accompanied by all of the following:

1. The applicable fees specified under s. DHS 178.06 and any fees previously due to the department or its agent under this chapter.

2. Information, as determined by the department or its agent, including documentation that the campground will be maintained and operated in compliance with this chapter, applicable federal and state laws, as it relates to the health, safety, and welfare of the public.

Note: As provided under s. 254.69 (2) (d), Stats., a local health department can establish and collect fees for permits. If you were issued a permit by a local health department, contact the local health department for its permit fee schedule.

(b) *Requests for preinspection.* The operator shall contact the department or its agent and arrange a time for the preinspection required under s. DHS 178.05 (1) (c), before operating a campground.

Note: To obtain a copy of the application form for a permit to operate a campground or arrange for a preinspection write to Food Safety and Recreational Licensing Section, P.O. Box 2659, Madison,

Wisconsin 53701-2659, call the section at 608-266-2835 or contact the Bureau of Environmental Occupational Health at www.dhs.wi.gov/fsrl.

(4) PERMIT RENEWAL. (a) To renew a permit, the operator shall pay the department the applicable permit fee specified under s. DHS 178.06 before the permit expires. If payment to renew a permit fee is not received by the department before the expiration date of the permit, the late fee specified under s. DHS 178.06 (2) (c) shall be paid in addition to the permit fee. An application for a renewal permit is not required.

(b) 1. The department may refuse to renew a permit as provided under sub. (5) (a) 1.

2. The department shall refuse to renew a permit as provided under sub. (5) (b).

(5) DEPARTMENT OR AGENT ACTION ON A PERMIT APPLICATION. (a) *Department decision on a permit.* 1. The department or its agent may not issue a new permit or renew an existing permit for a campground unless all of the following conditions are met:

a. The operator has corrected a condition for which the department or agent has issued a written health or safety-related order.

b. The operator, applicant, or permit holder has provided the department or its agent with the information required under sub. (3) (a) 2., or documentation indicating that the campground is designed and constructed in accordance with the state law and regulations stated in this chapter.

c. The department or its agent has determined that the operator, applicant or permit holder is not in violation of ch. 254, Stats., or has only a minor violation as defined in s. 227.04 (1) (a), Stats.

(b) *Permit prohibited.* The department or its agent shall refuse to issue a new permit or renew an existing permit to operate a campground under any of the following circumstances:

1. A fully and accurately completed, signed and dated application has not been received by the department or its agent.

2. The department or its agent has not conducted the preinspection required under s. DHS 178.05 (1) (c).

3. The department or its agent has not approved the plan for the campground under s. DHS 178.04.

4. The operator has not paid all of the applicable fees under s. DHS 178.06.

5. The operator has modified, repaired, or maintained the campground in a manner that is not in accordance with what the department recognizes as safe practice as outlined in this chapter.

(c) *Conditional permit.* Except as provided in ss. 250.041 and 254.115, Stats., the initial issuance, renewal or continued validity of a permit may be conditioned upon the requirement that the permit

holder correct a violation of this chapter, s. 254.47, Stats., or ordinances adopted under s. 254.69 (2) (g), Stats., within a specified period of time. If the condition is not satisfied within the specified time or after an extension of time approved by the department, the permit is void. No person may operate a campground after a permit has been voided. Any person who does so shall be subject to the penalties under s. 254.47 (3), Stats., and fees under s. DHS 178.06 (2) (e). An operator whose permit is voided under this paragraph may appeal the decision under s. DHS 178.09.

(d) *Granting or denial of a permit.* 1. The department or its agent shall issue or deny a new permit or shall renew a permit for a campground within 30 days after the applicant meets all of the requirements under subs. (3) or (4) as applicable.

2. If the department or its agent denies an application for a permit, the applicant shall be given reasons, in writing, for the denial and information regarding appeal rights provided under s. DHS 178.09.

(6) **VOIDED PERMIT FOR FAILURE TO PAY FEES.** (a) *Payment time frame.* If an applicant or operator fails to pay all applicable fees, late fees, and processing charges under s. DHS 178.06, within 45 days after the expiration of the permit, the permit is void.

(b) *Notice of insufficiency.* If the department receives a notice of an insufficiency under s. DHS 178.06 (3), the applicant or operator shall have 15 days after receipt of notice from the department of the insufficiency to pay all applicable fees and processing charges or the permit is void.

(c) *Appeal rights.* An operator whose permit is voided under this subsection may appeal the decision as provided under s. DHS 178.09. The burden is on the permit applicant or operator to show that all applicable fees, late fees and processing charges have been paid. During any appeal process concerning a payment dispute, operation of the campground is deemed to be operation without a permit and is subject to the fees under s. DHS 178.06 (2) (e) in addition to the fees otherwise due, unless the applicant or operator meets its burden of proof under this subsection.

