

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Note: Chapter H 75 as it existed on August 31, 1978, was repealed and a new Chapter H 75 was created effective September 1, 1978.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H 75 was renumbered Chapter HSS 175 effective June 1, 1982; Chapter HSS 175 as it existed on October 31, 1985 was repealed and a new Chapter HSS 175 was created effective November 1, 1985.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 Chapter HFS 175 as it existed on January 31, 2001, was repealed and a new chapter HFS 175 was created effective February 1, 2001.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s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726; **Chapter ATCP 78 as it existed on September 23, 2023, was repealed and a new chapter ATCP 78 was created effective September 24, 2023.**

Subchapter I — Definitions, Authority and Purpose

ATCP 78.01 Authority and purpose. This chapter is promulgated under the authority of ss. 93.07 (1), 97.67 (1) and (4), 97.30 (2) (a), 97.625, and 227.11 (2) (a), Stats., to prescribe rules for recreational and educational camps and hospitality activities for enforcement by the department and agent local health departments to protect public health and safety.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

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) **VARIANCES.** When it appears to the department that strict adherence to a provision of this chapter is impractical for a particular camp, the department may approve a variance from that provision requested by that camp’s operator if the operator provides the department with satisfactory proof that the approval of the variance will not jeopardize the public’s health, safety, or welfare.

(3) **PROCEDURE FOR VARIANCE REQUEST.** (a) **Application.** Request for modification or waiver of a requirement of this chapter shall be submitted in writing to the department or its agent having jurisdiction along with documentation specified in par. (d).

(b) **Local review.** A local inspector shall review the request and forward it to the department with recommendations for approval or disapproval.

(c) **Department action on a variance.** On receipt of a complete variance request as specified in this section, the department shall review the request and grant or deny the request in writing within 30 working days. A variance approved by the department shall be made conditional for a defined period of time, or shall expire 5

years from the date of issuance. The department or its agent shall maintain a copy of the variance in the establishment’s inspection history file.

(d) **Application contents.** Documentation justifying a proposed variance from the requirements of this chapter shall include all of the following:

1. A statement of the proposed variance from this chapter requirement citing relevant chapter location numbers.

2. The rationale for how the potential public health hazards and nuisances addressed by the relevant chapter section will be alternatively addressed by the proposed variance.

(4) **CONFORMANCE WITH APPROVED VARIANCE.** If the department grants a variance as specified in sub. (2), the license holder shall meet all of the following requirements:

(a) **Conditions.** Comply with the department’s conditions for the variance approval. ^P

(b) **Records.** Maintain a copy of the approved variance at the camp.

(5) **TRANSFERABILITY.** An approved variance is not transferable to any other camp, entity, or licensee.

(6) **REISSUANCE.** (a) **Request.** A license holder who wishes to continue a variance after its expiration shall file a request with the department for reissuance of the variance at least 30 days prior to its expiration, unless permission for a later date has been granted by the department.

(b) **Status of existing variance.** When a license holder has made timely and sufficient application for the reissuance of a variance in reference to any activity of a continuing nature, the existing variance does not expire until the application has been finally acted upon by the department.

Note: To obtain a form for requesting a variance, email datcpdfsrec@wisconsin.gov or contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

ATCP 78.03 Definitions. In this chapter:

(1) “Adirondack shelter” means an open-fronted shelter having a roof that slopes backward.

(2) “Adult” means a person 18 years of age or older.

(3) “Active (effective) managerial control” means the purposeful incorporation, monitoring, and verification of systems in

a camp that proactively reduce the risk of safety and health hazards.

(4) “Agent” means a local health department as defined in s. 250.01 (4), Stats., that has entered into a contract with the department and is authorized under the terms of that contract to administer a retail food establishment, lodging, and recreational safety regulatory program, pursuant to ss. 97.41 and 97.615 (2), Stats., in the health department’s area of jurisdiction.

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

(6) “Aquatic program activity” means any recreational or instructional activity occurring in or on a natural or man-made body of water. “Aquatic program activity” does not include any of the following: fishing from a dock or shore or engaging in contact with water depths less than 12 inches, such as a tadpole or frog nature study.

