

## Chapter ATCP 78

### RECREATIONAL AND EDUCATIONAL CAMPS

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**Note:** Chapter H 75 as it existed on August 31, 1978, was repealed and a new Chapter H 75 was created effective September 1, 1978. Chapter H 75 was renumbered Chapter HSS 175 effective June 1, 1982; Chapter HSS 175 as it existed on October 31, 1985 was repealed and a new Chapter HSS 175 was created effective November 1, 1985. Chapter HSS 175 was renumbered chapter HFS 175 under s. 13.93 (2m) (b) 1., Stats., and corrections were made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, January 1997, No. 493. Chapter HFS 175 as it existed on January 31, 2001, was repealed and a new chapter HFS 175 was created effective February 1, 2001. Chapter HFS 175 was renumbered chapter DHS 175 effective February 1, 2009, and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637. Chapter DHS 175 was renumbered chapter ATCP 78 under s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726.

**ATCP 78.01 Authority and purpose.** This chapter is promulgated under the authority of ss. 97.67 (4) and 227.11 (2) (a), Stats., to prescribe rules for recreational and educational camps for enforcement by the department and agent local health departments to protect public health and safety.

**Note:** Each camp owner or operator should implement a comprehensive system of background checks for all person who apply to be camp staff members and will have direct, regular contact with campers. The system should include asking the person to self-disclose, in writing, any of the following in their background: pending criminal charges, criminal convictions, governmental findings of abuse or neglect of a child or adult, or governmental findings of misappropriation of a child's or an adult's property.

**History:** Cr. Register, January, 2001, No. 541, eff. 2–1–01; CR 08–073: renum. from HFS 175.01 Register January 2009 No. 637, eff. 2–1–09; renum. from DHS 175.01 Register June 2016 No. 726; correction made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

**ATCP 78.02 Scope. (1) APPLICABILITY.** This chapter applies to the operators of recreational and educational camps and to the department and its agents.

**(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 either of the following:

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

**Note:** To obtain a form for requesting an alternative, e-mail [datcpdfsrec@wisconsin.gov](mailto:datcpdfsrec@wisconsin.gov) or contact the Bureau of Food and Recreational Businesses at (608) 224–4702 or PO Box 8911, Madison, Wisconsin 53708–8911.

**History:** Cr. Register, January, 2001, No. 541, eff. 2–1–01; CR 08–073: renum. from HFS 175.02 Register January 2009 No. 637, eff. 2–1–09; renum. from DHS 175.02 Register June 2016 No. 726.

**ATCP 78.03 Definitions.** In this chapter:

- (1) “Adult” means a person 18 years of age or older.
- (2) “Adulteration” means making food not safe for human consumption by having it bear or contain any of the following:
  - (a) A poisonous or deleterious substance in a quantity that may be injurious to health.

(b) An added poisonous or deleterious substance for which no safe tolerance has been established under U.S. food and drug administration regulations, or exceeding the tolerance if one has been established.

(c) A filthy, putrid, or decomposed substance, or is otherwise unfit for human consumption.

(d) It has been processed, prepared, packed, or held under unsanitary conditions which may have rendered it injurious to health.

(e) It is in whole or in part the product of a diseased animal or an animal which has died otherwise than by slaughter.

(f) Its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

**(3)** “Agent” means the city, county or village designated by the department under s. 97.615 (2), Stats., to issue licenses to and make investigations or inspections of recreational and educational camps.

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

**(5)** “Camp” means a premises, including temporary and permanent structures, that is operated as an overnight living quarters where both food and lodging or facilities for food and lodging are provided for children or adults or both children and adults for a planned program of recreation or education, and that is offered free of charge or for payment of a fee by a person or by the state or a local unit of government. “Camp” does not include any of the following:

(a) An overnight planned program of recreation or education for adults or families at an establishment holding a current hotel or motel or restaurant license.

(b) An overnight planned program of recreation or education for less than 4 consecutive nights and without permanent facilities for food and lodging.

(c) An overnight planned program for credit at an accredited academic institution of higher education.

(d) A tournament, competition, visitation, recruitment, camp conference, or professional sports team training camp.

**(6)** “Camp health supervisor” means an adult responsible for routine and emergency health care supervision at the camp.

**(7)** “Comminuted” means reduced in size by methods including chopping, flaking, grinding, or mincing. Comminuted includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage; and a mixture of 2 or more types of meat that have been reduced in size and combined, such as sausages made from 2 or more meats.

(8) “Department” means the Wisconsin department of agriculture, trade and consumer protection.

(9) “Easily cleanable” means readily accessible and fabricated of material and finish that allows residue to be completely removed by normal cleaning methods.

(10) “Equipment” means, in connection with the operation of a food service facility at a camp, stoves, ranges, hoods, meat blocks, counters, refrigerators, sinks, ice-making machines, dish-washing machines, steam tables, blenders, meat grinders and slicers, and similar items used to prepare or hold foods or to clean utensils.

(11) “Existing camp” means operating with a license first issued by the department or an agent before February 1, 2001.

(12) “Family camping program” means that a parent or guardian or, if no parent or guardian is available, another adult relative with whom the child resides is supervising his or her own children at a camp.

(13) “Hazardous substance” has the meaning given in s. 289.01 (11), Stats.

(14) “Hot water” means water at a temperature of 110°F. (43°C.) or higher.

(15) “New building” means a building first available for occupancy on or after February 1, 2001.

(16) “New camp” means operating with a license first issued by the department or an agent on or after February 1, 2001.

(17) “Operator” means the owner of a camp or the person responsible to the owner for the operation of the camp.

(18) “Person” means a partnership, association, firm, company, corporation, organization, municipality, county, town or state agency, whether the tenant, owner, lessee or licensee, or the agent, heir or assignee of any of these.

(19) “Potentially hazardous food” means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. “Potentially hazardous food” does not include foods that have a pH of 4.6 or below or a water activity ( $a_w$ ) value of 0.85 or less.

(20) “Premises” means the tract or tracts of land on which a camp is located and all buildings on that land.

(21) “Primitive camping area” means a portion of a camp or other site under the control of the person owning or operating a camp, at which site the basic needs for the operation of a camp, such as sleeping accommodations, a water supply system, permanent toilet facilities, and permanent culinary facilities, are not usually available.

(22) “Privies” mean structures not connected to a plumbing system that are used by persons for the deposit of human body wastes.