(7) **PERMIT POSTING.** A current permit issued by the department shall be posted in a place visible to the public. A permit may not be altered or defaced.

DHS 178.06 Department fees. (1) **FEE SCHEDULE.** Pursuant to s. 254.47 (5), Stats., no permit may be issued until all applicable fees have been paid. Table DHS 178.06 applies to campground permits issued by the department under this chapter.

Note: As provided in s. 254.69 (2) (d), Stats., a local health department can establish and collect fees for permits. If you were issued a permit by a local health department, contact the local health department for its permit fee schedule.

(2) **TYPES OF FEES.** (a) *Preinspection fee.* The operator shall pay the applicable preinspection fee listed in Table DHS 178.06 to the department before a new permit is issued under s. DHS 178.05 (3).

(b) *Permit fee.* The operator shall pay the applicable permit fee listed in Table DHS 178.06 to the department for each campground for which the operator applies for a new or renewal permit.

(c) *Late fee.* If the permit fee for a permit renewal is not paid before the expiration date of the permit, the operator shall pay to the department a late fee of \$85.00 in addition to the renewal permit fee.

(d) *Reinspection fee.* If the department conducts a reinspection of a campground under s. DHS 178.07 (1) (b) 1. or 4., the operator shall pay to the department the applicable reinspection fee listed in Table DHS 178.06. The department shall assess an additional fee as listed in Table DHS 178.06, for any second or subsequent reinspection conducted under s. DHS 178.07 (1) (b) 4.

(e) *Fees for operating without a permit.* If a campground is found to be operating without a permit, the operator shall pay to the department a fee of \$749.00, in addition to all applicable fees and any processing charges under sub. (3).

Note: As provided in s. 254.47 (3), Stats., anyone who violates s. 254.47, Stats., or a rule promulgated by the department under s. 254.47, Stats., is subject to a fine of not less than \$25 nor more than \$250.

(f) *Duplicate permit.* If an operator requests a duplicate permit, the operator shall pay the department a fee of \$15.00.

(g) *Fees for special condition inspections.* For inspection or consultation activities that are not directly related to the department's responsibilities for issuing permits, the department shall charge the operator or the entity requesting the inspection or consultation \$175.00.

(3) **PENALTIES FOR INSUFFICIENCY OF PAYMENT.** If the payment for a new or renewal permit is by check or other draft drawn upon an account containing insufficient funds, the applicant or operator shall, within 15 days after receipt of notice from the department of the insufficiency, pay all applicable fees under sub. (1) and the financial institution's processing charges by cashier's check or other certified draft, money order, or cash.

Table DHS 178.06 Fee Schedule

Permit Type	Permit Fee	Preinspection Fee	First Reinspection Fee	Second and Subsequent Reinspection Fee
Campground Permit Fee 1–25 campsites	\$175	\$380	\$180	\$240
Campground Permit Fee 26–50 campsites	\$250	\$565	\$263	\$350
Campground Permit Fee 51–100 campsites	\$305	\$700	\$319	\$425
Campground Permit Fee 101–199 campsites	\$355	\$830	\$375	\$500
Campground Permit Fee 200+ campsites	\$410	\$965	\$435	\$580
Special Event Campground 1–25 campsites	\$175			
Special Event Campground 26–50 campsites	\$250			
Special Event Campground 51–100 campsites	\$305			
Special Event Campground 101–199 campsites	\$355			
Special Event Campground 200+ campsites	\$410			

Note: A tourist rooming house is not counted as a campsite.

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.

(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.

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.

DHS 178.11 Campsite use, designation, location, and density. (1) CAMPSITE USE. No operator may allow a campsite to be occupied by the same individual for more than 8 continuous months in any 12 month period.

(2) CAMPSITE DESIGNATION. The operator shall clearly mark each campsite with an alpha or numeric symbol that is a minimum of 2 inches in height and visible from the campground's internal road system. This rule first applies to an existing campground symbol when the symbol is changed or replaced on or after the effective date of this rule. [LRB inserts effective date]

(3) CAMPGROUND MAP. The operator shall maintain a current and accurate map of the campground. The map shall show the layout and location of each campsite and operator-provided camping unit or tourist rooming house. The operator shall make the map available to all campground occupants during registration or on request.

(4) CAMPSITE LOCATION. (a) *Hazards.* A campsite may not be located in an area of a campground that is subject to the accumulation of water or in any other area that would constitute a health or safety hazard.

Note: The location of campsites and campground attributes in a flood plain or shore land area must be approved by local zoning or the DNR. See ch. NR 115 and s. NR 116.12 (2) (b) as enforced by the

department of natural resources. Contact your local DNR office or local zoning office for more information.