(7) “Attendant” means a person trained to control patrons in a safe and orderly manner. The attendant can be any noncertified staff member assigned by and under direct supervision of certified aquatic personnel, utilized in addition to certified persons to be additional “eyes” watching swimmers or boaters. This person may also be referred to as a lookout.

(8) “Bed” means a piece of furniture for sleep or rest for an individual camper in a permanent sleeping quarter, including a framework with a mattress and coverings, cot, bunk, sleeping pad, air mattress, or yoga mat placed on the floor.

(9) “Belay system” means the individual or group action of managing the tension in a climber’s life safety rope with the intention of protecting the climber at an elevated height.

(10) “Boat” means every description of watercraft used or capable of being used as a means of transportation on water.

(11) “Camp” means a recreational and educational camp.

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

(13) “Camp staff” means paid or unpaid personnel involved with camp operations. Camp staff does not mean a parent or guardian that accompanies a child to camp as a participant and does not have unsupervised activity with other campers.

(14) “Camper” means an individual under the care and supervision of the camp or a rental group that has a written agreement with the camp and includes all of the following:

(a) a minor child.

(b) An adult with developmental disability.

(c) Children, youth and adults under legal guardianship or court directed conservatorship.

(15) “Campus conference” means a meeting lasting fewer than 4 consecutive nights, which is organized for personal or professional development related to a particular subject or theme.

(16) “Cathole” means a hole in the ground, at least 8 inches deep, used as an alternative disposal method of burying human solid waste on primitive camping trips when permanent toilet facilities are unavailable.

(17) “Challenge course” means a facility or facilities consisting of one or more high or low elements.

(18) “Core item” means a provision in this chapter that is not designated as a priority item or a priority foundation item, including general sanitation, operational controls, sanitation standard operating procedures, facilities or structures, equipment design, or general maintenance.

(19) “Death, injury or illness report” means the written record of all facts regarding an incident associated with a camp activity on or off the camp premises that resulted in bodily harm where an EMS response was necessary.

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

(21) “Developmental disability” has the meaning given in s. 51.01 (5) (a) to (b), Stats.

(22) “Easily cleanable” means a material or finish of a surface that allows effective removal of soil by manual or mechanical cleaning methods.

(23) “Element” means an apparatus that provides for a unit of activity on a challenge course. An “element” may be installed in trees, poles, portable structures, buildings, or be a part of a self-supporting structure, including items designed to simulate rocks for climbing, beams, bridges, cable traverses, climbing walls, nets, platforms, ropes, swings, towers, aerial adventures, zip lines, and jump systems.

(24) “EMS response” means a Wisconsin emergency medical service that provides ambulance service response in a geographic area and is staffed by certified rescue professionals such as an emergency medical technician or emergency medical responder.

(25) “Equipment” means an article used in the camp other than land and building structures, including furniture, decorative materials, fireplaces, heating units, and appliances.

(26) “Existing building” means a building available for occupancy before June 30, 2023.

(27) “Existing camp” means operating with a license first issued by the department or its agent before June 30, 2023.

(28) “Firearm” means a gun, pistol, or rifle from which a projectile can be discharged, including a pellet gun, air rifle and BB gun. “Firearm” does not include Nerf-type or paintball guns.

(29) “First aid supplies” means a set of materials and tools used for giving emergency treatment to a sick or injured person.

(30) “Guard” means a barrier erected to prevent a person from falling to a lower level.

(31) “Hammock” means a sling made of fabric, rope, or netting, suspended between 2 or more points, and used for swinging, sleeping, or resting.

(32) “Handrail” means a horizontal or sloping rail intended for grasping by a hand, for guidance or support or preventing a fall down a stair.

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

(34) “High element” means equipment installed for a facilitated challenge course activity that requires a participant using the equipment to be connected to a life safety system, including ascending, descending, or traversing the challenge course at the established height. In this subsection, “activity” includes tree climbing, zip lines, and climbing walls.