(22m) “Recreational and educational camp” has the meaning prescribed for “camp.”

(23) “Restaurant” has the meaning given in s. ATCP 75.103 (5).

(24) “Sanitize” means effective bactericidal treatment of the clean surfaces of equipment or utensils by a process that has been approved by the department as being effective in destroying microorganisms, including pathogens.

(25) “Tempered water” means water ranging in temperature from 85°F. (29°C.) to less than 110°F. (43°C.).

(26) “Utensil” means any kitchenware, tableware, glassware, cutlery, container, or similar item with which food or drink comes into contact during storage, preparation, or serving.

(27) “Water activity” means any aquatic pursuit, including swimming, boating, canoeing, or water skiing.

(28) “Wholesome” means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

**History:** Cr. Register, January, 2001, No. 541, eff. 2-1-01; CR 08-073; renum. from HFS 175.03 and am. (8) Register January 2009 No. 637, eff. 2-1-09; corrections in (3) and (23) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; renum. from DHS 175.03 Register June 2016 No. 726; correction in (3), (23) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; correction in (8) made under s. 13.92 (4) (b) 6., Stats., Register June 2016 No. 726; correction in (24) made under s. 35.17, Stats., Register June 2016 No. 726; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register October 2018 No. 754.; **CR 18-019: am. (3), (5) (a), (11), (16) Register January 2020 No. 769, eff. 2-1-20; correction in (16) made under s. 35.17, Stats., Register January 2020 No. 769.**

**ATCP 78.04 Plan consultation.** An operator may consult with the department or its agent before beginning construction of a camp or modifications to an existing camp. The operator may submit plans and specifications for a new or expanded camp, as it relates to this chapter, to the department or its agent for review and comment before beginning construction or modifications.

**Note:** Operators should also consult the Wisconsin department of safety and professional services building code, chs. SPS 361 to 365, and county zoning regulations before beginning construction or modification.

**History:** Cr. Register, January, 2001, No. 541, eff. 2-1-01; CR 08-073; renum. from HFS 175.04 Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 175.04 Register June 2016 No. 726.

**ATCP 78.05 Licenses. (1) LICENSE REQUIRED.** (a) No camp may be opened to the public until the operator of the camp has obtained a license from the department or its agent by submitting an application under sub. (4) and paying the applicable fee specified under s. ATCP 78.06. A separate license is required for each camp.

**Note:** Local health departments that are agents for the department have authority under s. 97.615 (2) (d), Stats., to establish and collect fees for licenses issued by the local health department. If the establishment was permitted by a local health department, contact the local health department for its license fee schedule.

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

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

(3) **TRANSFERABILITY OF LICENSES.** (a) An individual may transfer a license to an immediate family member, as defined in s. 97.605 (4) (a) 2, Stats., if the individual is transferring operation of the camp.

(b) An individual may transfer a license to an immediate family member, as defined in s. 97.605 (4) (a) 2., Stats., if the individual is transferring operation of the camp. 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 license to the newly formed business entity or sole proprietorship if the hotel, motel or tourist rooming house 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. Except as provided in this subsection, no license issued under this chapter is transferable from one premise to another or from one person or entity to another.

**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 s. 97.605 (4) (a) 1. and s. 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.

(c) Except as provided in this subsection, no license issued under this chapter is transferable from one premise to another or from one person or entity to another.

**(4) APPLICATION.** (a) *Initial license*. Application for an initial or new license 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. ATCP 78.06 and any fees previously due to the department or its agent.
2. Documentation that the department of safety and professional services has approved plans and specifications for the camp, if required.
3. Information, as determined by the department or its agent, indicating that the camp will be maintained and operated in compliance with applicable federal and state laws and that rules have been implemented for the operation of the camp that will protect the health, safety, and welfare of the public.

**Note:** To obtain a copy of the camp operator license application form, or to determine which agent to contact for an application form, call (608) 224-4923 or send an e-mail to [datcpdfslicensing@wi.gov](mailto:datcpdfslicensing@wi.gov).

(b) *Renewal license*. To renew a license, the operator shall pay the department the applicable license fee specified under s. ATCP 78.06 before the license expires. If the payment to renew the license is not made to the department before the expiration date of the license, the late fee specified under s. ATCP 78.06 (2) (c) shall be paid in addition to the license fee.

**Note:** Local health departments that are agents for the department have authority under s. 97.615 (2) (d), Stats., to establish and collect fees for licenses issued by the local health department. If the establishment was licensed by a local health department, contact the local health department for its license fee schedule.

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

(b) Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued validity of a license issued under this paragraph 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 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 license is void. No person may operate a camp after a license has been voided under this paragraph, and any person who does so shall be subject to the penalties under ss. 97.72 and 97.73, Stats. An operator whose license is voided under this paragraph may appeal the decision under s. ATCP 78.09.

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

1. The department or its agent has not conducted a preinspection of a camp for which an initial or new license is required under sub. (1).
2. The operator of a camp has not corrected a condition for which the department or agent has issued a written health or safety-related order.
3. All applicable fees under s. ATCP 78.06 have not been paid, including the license fee, preinspection fee, reinspection fee, or other applicable fees.
4. The operator has modified, repaired or maintained the camp 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 license holder has failed to provide the department or its agent with information required under sub. (4).
6. The operator or applicant has violated ch. 97, 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 camp.

(d) 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 under s. ATCP 78.09.

**(6) VOIDED LICENSE FOR FAILURE TO PAY FEES.** If an applicant or operator fails to pay all applicable fees, late fees and processing charges under s. ATCP 78.06 within 15 days after the applicant or operator receives notice of an insufficiency under s. ATCP 78.06 (3), or within 45 days after the expiration of the license, whichever occurs first, the license is void. An operator whose license is voided under this subsection may appeal the decision under s. ATCP 78.09. In an appeal concerning a voided license under this subsection, the burden is on the license 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 camp is deemed to be operation without a license and is subject to the fees under s. ATCP 76.06 (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 from the department shall be posted in a place visible to the public. A license may not be altered or defaced.