(b) *Sources of odor or flies.* 1. A campsite may not be located within 100 feet of a barn or enclosure housing an animal, a petting zoo, or other source of odors or flies. This paragraph first applies to campsites created after the effective date. [LRB inserts effective date]

2. This provision does not apply to dogs and cats in individual campsites or for other animals as approved by a variance under s. DHS 178.02 (2).

(5) **CAMPGROUND DENSITY.** Except as provided under s. DHS 178.27, the operator shall ensure that the density of the campground is as follows:

(a) *Individual campsites.* An operator may designate no more than 20 individual campsites per acre of campground. Each campsite is limited to 6 campers or an individual family.

(b) *Group campsites.* An operator may allow no more than 80 campers per acre in a group campsite.

DHS 178.12 Campground access and road systems. (1) **ACCESS.** Access to a campground shall be designed to minimize congestion and hazards at the entrance and exit.

(2) **ROADWAYS.** All roads within the campground shall be graded and maintained to provide drainage.

DHS 178.13 Camping units. (1) **DISTANCE SEPARATION REQUIREMENTS.** (a) *Distance requirement.* 1. The operator shall 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.

2. Except as provided in par. (b), any accessory within 10 feet of a camping unit such as, but not limited to, a deck or storage shed shall be considered part of the camping unit for the purposes of determining distance separation.

3. Except as provided in par. (b), or unless otherwise specified in this chapter, a campground building other than a camping unit shall be a minimum of 10 feet away from a camping unit.

(b) *Exceptions for existing campsites.* 1. A campsite existing before the effective date of this rule shall meet the requirements in par. (a) 1., and is exempt from the requirements in par. (a) 2. and 3. [LRB inserts effective date].

2. If a campsite existing before the effective date of this rule is not in compliance with the separation requirements under par. (a) 1., the operator shall develop an action plan in accordance with s. DHS 178.07 (4) and implement the plan to bring the campsite into compliance. [LRB inserts effective date].

(2) CAMPING UNITS; SEASONAL CAMPSITES. The operator shall ensure all of the following at a seasonal campsite:

(a) *Recreational vehicles*. 1. a. Each privately owned recreational vehicle in the seasonal campsite bears a label, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization, which evaluates products to nationally recognized standards NFPA 1192 or ANSI 119.5, and periodically inspects production of equipment and materials to show compliance with those standards for usage in a specified manner.

b. Each privately owned recreational vehicle in the seasonal campsite that does not meet the requirements in this subdivision shall be removed from the campground when the owner vacates the recreational vehicle or the recreational vehicle is sold.

Note: Examples of nationally recognized testing agencies include the Recreational Vehicle Industry Association (RVIA) and the Recreational Park Trailer Industry Association (RPTIA).

2. Each recreational vehicle in the seasonal campsite with an addition or attachment, whether used for habitation or means of ingress or egress, is maintained and equipped in a manner that protects the health and safety of campers in accordance with SPS 320 to 325. The department or its agent may refer health and safety related construction concerns to the local zoning department or the department of safety and professional services.

Note: Additions or attachments, whether used for habitation or a means of ingress and egress onto recreational vehicles may require a local land use permit and building construction permit along with a required construction inspection. Consult with local zoning and building officials concerning land use permits, construction permits and construction inspections.

3. The chassis and axles remain on the recreational vehicle with the towbar or hitch and wheels left at the campsite.

(b) *Camping cabins*. Each camping cabin in the seasonal campsite and any addition or attachment to a camping cabin, whether used for habitation or means of ingress or egress, shall be maintained and equipped in a manner that protects the health and safety of camper in accordance with SPS 320 to 325. Camping cabins may not be more than 400 square feet in area. The department or its agent may refer health and safety related construction concerns to the local zoning department or the department of safety and professional services.

(c) *Camping unit storage*. A camping unit located on a seasonal campsite may be stored on the campsite during periods when the unit is not occupied or when the campground is not in operation.

Note: Camping cabins and additions or attachments to camping cabins, whether used for habitation or a means of ingress and egress may require a local land use permit and building construction permit along with a required construction inspection. Consult with local zoning and building officials concerning land use permits, construction permits and construction inspections.

(3) OPERATOR-PROVIDED CAMPING UNITS; RENTALS. (a) *Size*. 1. Operator-provided camping units may not be more than 400 square feet in area, except for a mobile home, manufactured home. The area limitation does not include decks and three-season porches not used for overnight sleeping accommodations.

2. The campground operator shall obtain a permit for a tourist rooming house and comply with the requirements of ch. DHS 195 for an operator-provided camping unit that is more than 400 square feet in area, except for a tent, mobile home, manufactured home, or recreational vehicle.

(b) *Maintenance*. The operator shall maintain an operator-provided camping unit in good repair and in clean and sanitary condition.

