

## Chapter DHS 178 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**Note:** Chapter H 78 as it existed on August 31, 1978 was repealed and a new chapter H 78 was created effective September 1, 1978.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H 78 was renumbered chapter HSS 178, effective June 1, 1982; chapter HSS 178 as it existed on October 31, 1985 was repealed and a new chapter HSS 178 was created effective November 1, 1985.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.

**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.

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; correction made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1995, No. 469; CR 08-073; renum. from HFS 178.01 Register January 2009 No. 637, eff. 2-1-09.

**DHS 178.02 Scope. (1) APPLICABILITY.** This chapter applies to the operator of any campground, except that only ss. DHS 178.17 (1) through (5) and 178.21 apply to special event campgrounds.

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

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

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

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; CR 08-073; renum. from HFS 178.02 Register January 2009 No. 637, eff. 2-1-09; corrections in (1) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637.

**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 any parcel or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by 4 or more camping units, or by one to 3 camping units if the parcel or tract of land is represented as a campground.

**(4) "Camping unit"** means any portable device, no more than 400 square feet in area, used as a temporary dwelling, including

but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; correction in (1) made under s. 13.93 (2m) (b) 7., Register, January, 1995, No. 469; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1998, No. 512; CR 08-073; renum. from HFS 178.03 and am. (5) Register January 2009 No. 637, eff. 2-1-09; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637.

**DHS 178.04 Plan approval.** The operator shall submit plans and specifications for a new or expanded campground to the

department for examination and approval before beginning construction or modification. No change in plans or specifications which involves any provision of this chapter may be made unless the change is approved and dated by the department.

**Note:** Operators should consult the department of safety and professional services as well as local building and zoning regulations before commencing construction or modification.

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; CR 08-073: renum. from HFS 178.04 Register January 2009 No. 637, eff. 2-1-09.

**DHS 178.05 Permits. (1) PERMIT REQUIRED.** (a) No campground may be opened to the public until the operator of the campground has obtained a permit from the department or its agent by submitting an application under sub. (4) and paying the applicable fee specified in s. DHS 178.06. A separate permit is required for each campground.

(b) If a permit holder sells or otherwise transfers ownership or operation of a campground to another person, except as provided in sub. (3), a new initial permit is required, and the campground may not be opened to the public until the department has issued a new permit.

**(2) PERMIT DURATION AND RENEWAL.** (a) 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) Each permit shall be renewed annually as provided in sub. (4) (b).

**(3) TRANSFERABILITY OF PERMITS.** An individual may transfer a permit to an immediate family member, as defined in s. 254.64 (4) (a) 2., Stats., 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. Except as provided in this subsection, no permit issued under this chapter is transferable from one premise to another or from one person or entity to another.

**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., a "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.

**(4) PERMIT APPLICATION.** (a) *Initial permit.* Application for an initial or new permit shall be made on an application form furnished by the department or its agent and 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.

2. Documentation that the department of safety and professional services under s. SPS 390.04 (1) has approved plans and specifications for the campground, if required.

3. Information, as determined by the department or its agent, indicating that the campground will be maintained and operated in compliance with applicable federal and state laws and that rules have been implemented for the operation of the campground that will protect the health, safety, and welfare of the public.

**Note:** To obtain a copy of the application form for a permit to operate a campground or to determine which agent to contact for an application form, write or phone: Bureau of Environmental and Occupational Health (BEOH), P.O. Box 2659, Madison, Wisconsin 53701-2659 (608-266-2835). You may also contact the BEOH at [www.dhs.wi.gov/fsrl](http://www.dhs.wi.gov/fsrl).

(b) *Renewal permit.* To renew the permit of an establishment, the operator shall pay the department, the applicable establish-

ment permit fee specified under s. DHS 178.06 before the license expires. If the payment to renew the permit of an establishment is not made to the department before the expiration date of the establishment permit, the late fee specified under s. DHS 178.06 (2) (c) shall be paid in addition to the permit fee.

**Note:** Local health departments that are agents for the department have authority under s. 254.69 (2) (d), Stats., to establish and collect fees for permits issued by the local health department. If your establishment was permitted by a local health department, contact the local health department for its permit fee schedule.

