

Chapter ATCP 79

CAMPGROUNDS

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Note: Chapter H 78 as it existed on August 31, 1978 was repealed and a new chapter H 78 was created effective September 1, 1978. Chapter H 78 was renumbered chapter HSS 178, effective June 1, 1982; chapter HSS 178 as it existed on October 31, 1985 was repealed and a new chapter HSS 178 was created effective November 1, 1985. Chapter HSS 178 was renumbered chapter HFS 178 under s. 13.93 (2m) (b) 1., Stats., corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, January, 1997, No. 493. Chapter HFS 178 was renumbered chapter DHS 178 effective February 1, 2009, and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637. Chapter DHS 178 was repealed and recreated effective 2-1-16 by CR 15-001. Chapter DHS 178 was renumbered chapter ATCP 79 under s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726.

ATCP 79.01 Authority and purpose. This chapter is promulgated under the authority of s. 97.67, Stats., to regulate the maintenance and operation of campgrounds in order to protect the health and safety of the public.

History: CR 15-001; cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.01 Register June 2016 No. 726; correction made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

ATCP 79.02 Scope. (1) **APPLICABILITY.** This chapter applies to all campgrounds, except that only s. ATCP 79.26, 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:

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

Note: To obtain a form for requesting a variance, e-mail atcpdfrsrec@wisconsin.gov or contact the Bureau of Food and Recreational Businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

(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:

- A defined period of time.

2. Experimental or trial purposes.

History: CR 15-001; cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.02 Register June 2016 No. 726; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

ATCP 79.03 Definitions. In this chapter:

(1) “Agent” means the city, county, or village designated by the department under s. 97.615 (2), Stats., and ch. ATCP 74 to issue licenses to and make investigations or inspections of public pools and water attractions.

(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:

- Individual campsite.
- Group campsite.
- Seasonal campsite.
- Rustic campsite.

(8) “Campground attribute” means any of the following:

- Water system.
- Water distribution system.
- POWTS.
- Sanitary dump station.
- Toilet building.
- Toilet room.
- Shower room.
- 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 agriculture, trade and consumer protection.

(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 license, 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 wastewater 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 381.01 (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 nonmotorized vehicle and for which there are no operator–provided campground attributes.

Note: DNR primitive and semi–primitive camping facilities as defined in s. 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. ATCP 72.03 (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 tran-

sient, or a bed and breakfast establishment regulated under ch. ATCP 73.

(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.

History: CR 15–001: cr. Register October 2015 No. 718, eff. 2–1–16; correction in (30) made under s. 13.92 (4) (b) 7., Stats., Register January 2016 No. 721; renum. from DHS 178.03 Register June 2016 No. 726; correction in (1), (37) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; correction in (10) made under s. 13.92 (4) (b) 6., Stats., Register June 2016 No. 726; correction in (28), (33) made under s. 35.17, Stats., Register June 2016 No. 726; CR 18–019: am. (1), (24) Register January 2020 No. 769, eff. 2–1–20.

ATCP 79.04 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. ATCP 79.13 (3) or that has been approved by the department or its agent under sub. (2) and s. ATCP 79.13 (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, e-mail atcpdfsrec@wisconsin.gov or contact the Bureau of Food and Recreational Businesses at (608) 224–4702 or PO Box 8911, Madison, Wisconsin 53708–8911.

(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 the reason, in writing, for the denial. The applicant

may appeal the decision made by the department under s. ATCP 79.09. If the decision was made by a department’s agent, the applicant may appeal the decision under s. ATCP 79.10.

History: CR 15–001: cr. Register October 2015 No. 718, eff. 2–1–16; correction in (2) (b) 2. made under s. 35.17, Stats., Register October 2015 No. 718; renum. from DHS 178.04 Register June 2016 No. 726; correction in (1) (b), (2) (b) 2. made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

ATCP 79.05 License to operate a campground.