(c) *Recreational vehicles*. The operator shall ensure all of the following for each operator-provided recreational vehicle:

1. The recreational vehicle bears a label, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization, which evaluates products to nationally recognized standards NFPA 1192 or ANSI 119.5, and periodically inspects production of equipment and materials to show compliance with those standards for usage in a specified manner. The department may accept other documentation from a licensed architect or engineer showing compliance with NFPA 1192 or ANSI 119.5.

Note: Examples of nationally recognized testing agencies include the Recreational Vehicle Industry Association (RVIA) and the Recreational Park Trailer Industry Association (RPTIA).

2. Any addition or attachment to a recreational vehicle, whether used for habitation or means of ingress or egress, is maintained in accordance with SPS 320 to 325. The department or its agent may refer health and safety related construction concerns to the local zoning department or the department of safety and professional services.

Note: An addition or attachment to a recreational vehicle, whether used for habitation or a means of ingress and egress may require a local land use permit and building construction permit along with a required construction inspection. Consult with local zoning and building officials concerning land use permits, construction permits and construction inspections.

3. At the installation site, the chassis and axles remain on the recreational vehicle with the towbar or hitch and wheels left at the campsite.

Note: The department of safety and professional services may determine that a recreational vehicle without chassis and axles must comply with the uniform dwelling code under chs. SPS 320 to 325.

4. If a recreational vehicle does not meet the requirements in par. (c) 1., the operator shall develop and implement an action plan in accordance with s. DHS 178.07 (4) to replace or remove the recreational vehicle from the campground.

(d) *Camping cabins; building code requirements.* Each operator-provided camping cabin and any addition or attachment to a camping cabin, whether used for habitation or means of ingress or egress, shall be maintained in accordance with SPS 320 to 325. The department or its agent may refer health and safety related construction concerns to the local zoning department or the department of safety and professional services.

Note: Camping cabins and additions or attachments to camping cabins, whether used for habitation or a means of ingress and egress may require a local land use permit and building construction permit along with a required construction inspection. Consult with local zoning and building officials concerning land use permits, construction permits and construction inspections.

(4) SMOKE DETECTION. At least one approved UL listed and labeled smoke detector shall be installed and maintained according to the manufacturer's recommendation, in each operator-provided camping unit.

(5) CARBON MONOXIDE DETECTORS. (a) *Definitions.* In this subsection, a "fuel-burning appliance" has the meaning given in s. DHS 195.145 (2) (b).

Note: Section DHS 195.145 (2) (b) reads: "Fuel-burning appliance" means a device that is used or intended to be used in a residential building and burns fossil fuel or carbon based fuel where carbon monoxide is a combustion by-product. "Fuel-burning appliance" includes stoves, ovens, grills, clothes dryers, furnaces, boilers, water heaters, heaters, and fireplaces.

(b) *Installation and maintenance.* If an operator-provided camping unit is equipped with a fuel-burning appliance, at least one approved UL listed and labeled carbon monoxide detector shall be installed and maintained in the camping unit according to manufacturer's recommendations as provided in s. 101.149 (2) and (3), Stats.

Note: Fuel-burning appliances should be installed according to the manufacturer's instructions and the applicable heating and ventilation code as enforced by the department of safety and professional services. Special care should be taken to assure proper venting and combustion air requirements are met.

(6) FURNISHINGS. All furnishings and appliances in an operator-provided camping unit shall be and maintained clean and in a good repair.

(7) FOOD AND BEVERAGE UTENSIL SANITATION. (a) *Equipment required.* 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 supplied with water under pressure to clean the utensils. 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. [LRB inserts effective date]

(b) *Cleaning and sanitation requirements.* The operator shall wash and sanitize multiuse food and beverage utensils between occupancies or provide a sign posted in public view with the following message: "Food and beverage utensils have been provided in this camping unit as a guest convenience. They have not been sanitized. It is recommended that you wash with a detergent, rinse with clean water

and sanitize utensils before their use. To sanitize, after rinsing, add 1 teaspoon of unscented bleach per gallon of clean water and immerse utensils for a minimum of 30 seconds, then air dry”.

(c) *Maintenance requirements* The sink and all utensils shall be maintained in good repair and constructed of approved materials.

(8) BUNK BEDS. If a bunk bed is provided in an operator-provided camping unit, the operator shall ensure that the bunk bed meets all of the following requirements:

(a) *Separation*. No more than 2 beds may be stacked vertically. 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.

(b) *Construction and maintenance*. A bunk bed constructed after June 19, 2001, shall meet the requirements for bunk beds under 16 CFR 1513.

(c) *Bunk bed mattresses*. Bunk bed mattresses when purchased or replaced shall fit the dimensions of the bunk bed with no gaps between the interior bed structure and the mattress. Mattresses shall be maintained and be covered as required under sub. (10).

(d) *Location*. Bunk beds shall be located away from potential hazards, including, but not limited to, heat sources, ceiling fans, or other ceiling protrusions.