**(5) DEPARTMENT OR AGENT ACTION ON PERMIT APPLICATION.** (a) The department or its agent shall issue or deny a permit within 30 days after receiving a complete application, all applicable fees, and the other information required under sub. (4).

(b) Except as provided in ss. 250.041 and 254.115, Stats., the initial issuance, renewal or continued validity of a permit issued under this subsection 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 period of time specified. If the condition is not met 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 under this paragraph, and any person who does so shall be subject to the penalties under s. 254.47 (3), Stats. An operator whose permit is voided under this paragraph may appeal the decision under s. DHS 178.09.

(c) The department or its agent may refuse to issue or renew a permit to operate a campground under any of the following circumstances:

1. The department or its agent has not conducted a preinspection of a campground for which an initial or new permit is required under sub. (1).

2. The operator of a campground has not corrected a condition for which the department or agent has issued a written a health or safety-related order.

3. All applicable fees under s. DHS 178.06 have not been paid, including the permit fee, preinspection fee, reinspection fee, or other applicable fees.

4. 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.

5. The operator, applicant, or permit holder has failed to provide the department or its agent with information required under sub. (4).

6. The operator or applicant has violated ch. 254, Stats., this chapter, or any order, ordinance, or regulation created by a village, city, county, or local board of health having jurisdiction, provided such violation is related to the operation of the campground.

(d) 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 under s. DHS 178.09

**(6) VOIDED PERMIT FOR FAILURE TO PAY FEES.** If an applicant or operator fails to pay all applicable fees, late fees and processing charges under s. DHS 178.06 within 15 days after the applicant or operator receives notice of an insufficiency under s. DHS 178.06 (3), or within 45 days after the expiration of the permit, whichever occurs first, the permit is void. An operator whose permit is voided under this subsection may appeal the decision under s. DHS 178.09. In an appeal concerning a voided permit under this subsection, the burden is on the permit applicant or operator to show that the entire 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.

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; emerg. am. (1), cr. (1m), eff. 9-1-94; am. (1), cr. (1m), Register, January, 1995, No. 469, eff. 2-1-95; emerg. r. (1m) (a) 2., renum. (1m) (a) 3. and am., am. (1m) (b) and (c), eff. 7-1-96; r. (1m) (a) 2., renum. (1) (a) 3. to be (1m) (a) 2. and am., am. (1m) (b) and (c), Register, January, 1997, No. 493, eff. 2-1-97; am. (1m), cr. (1m) (d), Register, August, 1998, No. 512, eff. 9-1-98; CR 01-016: am. (1m) (a) 2. and r. (1m) (d) Register May 2002 No. 557, eff. 6-1-02; CR 08-073: renum. from HFS 178.05, r. and recr. Register January 2009 No. 637, eff. 2-1-09; **correction in (4) (a) 2. made under s. 13.92 (4) (b) 6., 7., Stats., Register January 2012 No. 673.**

**DHS 178.06 Department fees. (1) FEE SCHEDULES.** The fees listed in Table DHS 178.06 A shall apply to permits issued from April 1, 2009 through March 31, 2011. The fees listed in Table DHS 178.06 B shall apply to permits issued on or after April 1, 2011.

**Note:** Local health departments that are agents for the department have authority under s. 254.69 (2) (d), Stats., to establish and collect fees for permits issued by the local health department. If your establishment was permitted by a local health department, contact the local health department for its permit fee schedule.

(2) TYPES OF FEES. (a) *Preinspection fee.* The operator of a campground shall, pursuant to sub. (1), pay the applicable preinspection fee listed in Table DHS 178.06 A or B to the department before an initial or new permit is issued under s. DHS 178.05.

(b) *Permit fee.* The operator of a campground shall, pursuant to s. DHS 178.06 (1), pay the applicable permit fee listed in Table DHS 178.06 A or B to the department for each campground that the operator applies for a permit to operate under s. DHS 178.05 (1) or (2).