(1) LICENSE REQUIRED. (a) *Conditions requiring a license.* No person may operate a campground without a license 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. 97.67 (1g), Stats., a campground license 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. 3. b., if a license holder sells or otherwise transfers ownership or operation of a campground to another person, a new license is required under s. 97.67 (2) (a), Stats., and the campground may not be opened to the public until the department or its agent has issued a new license.

b. As provided in s. 97.67 (2) (b) and (c), Stats., an individual may transfer a license 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. 180.1100 (1g), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a license to the newly formed business entity or sole proprietorship if the campground remains at the location for which the license was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued has an ownership interest in the newly formed sole proprietorship or business entity.

c. Except as provided in this paragraph, no license 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 license under subd. 3. a. or b. shall notify the department or its agent prior to operation of the campground.

Note: Under s. 97.605 (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. 97.605 (4) (a) 1. and 180.1100 (1g), 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, call (608) 224–4923 or send an e-mail to atcpdfslicensing@wi.gov.

(b) *Conditions requiring multiple licenses.* 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 license is required for each campground.

(c) *Preinspection required.* Before the department or its agent may issue a license 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 97.67 (1m), Stats., the department or a local health department granted agent status under s. 97.615 (2), Stats., may not, without a preinspection, grant a license 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) LICENSE DURATION AND RENEWAL. (a) *Expiration.* Each license issued under this chapter expires on June 30, except that

a license 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 license shall be renewed annually as provided in sub. (4).

(3) **NEW LICENSE.** (a) *Application.* To apply for a new license, 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. ATCP 79.06 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. 97.615 (2) (d), Stats., a local health department can establish and collect fees for licenses. If you were issued a license by a local health department, contact the local health department for its license 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. ATCP 79.05 (1) (c), before operating a campground.

Note: To obtain a copy of the campground operator license application form, or to arrange for a preinspection, call (608) 224-4923 or send an e-mail to datcpdfslicensing@wi.gov.

(4) **LICENSE RENEWAL.** (a) To renew a license, the operator shall pay the department the applicable license fee specified under s. ATCP 79.06 before the license expires. If payment to renew a license fee is not received by the department before the expiration date of the license, the late fee specified under s. ATCP 79.06 (2) (c) shall be paid in addition to the license fee. An application for a renewal license is not required.

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

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

(5) **DEPARTMENT OR AGENT ACTION ON A LICENSE APPLICATION.** (a) *Department decision on a license.* 1. The department or its agent may not issue a new license or renew an existing license 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 license 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 license holder is not in violation of ch. 97, Stats., or has only a minor violation as defined in s. 227.04 (1) (a).

(b) *License prohibited.* The department or its agent shall refuse to issue a new license or renew an existing license 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. ATCP 79.05 (1) (c).

3. The department or its agent has not approved the plan for the campground under s. ATCP 79.04.

4. The operator has not paid all of the applicable fees under s. ATCP 79.06.

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 license.* Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued validity of a license may be conditioned upon the requirement that the license holder correct a violation of this chapter, s. 97.67, Stats., or ordinances adopted under s. 97.615 (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 license is void. No person may operate a campground after a license has been voided. Any person who does so shall be subject to the penalties under ss. 97.72 and 97.73, Stats., and fees under s. ATCP 79.06 (2) (e). An operator whose license is voided under this paragraph may appeal the decision under s. ATCP 79.09.

(d) *Granting or denial of a license.* 1. The department or its agent shall issue or deny a new license or shall renew a license 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 license, the applicant shall be given reasons, in writing, for the denial and information regarding appeal rights provided under s. ATCP 79.09.

(6) **VOIDED LICENSE 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. ATCP 79.06, within 45 days after the expiration of the license, the license is void.

(b) *Notice of insufficiency.* If the department receives a notice of an insufficiency under s. ATCP 79.06 (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 license is void.

(c) *Appeal rights.* An operator whose license is voided under this subsection may appeal the decision as provided under s. ATCP 79.09. The burden is on the license 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 license and is subject to the fees under s. ATCP 79.06 (2) (e) in addition to the fees otherwise due, unless the applicant or operator meets its burden of proof under this subsection.