(9) LINENS. (a) If provided, pillowslips, sheets, towels and washcloths shall be washed as frequently as they are assigned to a different guest and at least once a week.

(b) If provided, blankets, spreads, mattresses, and pillows shall be kept clean and free of insect infestation.

(c) Only quilts and comforters that are machine washable may be used.

(d) Clean and soiled linen shall be kept in separate nonabsorbent washable containers. The containers may not be used for any other purpose.

(10) MATTRESSES. (a) *Protection*. Each mattress or alternative sleeping surface, including, but not limited to, futons and sofa sleepers, shall be covered with a washable, nonabsorbent pad to protect the mattress or alternative sleeping surface.

(b) *Maintenance*. Each mattress, alternative sleeping surface, and pad shall be maintained clean and in good repair.

(11) RENTED BEDDING. If the operator rents bedding such as sleeping bags and bed linens, the bedding shall be laundered between rentals.

(12) LAUNDRY FACILITIES. If a laundry facility is provided, the washer and dryer shall be maintained in good repair.

DHS 178.14 Water supply; water systems and service connections. (1) WATER SYSTEMS. (a) The water system used to supply water to the campground may be a public water system or a private water system.

(b) The water system used to supply water to the campground shall be located within the campground and the operation, construction, installation, materials, and maintenance, shall comply with ch. NR 812 as enforced by the department of natural resources.

(2) POTABLE WATER SUPPLY. (a) A campground shall be supplied with potable water that meets the drinking water standards in ch. NR 809.

(b) The operator shall provide a copy of the water system bacteriological analysis for total coliform report to the department or its agent for each water system, public or private, that supplies water to the campground. If the campground operates seasonally, the operator shall provide the report to the department or its agent before the season begins. If the campground is operated year round, the operator shall provide the report to the department or its agent annually.

Note: Public water systems may require additional water testing as required by the department of natural resources in ch. NR 809.

(c) 1. The operator shall discontinue use of a public or private water system used to supply water to the campground, whenever the potable water from the system does not meet bacteriologically safe drinking water standards in ch. NR 809.

2. If the operator discontinues use of the campground's water system, the operator shall supply potable water to the campground from a source and in a manner approved by the department until the operator submits documentation to the department or its agent that the water supplied by the water system meets the bacteriologically safe drinking water standards in ch. NR 809.

Note: Bottles for collection of water samples may be obtained by writing to the State Laboratory of Hygiene, 2601 Agriculture Drive, Madison, WI 53708 or by calling 800-442-4618. Use of any private or public certified laboratory is acceptable to satisfy the requirement.

(3) STAND ALONE OUTLETS. The operator shall provide a stand-alone outlet that supplies potable water under pressure within 400 feet walking distance from each campsite. No stand-alone outlet for potable water may be located fewer than 50 feet from the outside edge of a sanitary dump station apron unless an alternative is approved by the department under s. DHS 178.02 (2). For campgrounds or campsites constructed before September 1, 1992, the water supply outlets shall meet the requirements by the rules in effect when the plans and specifications were approved.

(4) WATER SERVICE CONNECTIONS. (a) The plumbing system for the water service and water distribution system for a toilet building, shower building, privately owned camping unit, or operator-

provided camping unit shall comply with chs. SPS 382 and 384 as enforced by the department of safety and professional services.

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

(c) Water service connections shall be provided with approved backflow prevention devices.

DHS 178.15 Sewage and wastewater treatment and handling. (1) POWTS. (a) *POWTS as an alternative to public sewer.* If a public sewer is not available to the campground, the operator may use a POWTS to handle sewage and domestic wastewater for the campground. The location, design, construction, and operation of a POWTS shall comply with chs. SPS 382 to 385.

Note: See s. 145.195, Stats., for information regarding building on unsewered property.

Note: The department of safety and professional services or its designated agent under s. SPS 383.22 requires plan review and approval for installation, construction, replacement or addition to a POWTS before installation, construction or modification occurs. Local jurisdictions may require additional approvals.

(b) *POWTS failure.* Any structure, campsite, or fixture served by a failed POWTS may not be used until any one of the following conditions is met:

1. The operator provides documentation to the department or its agent that the POWTS is in compliance with chs. SPS 382 to 385.

2. The operator has received approval of a plan for repair, remediation, or replacement of the POWTS from the department of safety and professional services or its designated agent and approval of a plan for wastewater removal and management if the operator intends to operate the POWTS until the POWTS has been fully repaired, remediated, or replaced with a POWT that is in compliance with chs. SPS 382 to 385.

Note: Pursuant to s. 145.245 (4), Stats., a failing private on-site wastewater treatment system is one which causes or results in any of the following conditions:

(a) The discharge of sewage into surface water or groundwater.