**History:** Cr. Register, January, 2001, No. 541, eff. 2-1-01; CR 01-016: am. (3) (a) Register May 2002 No. 557, eff. 6-1-02; CR 08-073: renum. from HFS 175.05, r. and recr. Register January 2009 No. 637, eff. 2-1-09; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; correction in (4) (a) 2. made under s. 13.92 (4) (b) 6., Stats., Register January 2012 No. 673; renum. from DHS 175.05 Register June 2016 No. 726; correction in (1) (a), (3) (a), (b), (4) (a) 1., (b), (5) (b), (c) 3., 6., (d), (6) made under s. 13.92 (4) (b) 7., Stats., correction in (5) (b) made under s. 35.17, Stats., Register June 2016 No. 726; **CR 18-019: am. (title), (1), (2), (3), (4) (title), (a) (intro.), (b), (5) (title), (a) (intro.), (b), (c) (intro.), 1., 3., 5., (d), (6), (7) Register January 2020 No. 769, eff. 2-1-20.**

**ATCP 78.06 Department fees.** **(1) FEE SCHEDULES.** The fees listed in Table ATCP 78.06 A shall apply to licenses issued from April 1, 2009 through March 31, 2011. The fees listed in Table ATCP 78.06 B shall apply to licenses issued on or after April 1, 2011.

**Note:** Local health departments that are agents for the department have authority under s. 97.615 (2) (d), Stats., to establish and collect fees for licenses issued by the local health department. If your establishment was permitted by a local health department, contact the local health department for its license fee schedule.

**(2) TYPES OF FEES.** (a) *Preinspection fee*. The operator of a camp shall, pursuant to sub. (1), pay the applicable preinspection fee listed in Table ATCP 78.06 A or B to the department before an initial or new license is issued under s. ATCP 78.05.

(b) *License fee*. The operator of a camp shall, sub. (1), pay the applicable license fee listed in Table ATCP 78.06 A or B to the department for each camp that the operator applies for a license to operate under s. ATCP 78.05.

(c) *Late fee*. If the license fee for a license renewal is not paid before the expiration date of the license, the operator of the camp 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 camp under s. ATCP 78.07 (1) (b), the operator shall, pursuant to sub. (1), pay to the department the applicable reinspection fee listed in Table ATCP 78.06 A or B. The department shall assess an additional reinspection fee as listed in Table ATCP 78.06 A or B, whichever is applicable, for any additional re-inspection conducted under s. ATCP 78.07 (1) (b) 4.

(e) *Fees for operating without a license*. Any camp found to be operating without a license shall pay to the department a fee of \$749.00, in addition to all applicable fees and any processing charges under section.

**Note:** Anyone operating a camp without a license is also subject to the penalties in ss. 97.72 and 97.73, Stats.

(f) *Duplicate license*. The department shall charge the operator a camp \$15 for a duplicate license.

(g) *Fees for special condition inspections*. For inspection or consultation activities that are not directly related to the department's licensing responsibilities, the department 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 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 78.06 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
Recreational or Educational Campground	\$440	\$1050	\$473	\$630

**Table ATCP 78.06 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
Recreational or Educational Campground	\$505	\$1200	\$540	\$720

**History:** CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 175.06 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.

**ATCP 78.07 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 camp at any reasonable time, for any of the following purposes:

1. To inspect the camp.
2. To determine if there has been a violation of this chapter or s. 97.67, 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 camp.
6. To obtain photographic or other evidence needed to enforce this chapter.

(b) *Reinspections.* 1. The department or its agent may reinspect a camp 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 camp.

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 ATCP 78.06 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 the operator an additional reinspection fee as authorized under s. ATCP 78.06 (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 78.08.

(2) **GENERAL ORDERS TO CORRECT VIOLATIONS.** (a) If upon inspection of a camp, the department or agent finds that the camp 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. ATCP 78.08 to suspend or revoke the license to operate the camp.

(c) Under s. 97.12 (5), Stats., any person who fails to comply with an order of the department shall forfeit \$10 for each day of noncompliance after the order is served upon or directed to him or her. A person may appeal a forfeiture under s. ATCP 78.09.

(3) **TEMPORARY ORDERS.** (a) As provided in s. 97.65, 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 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. 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. ATCP 78.09 (2). The notice shall include a statement that the facility has a right to request a hearing under s. ATCP 78.09 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. 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 78.09.

**History:** CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 175.07 Register June 2016 No. 726; correction in (1) (a) (intro.), 2., (b) 3., 4., (2) (b), (c), (3) (a) (intro.), (c) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; correction in (3) (b) 1. made under s. 35.17, Stats., Register June 2016 No. 726; **CR 18-019: am. (1) (b) 4., (2) (b) Register January 2020 No. 769, eff. 2-1-20.**

#### ATCP 78.08 Suspension or revocation of license.

The department may, after a hearing under s. ATCP 78.09, 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 78.09.

**History:** CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 175.08 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 78.09 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 license, a voided license, suspension, revocation, forfeiture, or an order given under s. ATCP 78.07 (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:** 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](mailto: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 under this subsection 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 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. ATCP 78.07 (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 deci-

sion 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 [datapapeals@wisconsin.gov](mailto: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. The hearing may be conducted by the department secretary or designee.

(3) If the department voids a license under s. ATCP 78.05 (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; renum. from DHS 175.09 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. 72; **CR 18-019: am. (1) (a), (e), (3) Register January 2020 No. 769, eff. 2-1-20.**

**ATCP 78.10 Appeals of actions by agent health departments.** If an agent issues a license under this chapter, the agent shall create enforcement and appeal procedures under ss. 66.0417 and 97.615 (2) (g), Stats.

**History:** CR 08-073: cr. Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 175.10 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 78.11 Location of the camp. (1)** Every camp shall be located on a well-drained site not subject to flooding. The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the property or to the health and safety of the occupants. No camp may be located in an area that is situated so that drainage from any source of filth, such as garbage or animal waste disposal, can be deposited on the site.

**Note:** A camp's location with regard to flood plains and shore land areas shall comply with local zoning ordinances and with ch. NR 115 and s. NR 116.12 (2) (b) of the Wisconsin Department of Natural Resources.

(2) Livestock may not be permanently quartered closer than 500 feet from central and unit cooking, dining or camper sleeping quarters.

**History:** Cr. Register, January, 2001, No. 541, eff. 2-1-01; CR 08-073: renum. from HFS 175.06 Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 175.11 Register June 2016 No. 726.

**ATCP 78.12 Water supply. (1) REQUIREMENTS. (a) General.** A water supply that is safe for human consumption shall be available at every camp.