(c) *Late fee.* If the permit fee for a permit renewal is not paid before the expiration date of the permit, the operator of the camp-

ground 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. and 2., the operator shall, pursuant to s. DHS 178.06 (1), pay to the department the applicable reinspection fee listed in Table DHS 178.06 A or B. The department shall assess an additional fee as listed in Table DHS 178.06 A or B, whichever is applicable, for any additional reinspection conducted under s. DHS 178.07 (1) (b) 4.

(e) *Fees for operating without a permit.* Any campground found to be operating without a permit shall pay to the department a fee of \$749.00, in addition to all applicable fees and any processing charges under s. DHS 178.05 (6).

**Note:** Anyone operating a campground without a permit is also subject to a fine of not less than \$25 nor more than \$250 under s. 254.47 (3), Stats.

(f) *Duplicate permit.* The department shall charge the operator of a campground \$15 for a duplicate permit.

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

(3) METHOD OF PAYMENT. If the payment for an initial 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 A  
Fee Schedule — SFY 2010  
For permits issued April 1, 2009 through March 31, 2011**

| Type of Facility                          | Permit Fee | Preinspection Fee | First Reinspection Fee | Second and Subsequent Reinspection Fee |
|-------------------------------------------|------------|-------------------|------------------------|----------------------------------------|
| Campground Permit Fee<br>1-25 sites       | \$150      | \$335             | \$158                  | \$210                                  |
| Campground Permit Fee<br>26-50 sites      | \$215      | \$495             | \$225                  | \$300                                  |
| Campground Permit Fee<br>51-100 sites     | \$265      | \$610             | \$278                  | \$370                                  |
| Campground Permit Fee<br>101-199 sites    | \$310      | \$725             | \$330                  | \$440                                  |
| Campground Permit Fee<br>200+ sites       | \$355      | \$840             | \$379                  | \$505                                  |
| Special Event Campground<br>1-25 sites    | \$150      |                   |                        |                                        |
| Special Event Campground<br>26-50 sites   | \$215      |                   |                        |                                        |
| Special Event Campground<br>51-100 sites  | \$265      |                   |                        |                                        |
| Special Event Campground<br>101-199 sites | \$310      |                   |                        |                                        |
| Special Event Campground<br>200+ sites    | \$355      |                   |                        |                                        |

**Table DHS 178.06 B  
Fee Schedule — SFY 2012  
For permits issued on or after April 1, 2011**

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

**History:** CR 08–073: cr. Register January 2009 No. 637, eff. 2–1–09.

**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.
3. To determine compliance with previously written violation orders.
4. To secure samples or specimens.
5. To examine and copy relevant documents and records provided such information is 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 inspect 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 according to Table DHS 178.06 A or B, or applicable charges as 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 an additional reinspection fee according to Table DHS 178.06 A or B 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) 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.

(b) If the order to correct violations is not carried out by the expiration of the time period stated in the order, or any extension of time granted for compliance, the department or agent may issue an order under s. DHS 178.08 to suspend or revoke the permit to operate the campground.

(c) 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.

**(3) TEMPORARY ORDERS.** (a) As provided in s. 254.85, Stats., whenever the department or agent has reasonable cause to believe that an immediate danger to health or safety exists as a result of an inspection under sub. (1), the department or 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 the premises to cease operations and close until remedies are applied which eliminate the immediate danger to health or safety.

(b) 1. A temporary order shall take effect upon delivery 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 delivery, but a temporary order may be re-issued 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. 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) If the analysis or examination 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) 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.

**History:** CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09.

#### 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).

**History:** CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09.

#### DHS 178.09 Appeals of actions by the department.

(1) (a) Except as provided in sub. (2) or (3), a request for a hearing for denial of a permit, a voided permit, suspension, revocation, forfeiture, or an order given under s. DHS 178.07 (1) (b) 4. or (2) shall be submitted in writing to the department of administration's division of hearings and appeals within 15 days after receipt of the notice 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 under this subsection 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 the entire applicable fees, late fees and processing charges have been paid.

(2) A request for hearing on 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.