(b) The introduction of sewage into zones of saturation which adversely affects the operation of a private on-site wastewater treatment 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 back up of sewage into the structure served by the private on-site wastewater treatment system.

(c) *POWTS access covers.* The operator shall ensure that access opening covers to a POWTS are locked or secured, except for inspection, evaluation, maintenance or servicing purposes.

(2) SANITARY DUMP STATION. (a) *Number required.* The operator shall provide a sanitary dump station in the ratio of 1 for every 300 independent campsites or fraction thereof that are not connected to a POWTS or municipal sewer system. The department may approve an alternate method of disposal under s. DHS 178.02 (2) if all of the following conditions apply:

1. There are 20 or fewer campsites designated for independent camping units.

2. The distance to the nearest sanitary dump station is 25 or fewer miles from the campground and is available during that campground season.

3. The operator has a written agreement that allows campers who stay at the campground to dispose of wastewater at the sanitary dump station identified in subd. 2., and provides a copy of the written agreement to the department or its agent.

Note: To obtain a copy of the approved comparable compliance application form, write to the Food Safety and Recreational Licensing Section, 1 West Wilson St. P.O. Box 2659, Madison, WI, 53701-2659; phone 608-266-2835; or contact the Bureau of Environmental Occupational Health at www.dhs.wi.gov/fsrl.

(b) *Design standards.* Sanitary dump stations shall conform to the requirements in s. SPS 382.37 (2).

(c) *Location.* A sanitary dump station may not be located within 50 feet of a permanent body of surface water nor within 15 feet of a designated campsite unless an alternative is approved by the department under s. DHS 178.02 (2).

(d) *Flushing and cleaning.* A supply of water shall be provided to wash down the drain receptor and pad. The water supply shall be marked: "THIS IS WATER FOR FLUSHING AND CLEANING — NOT FOR DRINKING OR DOMESTIC PURPOSES."

(e) *Dump station apron buffer.* A distance of 5 feet or more shall be provided around the sanitary dump station apron to prevent contamination from splash to areas used by the general public.

(3) WASTE FROM RECREATIONAL VEHICLES. (a) If approved by the department of safety and professional services, transfer tanks may be used to receive the discharge from the toilet, shower, laundry, bath, or sink facility of a recreational vehicle.

(b) The operator shall ensure that sewage and domestic wastewater from a holding tank or transfer tank of a privately owned or operator-provided recreational vehicle is emptied as often as necessary so as not to create a nuisance. The operator shall ensure that sewage and domestic wastewater is disposed of in accordance with ch. NR 113 or into a sanitary dump station.

(c) Transfer tanks and holding tanks shall be maintained in good condition and be leak-proof.

Note: The department of safety and professional services plumbing product approvals for RV transfer containers often require that transfer tank remain unburied. Consult with the department of safety and professional services concerning specific product approvals.

DHS 178.16 Toilet Facilities. (1) TOILET BUILDINGS. (a) *Design standards.* A toilet building shall comply with chs. SPS 361 to 365 as enforced by the department of safety and professional services. In addition, the toilet building shall have impervious floors and doors equipped with self-closing devices. Toilet buildings shall be fly-tight, vermin proof, and maintained in clean and good repair.

(b) *Toilet rooms; sex designation.* 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.

(c) *Hand wash sinks.* If a hand wash sink or portable hand wash sink is provided for hand washing, the hand wash sink shall be provided with an adequate supply of soap, water supply that meets the requirements under s. DHS 178.14, single-use toweling or hand drying device, and a waste receptacle.

(2) WALKWAYS. Walkways to toilet buildings shall be provided and shall allow safe access under all weather conditions.

(3) TOILETS. (a) *General.* 1. Each toilet stall or compartment shall be equipped with a privacy lock.

2. Each toilet stall or compartment shall be provided with an adequate supply of toilet paper.

3. Toilet seats and riser shall be smooth, nonabsorbent and easily cleanable.

4. Each toilet and each toilet compartment or stall shall be maintained and in good repair and working condition.

(b) *Construction and Type.* Vault privies and other toilet units shall comply with chs. SPS 362 and 391 as enforced by the department of safety and professional services.

(c) *Location.* 1. A toilet for each sex shall be located within 400 walking distance feet from each dependent campsite unless an alternative is approved by the department under s. DHS 178.02 (2).

2. A vault privy may not be located within 15 feet of a campsite or a building used for human occupancy.

3. A distance between 15 and 75 feet may be approved by the department for other approved privy or toilet types.

(d) *Minimum number of toilets; Dependent campsites.* 1. Except as provided under subd. 2., an operator with dependent campsites shall provide the number of toilets specified in Table DHS 178.16. If a campground has more than 100 dependent campsites, one additional toilet for each sex shall be

provided for every additional 75 campsites or fraction thereof except that urinals may be substituted for up to 50% of the calculated number of toilets required for males.