(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 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-round camp, the operator shall submit a water sample taken from the plumbing distribution system to a laboratory certified under ch. ATCP 77 for bacteriological analysis. If requested by the department or its agent, the operator shall submit a copy of the report giving the results of the analysis to the department or its agent. A camp served by more than one well shall submit a sample from each well annually. Whenever bacteriologically safe water cannot be obtained under the requirements of ch. NR 809 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 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 the collection of water samples may be obtained by writing to the State Laboratory of Hygiene, P.O. Box 7996, Madison, WI 53707-7996, or by calling 1-800-442-4618. Use of any private or public laboratory certified by the

Department of Agriculture, Trade and Consumer Protection is acceptable to satisfy the requirement.

(c) *Containers for transporting drinkable water.* Containers for transporting water for human consumption shall be labeled and easily distinguishable from other containers and shall be constructed of a food grade material that does not allow the migration of deleterious substances or impart colors, odors or tastes and is easily cleanable. Water containers shall be cleaned and sanitized between uses.

(2) **DRINKING FACILITIES.** Drinking fountains of a type approved by the department or an individual drinking cup shall be provided and shall be kept in a sanitary condition. Common drinking cups are prohibited.

(3) **PLUMBING.** (a) All plumbing shall comply with the requirements of chs. SPS 382 and 384 that apply to recreational and educational camps.

(b) Air gaps or approved devices to prevent backflow shall be provided on all water supply outlets.

**History:** Cr. Register, January, 2001, No. 541, eff. 2–1–01; correction in (1) (b) made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557; CR 08–073; renum. from HFS 175.07 Register January 2009 No. 637, eff. 2–1–09; correction in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; correction in (3) (a) made under s. 13.92 (4) (b) 7., Stats., Register January 2012 No. 673; renum. from DHS 175.12 Register June 2016 No. 726; correction in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

**ATCP 78.13 Sewage disposal system.** (1) **SEWAGE.** Sewage, including all liquid and water-carried wastes from sinks, bathing and toilet facilities, may not discharge onto the ground surface.

(2) **PLUMBING FIXTURES.** All plumbing fixtures shall be connected to the building drainage system, and shall discharge to a public sewer or private sewage disposal system.

(3) **PUBLIC SEWER.** When a public sewer facility is available to the camp, connection and use are required.

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

(4) **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 camp. 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 failing private sewage system shall be corrected or its use discontinued. A failing private sewage system has the meaning given in s. 145.245 (4), Stats.

**Note:** Under s. 145.245 (4), Stats., a failing private sewage system is one that causes or results in any of the following conditions: (a) the discharge of sewage to surface water or ground water; (b) the introduction of sewage into zones of saturation which affects the operation of a private sewage 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 sewage system.

(c) A camp shall submit plan and installation details for the design and construction, alteration or extension of a private sewage disposal system to the Wisconsin department of safety and professional services or its designated agent for approval and shall acquire a sanitary permit before altering or extending the private sewage disposal system.

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

**History:** Cr. Register, January, 2001, No. 541, eff. 2–1–01; CR 08–073; renum. from HFS 175.08 Register January 2009 No. 637, eff. 2–1–09; corrections in (4) (a) and (c) made under s. 13.92 (4) (b) 6., 7., Stats., Register January 2012 No. 673; renum. from DHS 175.13 Register June 2016 No. 726.

**ATCP 78.14 Toilet and shower facilities.**

(1) **REQUIREMENTS.** (a) A camp shall provide a minimum of one toilet and one handwash facility for every 10 campers and staff or fraction thereof. Urinals may be substituted for up to ½ of the required number of toilets for males.

(b) Separate toilet rooms shall be provided and marked for each sex.

(c) Toilet rooms shall be well-ventilated and well-lighted, and shall comply with the requirements of chs. SPS 361 to 365.

(d) Toilet rooms shall be located within 400 feet of lodging units and shall provide for privacy. Toilet room doors shall have self-closing devices.

(e) Privies shall be constructed in accordance with chs. SPS 361 to 365 and 391 and shall be approved by the department and maintained in good repair.

(f) A minimum of one shower or bathtub shall be provided for every 20 campers and staff or fraction thereof.

(g) Tempered water shall be provided at all handwash sinks in all rooms having flush toilets and at all shower or bathing facilities.

(h) Carpeting is prohibited in toilet rooms and shower and bathing facilities.

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

**History:** Cr. Register, January, 2001, No. 541, eff. 2–1–01; corrections in (1) (c), (e), and (2) were made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557; CR 08–073; renum. from HFS 175.09 Register January 2009 No. 637, eff. 2–1–09; corrections in (1) (c) and (e), (2) made under s. 13.92 (4) (b) 7., Stats., Register January 2012 No. 673; renum. from DHS 175.14 Register June 2016 No. 726.

**ATCP 78.15 Garbage and refuse.** (1) **CONTAINERS.** (a) Garbage and refuse shall be kept in durable, easily cleanable, insect resistant, leakproof and nonabsorbent containers. Plastic bags may be used to line these containers and may be used for inside storage.

(b) Containers for garbage and refuse used in food preparation and in areas used for washing utensils shall be kept covered or closed when not in use and emptied at a frequency that minimizes the development of objectionable odors and other conditions that attract or harbor insects and rodents.

(c) Containers stored outside as well as dumpsters, compactors and compactor systems shall be easily cleanable, provided with tight-fitting lids, doors, or covers and kept covered or closed when not in use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.

(d) A camp shall have a sufficient number of containers to hold its garbage and refuse until disposal.

(e) Soiled containers shall be cleaned on a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils or food preparation areas.

(2) **STORAGE.** (a) Garbage and refuse stored inside shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

(b) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent materials, shall be kept clean, shall be insect-proof and rodent-proof and shall be large enough to store the garbage and refuse containers that accumulate.

(c) Outdoor storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean.

(d) Recyclables and returnables shall be stored in a clean and sanitary manner to prevent insect and rodent attraction.

(3) **DISPOSAL.** (a) Garbage and refuse shall be disposed of often enough to prevent odor and attracting insects and rodents.

(b) Solid waste disposal sites on the premises shall comply with chs. NR 500 to 538 and shall be licensed by the Wisconsin department of natural resources.

**History:** Cr. Register, January, 2001, No. 541, eff. 2–1–01; CR 08–073; renum. from HFS 175.10 Register January 2009 No. 637, eff. 2–1–09; correction in (3) (b) made under s. 13.92 (4) (b) 7., Stats., Register February 2010 No. 650; renum. from DHS 175.15 Register June 2016 No. 726; correction in (1) made under s. 35.17, Stats., Register June 2016 No. 726.