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

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; correction in (1) (a) 3. a., d. made under s. 13.92, (4) (b) 7., Stats., correction in (5) (b) 1., (d) made under s. 35.17, Stats., Register October 2015 No. 718; renum. from DHS 178.05 Register June 2016 No. 726; correction in (1) (a) 3. a., b., (3) (b), (4) (a), (5) (a) 1. c., (c), (d) 2., (6) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; correction in (5) (c) made under s. 13.92 (4) (b) 7., Stats., Register January 2017 No. 733; CR 18-019: am. (title), (1) (title), (a) (intro.), 3., (b), (c), (2), (3) (title), (a) (intro.), (4), (5) (title), (a) (title), 1. (intro.), b., c., (b) (intro.), (c), (d), (6), (7) Register January 2020 No. 769, eff. 2-1-20; correction in (1) (a) 3. b. made under s. 13.92 (4) (b) 7., Stats., Register February 2023 No. 806.

ATCP 79.06 Department fees. (1) **FEE SCHEDULE.** Pursuant to s. 97.67 (5), Stats., no license may be issued until all applicable fees have been paid. Table ATCP 79.06 applies to campground licenses issued by the department under this chapter.

Note: As provided in s. 97.615 (2) (d), Stats., a local health department can establish and collect fees for license. If you were issued a license by a local health department, contact the local health department for its license fee schedule.

(2) **TYPES OF FEES.** (a) *Preinspection fee.* The operator shall pay the applicable preinspection fee listed in Table ATCP 79.06 to the department before a new license is issued under s. ATCP 79.05 (3).

(b) *License fee.* The operator shall pay the applicable license fee listed in Table ATCP 79.06 to the department for each campground for which the operator applies for a new or renewal license.

(c) *Late fee.* If the license fee for a license renewal is not paid before the expiration date of the license, the operator shall pay to

the department a late fee of \$85.00 in addition to the renewal license fee.

(d) *Reinspection fee.* If the department conducts a reinspection of a campground under s. ATCP 79.07 (1) (b) 1. or 4., the operator shall pay to the department the applicable reinspection fee listed in Table ATCP 79.06. The department shall assess an additional fee as listed in Table ATCP 79.06, for any second or subsequent reinspection conducted under s. ATCP 79.07 (1) (b) 4.

(e) *Fees for operating without a license.* If a campground is found to be operating without a license, 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: Anyone operating a campground without a license is also subject to the penalties in ss. 97.72 and 97.73, Stats.

(f) *Duplicate license.* If an operator requests a duplicate license, 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 licenses, 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 license 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 ATCP 79.06
Fee Schedule

License Type	License Fee	Preinspection Fee	First Reinspection Fee	Second and Subsequent Reinspection Fee
Campground License Fee 1–25 campsites	\$175	\$380	\$180	\$240
Campground License Fee 26–50 campsites	\$250	\$565	\$263	\$350
Campground License Fee 51–100 campsites	\$305	\$700	\$319	\$425
Campground License Fee 101–199 campsites	\$355	\$830	\$375	\$500
Campground License 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.

History: CR 15–001: cr. Register October 2015 No. 718, eff. 2–1–16; renum. from DHS 178.06 Register June 2016 No. 726; correction in (1), (2) (a), (b), (d) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; CR 18–019: am. (1), (2) (a) to (c), (e) to (g), (3) Register January 2020 No. 769, eff. 2–1–20; **correction in 79.06 Table made under s. 35.17, Stats., Register November 2023 No. 815.**

ATCP 79.07 Enforcement. (1) INSPECTIONS AND ACCESS TO THE PREMISES. (a) *Inspections.* Under ss. 97.615 (2) and 97.65 (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. 97.67, Stats.
3. 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 poten-

tially 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 ATCP 79.06 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 ATCP 79.06 as authorized under s. ATCP 79.06 (2) (d), and the department may order the operator to show just cause why the license should not be suspended or revoked under s. ATCP 79.08.

(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. ATCP 79.08 to suspend or revoke the license to operate the campground. An order for suspension or revocation shall take effect as provided under s. ATCP 79.08.