**History:** CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09.

#### DHS 178.10 Appeals of actions by agent health departments.

If an agent issues a permit under this chapter, the agent shall create enforcement and appeal procedures under ss. 66.0417 and 254.69 (2) (g), Stats.

**History:** CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09.

#### DHS 178.11 Physical layout. (1) SITE DESIGNATION.

Each designated campsite shall be clearly marked and numbered on a sign at each site, except at special event campgrounds, and on a map available to all campground occupants. There shall be a minimum separation of 10 feet between campsites.

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

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

**Note:** The location of campsites and facilities with regard to flood plains and shore land areas must comply with local zoning ordinances and with ch. NR 115 and s. NR 116.12 (2) (b), rules of the department of natural resources.

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

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

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

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

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

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

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

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; CR 08-073: renum. from HFS 178.06 Register January 2009 No. 637, eff. 2-1-09.

**DHS 178.12 Water supply. (1) REQUIREMENTS.** (a) *Outlets.* For campgrounds the plans and specifications for which are

approved under s. DHS 178.04 on or after September 1, 1992, an outlet supplying water which is under pressure and which is safe for human consumption shall be located not more than 400 feet from any individual campsite and not within 50 feet of a sanitary station. Water which is safe for human consumption shall be available for users of group campsites.

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

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

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

- (a) Water riser pipes shall extend at least 18 inches above ground elevation with the outlet directed downward;
- (b) Adequate provision shall be made to prevent freezing of service lines, valves or riser pipes;
- (c) Stop and waste-type control valves may not be installed underground, as stated in s. SPS 382.40 (8) (e) 2.;
- (d) Approved devices to prevent backflow shall be provided on all outlets; and
- (e) All plumbing shall comply with the sections of chs. SPS 382 and 384 that apply to campgrounds.

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; corrections in (1) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1995, No. 469; correction in (1) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1998, No. 512; CR 08-073; renum. from HFS 178.07 Register January 2009 No. 637, eff. 2-1-09; correction in (1) (a) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; **corrections in (2) (intro), (c), (e) made under s. 13.92 (4) (b) 6., 7., Stats., Register January 2012 No. 673.**

**DHS 178.13 Sewage disposal system. (1) GENERAL.** If a campground requires a sewage system and a public sewer facility is available to the campground, connection and use are required.

**Note:** See SPS 383.03 (2), Public Sewer Connection.

(2) **PRIVATE SEWAGE DISPOSAL.** (a) A private sewage system, as defined in s. 145.01 (12), Stats., is permitted when a public sewer facility is not available to the campground. The system shall be located, designed, constructed and operated in accordance with chs. SPS 382, 383, and 384.

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

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

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

**Note:** Local jurisdictions may require additional approvals.

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

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

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

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; CR 08-073; renum. from HFS 178.08 Register January 2009 No. 637, eff. 2-1-09; **correction in (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register January 2012 No. 673.**

**DHS 178.14 Toilets. (1) TYPE AND LOCATION.** (a) Separate toilet rooms shall be provided for each sex and shall be available at all times while the campground is occupied by dependent camping units. Vault toilets or other approved outdoor toilet units are permitted. Vault toilets shall be constructed in accordance with the outdoor toilet requirements in s. SPS 362.2900 and ch. SPS 391 and shall be maintained in good repair. All toilet rooms shall be fly-tight, vermin-proof and constructed with impervious floors, seat risers and seats. Doors shall have self-closing devices.

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

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

(2) **TOILETS FOR PEOPLE WITH PHYSICAL DISABILITIES.** The construction of toilets, toilet rooms and toilet buildings, and their accessibility, shall comply with ch. SPS 362.

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

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

(5) **NUMBER.** (a) *Individual campsites.* 1. For campgrounds the plans and specifications for which are approved under s. DHS 178.04 on or after September 1, 1992, the number of toilet fixtures for individual campsites shall be determined by the total number of sites, excluding sites intended solely for use by independent camping units, using table 178.09. If a campground has more than 100 sites, one additional toilet for each sex shall be provided for every additional 75 sites or fraction thereof except that urinals may be substituted for up to 50% of the calculated number of toilets required for males.