**ATCP 78.16 Food preparation and service.**

**(1) STANDARDS.** (a) The preparation and service of food and the equipment required for that purpose at camp dining halls, commissary operations and concession stands shall comply with ch. ATCP 75 Appendix.

**Note:** Subchapter III of ch. ATCP 75 is the Department's administrative rules relating to restaurants.

(b) Food preparation and handling in primitive camping areas shall comply with the requirements in sub. (4).

**(2) KNOWLEDGE OF FOOD PROTECTION PRACTICES.** Beginning one year after February 1, 2001, the operator or at least one manager of the food service facility at each camp shall have a certificate issued by the department stating the operator or manager has passed a department-approved written examination on food protection practices in compliance with the requirements of chapter 12 of the ch. ATCP 75 Appendix.

**(3) USE OF FACILITIES.** When an organized group uses a camp's food service facilities and the camp operator does not provide staffing, the operator, in consultation with the person certified under sub. (2), shall provide the group with written or video-presented procedures for the safe handling of food, personal hygiene and proper washing and sanitizing of utensils and equipment.

**(4) OUTDOOR FOOD SERVICE.** Outdoor food service shall be conducted in a safe, clean and sanitary manner, as follows:

(a) *Food.* 1. Only food from an approved source and capable of being maintained in a wholesome condition, free from adulteration, with the equipment available may be used in outdoor food service.

**Note:** Approved sources of food are described in Chapter 3 of the ch. ATCP 75 Appendix, Restaurants.

2. a. Potentially hazardous foods shall be held at 41°F. (5°C.) or lower or 140°F. (60°C.) or higher. Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of 150°F. (66°C.) or higher, except that comminuted meat including hamburger shall be heated until all parts are 155°F. (68°C.) and poultry, stuffings and stuffed meats shall be heated until all parts are 165°F. (74°C.) or higher.

b. Once potentially hazardous foods that have been heated leave the kitchen or commissary, the potentially hazardous foods shall not be allowed to cool below 140°F. (60°C.) prior to serving.

3. Food shall be protected from potential contamination and adulteration, including dirt, insects, rodents or animals.

4. Handling of foods shall be minimized. Advanced preparation of potentially hazardous foods such as hamburger patties and presliced foods, is recommended when practical.

5. Once food leaves the kitchen or commissary and is served, food not consumed shall not be subsequently served, except that prepackaged or protected foods that are wholesome and are not potentially hazardous foods as prescribed in section 3–306.14 of the ch. ATCP 75 appendix may be subsequently served.

(b) *Utensils and equipment.* 1. Utensils and equipment construction and materials shall be appropriate for the type of food service being conducted.

2. Utensils and equipment shall be washed, rinsed, sanitized and air-dried in a manner approved by the department using either an approved sanitizer or hot water at 171°F. (77°C.) for sanitization. When a chemical sanitizer is used, the manufacturer's directions for the proper use of the sanitizer shall be followed and a chemical test kit appropriate for the sanitizer shall be provided.

(c) *Handwashing.* All food handlers shall follow approved handwash procedures.

**Note:** Approved handwash procedures are described in Chapter 2 of the ch. ATCP 75 Appendix, Restaurants.

**History:** Cr. Register, January, 2001, No. 541, eff. 2–1–01; CR 08–073: renum. from HFS 175.11 Register January 2009 No. 637, eff. 2–1–09; corrections in (1) (a), (2) and (4) (a) 5. made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; renum. from DHS 175.16 Register June 2016 No. 726; correction in (1) (a), (2), (4) (a) 5. made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; correction in (4) (a) 4. made under s. 35.17, Stats., Register June 2016 No. 726.

**ATCP 78.17 Buildings and grounds. (1) STATE BUILDING CODE.** All buildings at a recreational or educational camp shall comply with chs. SPS 361 to 365.

**(2) SANITATION AND BUILDING MAINTENANCE.** (a) A camp shall be maintained in a clean and sanitary condition at all times.

(b) The floor surfaces in kitchens, walk-in refrigerators and all other rooms and areas in which food is stored or prepared or in which utensils are washed shall be constructed of smooth, nonabsorbent materials and shall be easily cleanable. Carpeting is prohibited.

(c) In areas subject to spilling or dripping of grease or fatty substances, floor coverings shall be of grease-resistant material.

(d) All walls and ceiling of rooms or areas in which food is prepared or stored or utensils are washed shall be smooth, nonabsorbent, light-colored, and easily cleanable. Impervious baseboards approved by the department shall be installed at floor and wall junctures in all new camps and all new buildings at existing camps. Materials that have perforated or sculptured surfaces or do not have sealed butt joints are not acceptable for wall and ceiling surfaces in kitchens, food storerooms or cooking areas.

(e) All doors and windows opening to the outside shall be effectively screened. Doors shall be self-closing.

(f) Light intensity in all areas where food is prepared or stored or utensils are washed, all dressing rooms, locker rooms, toilet rooms, and garbage and refuse storage areas shall be maintained in accordance with s. 6–303.11 of ch. ATCP 75 Appendix.

(g) All areas in which food is prepared or stored or utensils are washed and all dressing rooms or locker rooms, toilet rooms and garbage and refuse storage areas shall be well-ventilated. A ventilation hood sized for adequate air velocity, with grease filters, shall be provided to cover each cooking area. Filters shall be readily removable for cleaning or replacement and shall be cleaned at least once each week and more often if necessary.

(h) The premises shall be maintained in a clean, neat condition free from refuse, insects and rodents.

(i) Parking areas shall be treated with a material approved by the department to minimize dust and dirt.

(j) The exterior of all buildings shall be well-maintained and kept in good repair.

(k) The floors, carpeting, walls, ceilings, light fixtures, and decorative materials of all rooms shall be maintained in a clean and sanitary condition and in good repair.

**(3) LIGHTING.** All rooms shall be adequately illuminated to permit cleaning and maintenance.

**(4) INSECT AND RODENT CONTROL.** (a) Effective measures to minimize the presence of rodents and insects shall be utilized. Control measures shall be used in a safe manner and according to label instructions.

(b) All doors and windows in food service and storage areas, toilet facilities and sleeping areas that open to the outside shall be tight-fitting and effectively screened. The doors shall be self-closing.