2. Under s. 97.12 (5), 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. ATCP 79.09.

(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. 97.65 (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. ATCP 79.09. The notice shall include a statement that the facility has a right to

request a hearing under s. ATCP 79.09 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. 97.65 (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. ATCP 79.09.

(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 license under s. ATCP 79.05 (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.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; correction of numbering in (1) (a) made under s. 13.92 (4) (b) 1., Stats., Register October 2015 No. 718; renum. from DHS 178.07 Register June 2016 No. 726; correction in (1) (a) (intro.), 2., (b) 3., 4., (2) (b), (3) (intro.), (c), (d), (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; CR 18-019: am. (x) Register January 2020 No. 769, eff. 2-1-20; CR 18-019: am. (1) (b) 4., (2) (b) 1., (4) (b) Register January 2020 No. 769, eff. 2-1-20.

ATCP 79.08 Suspension or revocation of license.

The department may, after a hearing under s. ATCP 79.09, suspend or revoke a license for violation of s. 97.67, 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. ATCP 79.09 (1).

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.08 Register June 2016 No. 726; correction made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; CR 18-019: am. Register January 2020 No. 769, eff. 2-1-20.

ATCP 79.09 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 license, a voided license, suspension, revocation, forfeiture, or the issuance of an order under s. ATCP 79.07 (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: Effective 7-1-16, pursuant to 2015 Wis. Act 55 and s. 227.43(1m), Stats., a request for hearing shall be submitted to the DATCP Secretary via e-mail at datapapeals@wisconsin.gov, faxed to (608) 224-5034, mailed to PO Box 8911, Madison, Wisconsin 53708-8911, or hand delivered to 2811 Agriculture Drive, Madison, Wisconsin 53718.

(e) As a condition for requesting a hearing to appeal the voiding of a license, an applicant or operator shall comply with sub. (3). In an appeal concerning voiding a license, 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. ATCP 79.07 (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 hearing, under sub. (2), shall be submitted to the DATCP Secretary via e-mail at datcpappeals@wisconsin.gov, faxed to (608) 224-5034, mailed to PO Box 8911, Madison, Wisconsin 53708-8911, or hand delivered to 2811 Agriculture Drive, Madison, Wisconsin 53718. The hearing may be conducted by the department secretary or designee.

(3) If the department voids a license for failure to pay fees under s. ATCP 79.05 (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.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.09 Register June 2016 No. 726; correction in (1) (a), (2) (intro.), (3) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; CR 18-019: am. (1) (a), (e), (3) Register January 2020 No. 769, eff. 2-1-20.

ATCP 79.10 Appeals of actions by agent health departments. If an agent issues a license under this chapter, the operator shall appeal enforcement action to the agent health department.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.10 Register June 2016 No. 726; CR 18-019: am. Register January 2020 No. 769, eff. 2-1-20.

ATCP 79.11 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 February 1, 2016.

(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 February 1, 2016.

2. This provision does not apply to dogs and cats in individual campsites or for other animals as approved by a variance under s. ATCP 79.02 (2).

(5) **CAMPGROUND DENSITY.** Except as provided under s. ATCP 79.27, 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.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.11 Register June 2016 No. 726; correction in (4) (b) 2., (5) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

ATCP 79.12 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.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.12 Register June 2016 No. 726.

ATCP 79.13 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 February 1, 2016 shall meet the requirements in par. (a) 1., and is exempt from the requirements in par. (a) 2. and 3.

2. If a campsite existing before February 1, 2016 is not in compliance with the separation requirements under par. (a) 1., the operator shall develop an action plan in accordance with s. ATCP 79.07 (4) and implement the plan to bring the campsite into compliance.

(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 chs. 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 ch. SPS 327. 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 or 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 license for a tourist rooming house and comply with the requirements of ch. ATCP 72 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 chs. 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. ATCP 79.07 (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 ch. SPS 327. 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. ATCP 72.145 (2) (b).

Note: Section ATCP 72.145 (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 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 February 1, 2016.