Table 178.16 Minimum Number of Toilets Required at a Campground

Number of Dependent campsites	Toilets / Urinals	
	For Women	For Men
	Toilets	Toilets
1 to 15	2	2
16 to 30	3	3
31 to 45	4	4
46 to 60	5	5
61 to 100	6	6

2. For each dependent group campsite, the operator shall provide 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.

3. Campgrounds with plans and specifications approved by the department before September 1, 1992 shall have the number of toilets required by the rules in effect when the plans and specifications were approved. If the operator increases or modifies any campground attribute, the operator shall meet the plan review requirements as provided under s. DHS 178.04.

(e) *Minimum number of toilets; Independent campsites.* 1. Except as provided in subd. 2., the operator shall provide a backup toilet for each sex for every 100 independent campsites or fraction thereof. The toilets shall be available at all times that the campground is occupied.

2. Backup toilets are not required where campsites are designed for and limited exclusively to use by independent camping units, and the camping units are connected to the campground's POWTS or a municipal waste treatment system.

(f) *Unisex toilets.* The operator may use unisex toilets if the total number of required toilets for both male and female is the same or higher than specified in Table DHS 178.16.

DHS 178.17 Shower building. (1) If a building housing showers is provided at a campground, the building shall comply with chs. SPS 361 to 365 as enforced by the department of safety and professional services.

(2) Shower room floors shall be slip-resistant or be provided with nonabsorbent, easily cleanable matting. The mats shall be maintained clean and in good condition.

DHS 178.18 Petting zoos. (1) If the campground includes a petting zoo, the operator shall provide a hand washing or a hand sanitizing station near the exit to encourage hand washing by patrons after handling animals.

(2) The operator shall post a sign at the hand washing or hand sanitizing station required under sub. (1), with the following wording "For the health of our guests, hand washing or hand sanitizing is encouraged for all who have been in the petting zoo area".

(3) A petting zoo may not be located within 100 feet of a campsite as specified in s. DHS 178.11 (4) (b).

DHS 178.19 Fish and game cleaning station. (1) If the campground includes a fish and game cleaning station, the operator shall maintain the cleaning station in a sanitary manner. The area used for fish cleaning shall be designed to be smooth, easily cleanable and nonabsorbent.

(2) If the fish and game cleaning station has plumbing, the plumbing shall comply with the requirements in chs. SPS 382 to 384 as enforced by the department of safety and professional services.

(3) A fish and game cleaning station may not be within 75 feet of a campsite. This subsection first applies to a fish and game cleaning station that is new or replaced after the effective date of this rule. [LRB inserts effective date]

DHS 178.20 Garbage and refuse. (1) GENERAL. (a) The operator shall provide a sufficient number of garbage, refuse, and recyclables containers for use by campers. The containers shall be durable, cleanable, insect-resistant, rodent-resistant, leak-proof, nonabsorbent, and of sufficient capacity to hold all of the accumulated garbage, refuse, and recyclables. The containers shall be covered, unless the containers are emptied on a daily basis. Collection points may be located throughout the campground for centralized garbage, refuse and recyclable pick-up. A campground operator may request a variance under s. DHS 178.02 (2) to receive approval for an alternate method of garbage and refuse pick up.

(b) 1. The operator shall prevent garbage, refuse, and recyclable containers from developing a buildup of soil or attracting insects and rodents.

2. The operator may not store garbage or refuse outside in plastic bags, wet-strength paper bags, or baled units after collection.

(2) BURNING OF REFUSE. If the operator burns garbage or refuse, the operator shall comply with s. NR 429.04 and chs. NR 415 and 445 as enforced by the department of natural resources. Areas around burning facilities shall be clean and orderly.

DHS 178.21 Insect and rodent control. The operator shall provide effective measures to minimize the presence of rodents, flies, cockroaches, bed bugs and other insects in operator-provided camping units and other buildings located in the campground.

DHS 178.22 Fire prevention. (1) GENERAL. A campground shall be kept free of litter, rubbish and other flammable materials.

(2) FIRE EXTINGUISHER. At least one ABC rated fire extinguisher shall be available in a campground office or other building that is accessible to campers. The fire extinguisher shall be readily accessible and maintained in operable condition.

(3) CAMPFIRES. (a) Except as specified in par. (b), a campfire shall be contained in a campfire ring and located a minimum of 5 feet away from all camping units, building structures, and motor vehicles.

(b) A campsite existing before the effective date of this rule, is exempt from the requirements in par. (a). [LRB insert effective date]

(4) GRILLS. An operator-provided grill shall be maintained in good repair.

DHS 178.23 Play equipment. (1) Play or recreational equipment shall be installed according to manufacturer's instructions and maintained in good repair.

(2) Play equipment shall be free of open "S" hooks, protruding bolt ends, and sharp points or edges.