**History:** Cr. Register, January, 2001, No. 541, eff. 2–1–01; correction in (1) was made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557; CR 08–073: renum. from HFS 175.12 Register January 2009 No. 637, eff. 2–1–09; correction in (2) (f) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register January 2012 No. 673; renum. from DHS 175.17 Register June 2016 No. 726; correction in (2) (f) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; correction in (2) (g), (j) made under s. 35.17, Stats., Register June 2016 No. 726.

**ATCP 78.18 Safety and supervision. (1) CAMPER SUPERVISION.** One staff member, 18 years of age or older, excluding kitchen and maintenance staff, shall be provided for every 10 campers or fraction thereof under age 18, except that for campers 6 years of age and under there shall be one staff member for every 4 campers or fraction thereof.

**(2) HAZARDOUS SUBSTANCES.** (a) *Use.* Chemicals, flammables and other hazardous substances shall be used for their

intended purpose and according to the manufacturer's directions stated on the container label.

(b) *Storage.* 1. Chemicals and other hazardous substances shall be stored in their original, covered and labeled containers in a separate, secure area accessible only by appropriate staff.

2. If taken on off-site trips, hazardous substances shall be stored in appropriate, easily identifiable containers.

3. Flammable materials shall be stored in a well-ventilated structure, separate from areas occupied by campers and staff.

(c) *Disposal.* Hazardous substances shall be disposed of in a manner and location as directed on the manufacturer's label or the material safety data sheet by the local agency having jurisdiction over handling hazardous substances and the applicable sections of chs. NR 660 to 670.

(3) PROGRAM ACTIVITIES. (a) Trained staff shall supervise program activities.

(b) A trained adult shall supervise high-risk activities. High-risk activities include firearms, archery, ropes or challenge courses, horseback riding, and rock climbing.

(c) No firearms or archery equipment are permitted in a camp except for use in an organized and supervised camp activity. All firearms, ammunition and archery equipment not being used shall be securely stored under lock.

(d) High-risk equipment shall be properly stored or secured when not in use.

(4) PLANS FOR CAMPER SECURITY AND DEALING WITH EMERGENCIES. (a) *Written plans.* A camp shall have written plans for ensuring camper security and for dealing with emergencies including fire, severe weather, lost campers, and lost swimmers.

(b) *Staff training.* Camp staff shall be instructed and periodically drilled in the use of emergency equipment and the procedures to be followed for notifying emergency personnel.

(c) *Fire control.* 1. A camp shall have firefighting equipment available in nonpermanent sleeping areas. Where fire barrels or buckets are used, they shall be painted red or plainly marked, maintained and kept filled with water.

2. For permanent structures, a camp shall comply with the fire safety requirements of chs. SPS 314 and 361 to 365, including rules on isolation of fire hazards, fire escapes, fire exits, fire extinguishers, fire alarm systems, smoke detectors, exit lighting, space heaters, ventilation, and directions of escape.

3. All emergency equipment shall be continuously maintained.

4. Local fire fighting and law enforcement officials shall be notified in writing when a camp is planned to be operational or annually if the camp is open the entire year.

(5) WATER ACTIVITIES. (a) All swimming and watercraft activities at a camp shall be under the direction of an adult water activities director who holds a current department-approved lifeguard certification.

(b) Every person serving as a lifeguard at a camp shall hold a current department-approved lifeguard certification, a current first-aid certificate approved by the department and a current certificate approved by the department for the completion of a course in cardiopulmonary resuscitation (CPR) for adults, children and infants, and shall have training, as required by the U.S. occupational safety and health administration under 29 CFR 1910.1030, bloodborne pathogens standard.

**Note:** Obtain a list of approved certification courses for lifeguarding, first aid, and CPR from the Bureau of Food and Recreational Businesses at (608) 224-4682 or PO Box 8911, Madison, Wisconsin 53708-8911.

(c) Except as allowed in par. (d), either the water activities director or a staff person who is certified as specified in par. (b) shall be on duty at each water activity area, such as where boating, canoeing, swimming, or water skiing occurs, for every 50 persons or fraction thereof in the water. In addition, there shall be an over-

all ratio of one staff person at each water activity area for every 10 persons in the water.

(d) A group consisting only of adults or a group participating in a family camping program with at least one parent or designated adult supervisor present and supervising may use water activity areas, other than swimming, without supervision by camp aquatics staff provided the group receives orientation from camp aquatics staff based on written procedures that specify all of the following:

1. Personal flotation devices shall be provided in accordance with s. 30.62 (3) (a), Stats., for each boat under 16 feet in length. Boats 16 feet in length or more shall also be equipped with at least one U.S. coast guard approved type IV throwable flotation device.

2. Personal flotation devices shall be worn by all persons at all times when operating or riding on personal watercraft in accordance with s. 30.62 (3) (b), Stats.

3. Safety regulations shall be followed, including safety devices for personal watercraft in accordance with s. 30.62 (3m), Stats.

4. A designated check-in and check-out system is to be used by camp staff to identify persons using the water activity areas.

(e) An equipped first-aid kit appropriate for its intended use as determined by the water activities director or the camp health supervisor shall be maintained and readily available at each water activity area.

**Note:** Obtain a list of Department-recommended minimum first-aid kit contents by contacting the Bureau of Food and Recreational Businesses at (608) 224-4682 or PO Box 8911, Madison, Wisconsin 53708-8911.

(f) Lifesaving equipment, including a minimum of at least a backboard, ring buoy, or rescue tube or throw bag and reaching pole, shall be maintained and immediately available at each water activity area.

(g) The camp operator or water activities director shall establish and enforce a method for checking persons in and out of the water.

(h) The camp operator or water activities director shall establish and enforce a method for supervising persons in the water such as the buddy system, the colored cap system or a combination of methods of supervising persons.

(i) The camp operator or water activities director shall designate a separate area for each water activity.

(j) The camp operator or water activities director shall conspicuously post swimming and boating regulations and restrictions at all water activity areas.

(k) Access to a water activity area shall be controlled and the area used for swimming shall be clearly marked and separated into sections for nonswimmers, beginners, intermediates, and proficient swimmers. No person may go into a section beyond his or her classification except when being tested under supervision for the next higher level.

(L) Water activity areas shall be free of hazards, and equipment in water activity areas shall be maintained. Equipment includes docks, ladders, rafts, diving boards, boats, life jackets, and paddles.