**Table 178.09  
Minimum Number of Toilet Fixtures  
Required at a Campground**

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

2. Campgrounds with plans and specifications approved by the department before September 1, 1992 shall have the number of toilet fixtures required by the rules in effect when the plans and specifications were approved.

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

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

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; corrections in (1) (a) and (2) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1998, No. 512; corrections in (1) (a) and (2) were made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557; CR 08-073; renum. from HFS 178.09 Register January 2009 No. 637, eff. 2-1-09; correction in (5) (a) 1. made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; **corrections in (1) (a), (2) made under s. 13.92 (4) (b) 7., Stats., Register January 2012 No. 673.**

**DHS 178.15 Sanitary station.** (1) All campgrounds accommodating independent camping units on unsewered sites shall provide a sanitary station in the ratio of 1 for every 300 sites or fraction thereof unless the operator submits a plan to the department and obtains an approval for an alternate method for disposal of liquid wastes.

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

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

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; CR 08-073; renum. from HFS 178.10 Register January 2009 No. 637, eff. 2-1-09.

**DHS 178.16 Toilet or shower building.** If a building housing toilets, handwashing facilities and showers or only toilets or showers is provided at a campground, it shall be constructed in compliance with chs. SPS 361 to 365. The sewage system serving the building shall be constructed and maintained in compliance with ch. 145, Stats., and chs. SPS 382, 383, and 384.

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; correction made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557; CR 08-073; renum. from HFS 178.11 Register January 2009 No. 637, eff. 2-1-09; **correction made under s. 13.92 (4) (b) 7., Stats., Register January 2012 No. 673.**

**HFS 178.17 Enforcement.** **History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1995, No. 469; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557; CR 08-073; r. Register January 2009 No. 637, eff. 2-1-09.

**DHS 178.17 Garbage and refuse.** (1) **GENERAL.** Campground garbage and refuse shall be stored in covered containers which are durable, easily cleanable, and insect, rodent and water resistant. Outside storage of plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited. Containers for garbage and refuse shall be located within 400 feet of each campsite except that the department may approve a centrally located garbage/refuse handling system.

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

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

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

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

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

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; CR 08-073; renum. from HFS 178.12 Register January 2009 No. 637, eff. 2-1-09.

**DHS 178.18 Fire protection.** Campgrounds shall be kept free of camper generated litter, rubbish and other flammable materials. At least one maintained fire extinguisher shall be available in the campground office or other building within the campground.

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; CR 08-073; renum. from HFS 178.13 Register January 2009 No. 637, eff. 2-1-09.

**DHS 178.19 Rental.** (1) **GENERAL.** When a campground operator rents a camping unit or shelter unit, the interior of the unit shall be in a clean and sanitary condition and in good repair.

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

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

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

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; CR 08-073; renum. from HFS 178.14 Register January 2009 No. 637, eff. 2-1-09.

**DHS 178.20 Management.** (1) **GENERAL.** The campground operator shall maintain the campground and related facilities in a clean, safe and sanitary condition at all times.

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

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

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; CR 08-073; renum. from HFS 178.15 Register January 2009 No. 637, eff. 2-1-09.

**DHS 178.21 Special event campgrounds.** (1) **GENERAL.** The operator of a special event campground shall submit a letter of application for a permit to the department or agent at least 7 days prior to opening. At a minimum, the application shall include the location of the event, an estimate of the number of people to be accommodated, the number of, type and provisions for servicing and maintaining toilet facilities to be provided, the water supply source and distribution method, and the method of handling solid and liquid waste.

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

(3) **TOILETS.** The number of toilets shall be provided as stated in ch. SPS 362. Toilets shall be constructed in accordance with s. SPS 362.2900 and ch. SPS 391 and shall be fly-tight and vermin

proof with impervious floors, seat risers and seats. Doors shall have self-closing devices and be equipped with a privacy lock.

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

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

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92; corrections in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1998, No. 512; corrections in (3) made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557; CR 08-073: renum. from HFS 178.16 Register January 2009 No. 637, eff. 2-1-09; correction in (5) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; **correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register January 2012 No. 673.**