DHS 178.24 General campground administration. (1) GENERAL. (a) Every campground shall be operated, equipped, and maintained with strict regard for the public health and safety and in conformity with the rules of this chapter.

(b) The campground operator shall maintain the campground, its structures, and its facilities in a clean and safe condition at all times.

(2) CAMPGROUND REGISTER. The operator shall maintain a written or electronic campground register that contains the name of each principal campsite occupant, this person's contact information, the person's arrival and departure dates, and the number of campers in the person's party. The campground register shall be available to any authorized employee or agent of the department who, in carrying out his or her duties, asks to inspect the register. The operator shall keep the campground register for at least one year after the principal campsite occupant's date of departure from a campsite.

(3) EMERGENCY TELEPHONE. The operator shall display a durable sign posted in public view with the following wording "EMERGENCY COMMUNICATIONS." The sign shall provide directions to the nearest location where a telephone is available for emergency use.

(4) RECORDS. The operator shall maintain a copy of all of the following records on the premises of the campground:

(a) The campground plans and specifications approved by the department or its agent.

(b) The most current version of ch. DHS 178.

(c) Department approvals under s. DHS 178.02 (2).

(d) The most current bacteriological analysis for total coliform report from water testing for each water system serving the campground.

DHS 178.25 Mobile or Manufactured homes in a campground. Whenever 3 or more mobile or manufactured homes are located in a campground, the operator shall either obtain a license as a manufactured home community from the department of safety and professional services as specified in SPS 326.08 (1) or develop and implement an action plan in accordance with s. DHS 178.07 (4) to remove all but 2 mobile or manufactured homes from the campground.

DHS 178.26 Special event campgrounds. (1) PERMIT REQUIRED. (a) Before a person may operate a special event campground, the person shall have a permit issued by the department or its agent. The department or its agent may issue a permit for a special event campground only in conjunction with a special event, such as a fair, rally, carnival, music festival, sporting event, community festival, or other similar event.

(b) No camping may occur until a permit is granted by the department or its agent.

(2) PERMIT DURATION AND RENEWAL. A permit issued under this section may not exceed 14 days in duration.

(3) APPLICATION. The application for a permit for a special event campground shall be made to the department or its agent at least 30 days before the special event. The application for a permit shall be made on an application form provided by the department or its agent and shall include all of the following:

(a) The location of the event.

(b) An estimate of the number of people to be accommodated.

(c) The water supply source and distribution method.

(d) The number and locations of toilet facilities and plans for servicing and maintenance.

(e) The number and location of garbage and refuse disposal sites.

(f) The methods for disposal of liquid waste.

(g) The applicable fee specified under s. DHS 178.06 and any fees previously due to the department or its agent.

(4) SIZE. (a) A campsite in a special event campground shall have a minimum area of 800 square feet.

(b) A campsite in a special event campground established before the effective date of this rule is exempt from the requirements in par. (a). [LRB insert effective date].

(5) WATER SUPPLY. Potable water shall be provided. If potable water is not provided by a well, the operator shall obtain prior approval from the department or its agent of a an alternative method of providing a potable water supply, such as bottled water provided free of charge or an approved water transport vehicle or storage container.

(6) TOILET FACILITIES. (a) If permanent toilet facilities are not provided in sufficient numbers, portable toilets may be used if approved by the department of safety and professional services. The operator shall contract with a licensed waste hauler and provide the department or its agent with a copy of the written agreement or obtain an alternative method of waste disposal that is approved by the department under s. DHS 178.02 (2).

(b) Toilets facilities 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.

(c) Toilet facilities shall be kept clean, maintained in good repair, and emptied with sufficient frequency to ensure their proper operation.

(7) WASTEWATER. Water that has been used for cleaning or personal hygiene shall be disposed of in a manner not to create a nuisance.

(8) GARBAGE AND REFUSE. Garbage and refuse shall be stored and disposed of in accordance with s. DHS 178.20.

DHS 178.27 Rustic campsites. (1) A rustic campsite is exempt from the requirements in ss. DHS 178.11 to 178.17 and 178.20 to 178.22 (2) and (4).

(2) A rustic campsite shall be located a minimum of 500 feet from a designated parking area, a road for motorized access, a non-rustic campsite, a camping cabin, a tourist rooming house, or any other building structure located within the campground.

(3) There may be no more than one rustic campsite per acre. The minimum distance between each rustic campsite shall be 400 feet unless a variance is approved by the department under s. DHS 178.02 (2). The department may consider topography in the approval making process.

(4) The operator shall require the camper to carry garbage and refuse out of the rustic campsite.

(5) A rustic campsite may be designated, and provided with a campfire ring.

SECTION 2. EFFECTIVE DATE: This rule shall take effect on the first day of the 4th month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2), Stats.