(m) A camp may allow swimming after dark in swimming areas if a minimum of 5 foot-candles general overhead lighting is provided. The illumination shall be measured at water level.

(n) A rescue boat shall be readily available when water activities extend beyond the designated swimming area. The boat shall be provided with at least a ring buoy or rescue tube or throw bag attached to 50 feet of ¼ inch rope and a reaching pole.

(o) Personal flotation devices shall be U.S. coast guard approved and shall be sized properly for each individual.

**Note:** To obtain a copy of the department's "Model Ordinance for Public Beaches," write: Bureau of Environmental Health, P. O. Box 2659, Madison, Wisconsin 53701-2659.



**(6) SWIMMING POOLS.** Any swimming pool, wading pool, whirlpool or similar structure shall comply with ch. SPS 390 and the camp operator shall obtain a license and operate the pool in accordance with ch. ATCP 76.

**History:** Cr. Register, January, 2001, No. 541, eff. 2–1–01; correction in (4) (c) 2. was made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557; CR 08–073; renum. from HFS 175.13 Register January 2009 No. 637, eff. 2–1–09; corrections in (2) (c) and (6) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; corrections in (4) (c) 2., (6) made under s. 13.92 (4) (b) 7., Stats., Register January 2012 No. 673; renum. from DHS 175.18 Register June 2016 No. 726; correction in (6) made under s. 13.92 (4) (b) 7., Stats., Register June 2016 No. 726; **CR 18–019; am. (6) Register January 2020 No. 769, eff. 2–1–20.**

**ATCP 78.19 Health. (1) HEALTH SERVICES.** (a) Before a camp opens for the first time, and at least annually thereafter, the camp operator shall make written arrangements for medical care of campers and camp staff by a staff physician or consulting physician and for emergency admissions to a designated hospital.

**Note:** It is recommended that a parent's or guardian's written consent for emergency medical care be secured by the camp director prior to or upon the camper's arrival at camp.

(b) A camp shall have a vehicle available at all times to transport a camper or staff member requiring emergency medical services to a hospital or clinic when the camp cannot provide the needed services.

**(2) HEALTH HISTORY.** Except in a family camping program, each camper and each staff member, upon arrival at the camp, shall present to the health services staff an up-to-date written health history that describes any physical condition, medications or allergies requiring special consideration. For a camper or staff member under 18 years of age, the written health history shall be prepared and signed by a parent or guardian or, if no parent or guardian is available, another adult relative with whom the child resides. Health services staff shall review all health histories and notify the camp operator of special health concerns.

**Note:** It is recommended that each camper and staff member, upon arrival at the camp, also present to the health services staff a written report of a physical examination performed within the preceding 24 months by a physician, a physician assistant or a registered nurse.

**(3) INFIRMARY.** A camp shall have written procedures and space for the temporary isolation of sick or injured campers and staff members. Any person reasonably suspected of having a communicable disease shall be suitably isolated.

**Note:** Reportable communicable diseases are listed in appendix A to ch. DHS 145. Cases are to be reported to the local health officer or the Department as required under s. 252.05, Stats., and ch. DHS 145.

**(4) FIRST-AID SUPPLIES.** A camp shall have on hand first-aid supplies as determined by the health services staff.

**Note:** Obtain a list of Department-recommended minimum first-aid supplies by contacting the Bureau of Food and Recreational Businesses at (608) 224-4682 or PO Box 8911, Madison, Wisconsin 53708-8911.

**(5) HEALTH CARE.** (a) *Camp health supervisor.* Except as provided under par. (e), a camp shall have an adult camp health supervisor who shall be responsible for routine and emergency health care supervision at the camp.

(b) *Health services staff qualifications.* 1. Except as provided under par. (e) and as permitted in subd. 3., the on-site health services staff shall include at least one of the following:

- a. A physician licensed in Wisconsin.
- b. A registered nurse licensed in Wisconsin.
- c. A physician assistant licensed in Wisconsin.
- d. A practical nurse licensed in Wisconsin.
- e. A national athletic trainers association certified trainer.
- f. An emergency medical technician or a paramedic.
- g. A person currently certified as completing the American red cross emergency response course.
- h. A person currently certified as completing the American red cross responding to emergencies course or equivalent.

2. Except as permitted in subd. 3., anyone working as a member of the on-site health services staff at a camp shall hold current certification from the American red cross for CPR for the professional rescuer or the American heart association for health care

provider CPR or equivalent age-appropriate cardiopulmonary resuscitation.

3. Persons holding a current certificate for the completion of the American red cross community first-aid and safety course or equivalent and a current certificate for the completion of a course for adult, child and infant cardiopulmonary resuscitation may serve as health services staff provided all of the following conditions are met:

a. The users of the camp are coming as an organized group such as a school class, a church group or a scout troop.

b. The program is for a period of 3 nights or less.

c. The local ambulance service provider or emergency medical service states in writing that there is a target response time of 15 minutes or less to the camp unless the department approves a longer response time.

d. There is a telephone capable of connecting with emergency medical services without the use of coins, accessible at all times during camp operation and located in close proximity to the camp buildings or lodging units.

(c) *Health services staff coverage.* 1. Except as provided under par. (e), a camp shall have a health services staff person qualified under par. (b) 1. and 2. available on the premises of the camp at all times while the camp is in operation.

2. A health services staff person qualified under par. (b) 1. and 2. shall accompany all overnight programs going to a physical location not owned or operated by the camp. The health services staff person shall work under the direction of the camp health supervisor, have the appropriate camper records, first-aid supplies appropriate for the occasion as determined by the camp health supervisor and access to a means of communication to summon emergency help and communicate with the camp health supervisor.

3. A health services staff person who has at least the training required under par. (b) 3. shall accompany all overnight programs going to a primitive camping area.

(d) *Staff or consulting physician.* Except as provided under par. (e), when a camp's permanent facilities are used for more than 3 nights, health services staff shall work under the delegation of a physician licensed under ch. 448, Stats., who is available on-site during the camping season or for consultation services. The staff physician or consulting physician, in cooperation with the camp operator, shall develop a written protocol, signed by the physician, for the administration of medications, routine health care and emergency medical care at the camp. The physician shall review the protocol annually.

**Note:** Obtain a suggested outline for the contents of a protocol document by contacting the Bureau of Food and Recreational Businesses at (608) 224-4682 or PO Box 8911, Madison, Wisconsin 53708-8911.