(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.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; correction in (2) (a) 2., (b), (3) (a) 1., (c) 2., (d), (6) made under s. 35.17, Stats., Register October 2015 No. 718; renum. from DHS 178.13 Register June 2016 No. 726; correction in (1) (b) 2., (3) (a) 2., (c) 4., (5) (a) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; CR 18-019: am. (2) (b), (3) (a) 2., (d) Register January 2020 No. 769, eff. 2-1-20; correction in (2) (b), (3) (d) made under s. 35.17, Stats., Register January 2020 No. 770, eff. 3-1-20.

ATCP 79.14 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. ATCP 79.02 (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.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.14 Register June 2016 No. 726; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

ATCP 79.15 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. ATCP 79.02 (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 sani-

tary 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, e-mail atcpdfsrec@wisconsin.gov or contact the Bureau of Food and Recreational Businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

(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. ATCP 79.02 (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 leakproof.

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.

History: CR 15-001; cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.15 Register June 2016 No. 726; correction in (2) (a) (intro.), (c) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; correction in (3) (c) made under s. 35.17, Stats., Register June 2016 No. 726.

ATCP 79.16 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. ATCP 79.14, 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. ATCP 79.02 (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 ATCP 79.16. 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 ATCP 79.16
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. ATCP 79.04.

(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 ATCP 79.16.

History: CR 15-001; cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.16 Register June 2016 No. 726; correction in (1) (c), (3) (c) 1., (d) 1., 3., (f), Table made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; correction in (1) (a), Table ATCP 79.16 (title) made under s. 35.17, Stats., Register June 2016 No. 726.

ATCP 79.17 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.

History: CR 15-001; cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.17 Register June 2016 No. 726.

ATCP 79.18 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. ATCP 79.11 (4) (b).

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.18 Register June 2016 No. 726; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

ATCP 79.19 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 February 1, 2016.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.19 Register June 2016 No. 726.

ATCP 79.20 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, leakproof, 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 pickup. A campground operator may request a variance under s. ATCP 79.02 (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.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.20 Register June 2016 No. 726; correction in (1) (a) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; correction in (1) (a) made under s. 35.17, Stats., Register June 2016 No. 726.

ATCP 79.21 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.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.21 Register June 2016 No. 726.

ATCP 79.22 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 February 1, 2016, is exempt from the requirements in par. (a).

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

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.22 Register June 2016 No. 726.

ATCP 79.23 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.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.23 Register June 2016 No. 726.

ATCP 79.24 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. ATCP 79.

(c) Department approvals under s. ATCP 79.02 (2).

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

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.24 Register June 2016 No. 726; correction in (4) (b), (c) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

ATCP 79.25 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 s. SPS 326.08 (1) or develop and implement an action plan in accordance with s. ATCP 79.07 (4) to remove all but 2 mobile or manufactured homes from the campground.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; correction made under s. 35.17, Stats., Register October 2015 No. 718; renum. from DHS 178.25 Register June 2016 No. 726; correction made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

ATCP 79.26 Special event campgrounds.

(1) **LICENSE REQUIRED.** (a) Before a person may operate a special event campground, the person shall have a license issued by the department or its agent. The department or its agent may issue a license 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 license is granted by the department or its agent.

(2) **LICENSE DURATION AND RENEWAL.** A license issued under this section may not exceed 14 days in duration.

(3) **APPLICATION.** The application for a license 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 license 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. ATCP 79.06 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 February 1, 2016 is exempt from the requirements in par. (a).

(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 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 pro-

vide 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. ATCP 79.02 (2).

(b) Toilet 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. ATCP 79.20.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.26 Register June 2016 No. 726; correction in (3) (g), (6) (a), (8) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; correction in (6) (b) made under s. 35.17, Stats., Register June 2016 No. 726; CR 18-019: am. (1), (2), (3) (intro.) Register January 2020 No. 769, eff. 2-1-20.

ATCP 79.27 Rustic campsites. (1) A rustic campsite is exempt from the requirements in ss. ATCP 79.11 to 79.17 and 79.20 to 79.22 (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. ATCP 79.02 (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.

History: CR 15-001: cr. Register October 2015 No. 718, eff. 2-1-16; renum. from DHS 178.27 Register June 2016 No. 726; correction in (1), (3) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.