(e) *When health services staff are not provided by camp operator.* When a camp's permanent facilities are used for more than 3 nights by members of the camp operator's organization or by an organized group from outside the camp operator's organization, and the camp operator does not provide health services staff, the camp operator's organization shall set and require minimum levels of training for leaders of the group which are not less than those required under par. (b) 2. and 3., before allowing use of the facilities. The camp operator shall ensure that organized groups using the facilities comply with this chapter.

**(6) MEDICATIONS.** (a) All medications brought to camp by a camper or staff member shall be in containers that are clearly labeled to include the name of the camper or staff member, the name of the medication, the dosage, the frequency of administration and the route of administration. All medication prescribed by a physician shall, in addition, be labeled to include the name of the prescribing physician, the prescription number, date prescribed, possible adverse reactions, the specific conditions when contact should be made with the physician and other special instructions as needed.

(b) Except as allowed in par. (c), all medication brought to camp by a camper or staff member under 18 years of age shall be kept in a locked unit and shall be administered by health services staff qualified under sub. (5) (b), except that bee sting medication, inhalers, an insulin syringe or other medication or device used in the event of life-threatening situations may be carried by a camper or staff member. Each camper or staff member 18 years of age or older may take responsibility for the security of his or her personal medication.

(c) When a camp's facilities are used for a program of 3 nights or less, an adult leader of the group shall keep all medications brought to camp by a camper or staff member under 18 years of age in a locked unit. The adult leader shall be responsible for the administration of the medications.

**(7) HEALTH AND TREATMENT RECORDS.** (a) A camp's health supervisor shall keep available the health history required under sub. (2) for each camper and staff member.

(b) When a medication is administered or treatment provided to a camper or staff member, health services staff shall make a record of the action in a bound book with preprinted page numbers, indicating the following information: name of the person receiving the medication or treatment; ailment; name of the medication or treatment; quantity given; date and time administered; by whom administered; and comments.

(c) The camp shall retain health history and treatment records for at least 2 years.

(d) The camp operator shall maintain camper and staff health history and treatment records, except that an organized group using a camp's facilities for fewer than 3 nights when no camp staff are present may maintain its health histories and treatment records. Health history and treatment records shall be accessible, upon request, to the camp operator and public health officials.

**History:** Cr. Register, January, 2001, No. 541, eff. 2-1-01; CR 08-073: renum. from HFS 175.14 Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 175.19 Register June 2016 No. 726; correction in (7) (b) made under s. 35.17, Stats., Register June 2016 No. 726.

**ATCP 78.20 Register.** (1) A camp shall maintain a camp register that contains the names, home addresses and phone numbers of all campers and staff and the names and phone numbers of persons to notify in case of an emergency. The register shall be retained for a minimum of 2 years.

(2) A camp shall have a method for tracking campers that shall be used to monitor persons entering and leaving camp during the program session.

**History:** Cr. Register, January, 2001, No. 541, eff. 2-1-01; CR 08-073: renum. from HFS 175.15 Register January 2009 No. 637, eff. 2-1-09; renum. from DHS 175.20 Register June 2016 No. 726.

**ATCP 78.21 Sleeping quarters.** (1) **FIRE SAFETY.** Sleeping quarters at a camp shall comply with the fire safety requirements in s. ATCP 78.18 (4) (c).

(2) **SPACE.** Sleeping quarters shall provide a minimum of 400 cubic feet for each occupant over 12 years of age and 200 cubic feet for each occupant 12 years of age or under and shall have a

ceiling height of at least 7 feet. Adequate space shall be provided for wheelchair access to bedsides.

(3) **FLOOR SPACE BETWEEN BEDS.** There shall be at least 3 feet horizontally between the sides of beds and at least 6 feet horizontally between the heads of sleepers.

(4) **BUNK BEDS.** When campers sleep in upper bunks, guardrails shall be installed to prevent occupants from rolling out. The top of the rail shall be at least 5 inches above the top of the mattress and the bottom of the rail shall be no more than 3.5 inches above the top of the bed frame. No more than 2 beds may be stacked vertically and 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.

(5) **VENTILATION.** Sleeping quarters shall be adequately ventilated.

**Note:** See ch. SPS 364.

(6) **BEDDING.** Pillowslips, sheets, towels, and washcloths, when provided by the operator, shall be washed at least once a week and before being assigned to a different camper or staff member. Blankets, spreads, mattresses, and pillows shall be kept clean and free of insect infestation. Mattresses shall be covered with a nonabsorbent cover or other approved protection and shall be maintained clean and in good repair. The cover, pad, or mattress shall be cleaned for each incoming camper and staff member and more often if necessary.

(7) **SEPARATION.** A camp shall provide separate sleeping quarters for each sex, except when the sleeping quarters are occupied by a family.

**History:** Cr. Register, January, 2001, No. 541, eff. 2-1-01; CR 08-073: renum. from HFS 175.16 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; renum. from DHS 175.21 Register June 2016 No. 726; correction in (1) made under s. 13.92 (4) (b) 7., Stats., and correction in (6) made under s. 35.17, Stats., Register June 2016 No. 726.

**ATCP 78.22 Primitive camping.** (1) **GENERAL.** The operator of a camp shall maintain each primitive camping area in a safe, clean, and sanitary manner conducive to public health.

(2) **WATER SUPPLY.** Drinking water taken on hikes and trips away from a primitive camping area shall be from a water supply that is safe for human consumption.

(3) **TOILETS.** A primitive camping area not provided with approved toilet facilities shall have separate designated areas for each sex for toilet use. At minimum, toilet usage in these areas shall comprise a slit trench with earth backfill. The toilet areas shall be located at least 50 feet from a stream, lake, or well and at least 75 feet from a camp, tent or other sleeping or housing arrangement.

(4) **SOLID WASTE.** Garbage and refuse generated in primitive camping areas shall be carried back to the central camp area for proper disposal as required under s. ATCP 78.15.

**History:** Cr. Register, January, 2001, No. 541, eff. 2-1-01; CR 08-073: renum. from HFS 175.17 Register January 2009 No. 637, eff. 2-1-09; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; renum. from DHS 175.22 Register June 2016 No. 726; correction in (4) made under s. 13.92 (4) (b) 7., Stats., and correction in (3) made under s. 35.17, Stats., Register June 2016 No. 726.