(35) “Hospitality activity” means an additional activity offered by a camp operator including a retail food establishment, campground, hotel, motel, bed and breakfast establishment, or tourist rooming house within the confines of the camp, utilizing the same camp structures to serve other adult guests and their families. “Hospitality activity” does not include the operation of a retail food establishment, campground, hotel, motel, bed and breakfast establishment, or tourist rooming house that is solely operated independently and separately from the recreational and educational camp operation.

(36) “Imminent health hazard” means a condition that presents a likelihood to cause severe adverse health consequences or death.

(37) “Life safety system” means a configuration of components, including life lines, belay beams, and anchorages that support fall restraint and arrest systems, personal safety systems, belay systems, and rope rigging systems.

(38) “Lifeguard” means a person holding a certificate from a course or courses that meet the criteria for lifeguarding, first aid, cardiopulmonary resuscitation, and automatic external defibrillator training and certification set forth in the 2018 Model Aquatic Health Code or as approved by the department.

Note: A listing of approved courses may be obtained by contacting the department. Email atcpdfsrec@wisconsin.gov or contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

(39) “Livestock” has the meaning given in s. 97.42 (1) (em), Stats.

(40) “Low element” means equipment installed for a facilitated challenge course activity in which the participant is spotted if needed by other persons in order to limit the risk of an injurious fall and the use of a life safety system is not required, including balancing on a low beam, walking across a pole while holding a rope, or activities involving such factors as strengthening, agility, balancing, teamwork, climbing on boulders or horizontal climbing walls no higher than the climber’s shoulder height, and problem solving.

(41) “New building” means a building first available for occupancy on or after July 1, 2023.

(42) “New camp” means a camp operating with a license first issued by the department or its agent on or after July 1, 2023.

(43) “Non-specialized program activity” means a general camp activity that does not require a special technical skill, equipment, or safety regulation other than those that generally apply throughout camp, including singing, nature studies, religious instruction, or arts and crafts.

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

(45) “Pest” means an animal or insect of public health significance that is a nuisance and may or may not transmit disease to the general public, including cockroaches, bed bugs, flies, mosquitoes, bats, rodents, and ticks.

(46) “Person” means, for purposes of issuing a license, an individual, partnership, association, firm, company, corporation, municipality, county, town or state agency; whether acting as tenant, owner, lessee or licensee; or the agent, heir, or assignee of any of these, as applicable.

(47) “Planned program” means an experience that provides an activity undertaken for the purpose of exercise, relaxation or pleasure, or any activity that imparts knowledge or skill in a group setting under the supervision of camp staff.

(48) “Platform tent” means a tent on a platform made of manufactured timber products, constructed to provide a solid, level floor for the tent, with or without partial walls consisting of flame retardant material, in accordance with National Fire Protection Association Standards, and not exceeding 3 feet in height above the ground.

(49) “Playground” means an area used for unfacilitated activity including outdoor play or recreation by campers with equipment including slides, play sets, horizontal bars, and swings.

(50) “Plumbing system” has the meaning given in s. SPS 381.01 (179).

(51) “Potable” has the meaning given in s. NR 812.07 (75).

(52) “POWTS” or “private on-site wastewater treatment system” has the meaning given in s. 145.01 (12), Stats.

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

(54) “Priority item” means a provision in this chapter directly related to health and safety that if not met or is missing could significantly contribute to an increased risk for injury or illness. Priority item is an item that is denoted in this chapter with a superscript P-P.

(55) “Priority foundation item” means a provision in this Chapter whose application supports, facilitates, or enables one or more priority items. Priority foundation item is an item that is denoted in this Chapter with a superscript Pf-Pf, including an item that requires the purposeful incorporation of specific actions, equipment or procedures by the operator including personnel training, infrastructure, documentation or record keeping.

(56) “Primitive camping” or “backcountry camping” means a designated, remote portion of a camp or other off-premises area used by the camp without amenities such as a water supply system, toilets, and permanent food or lodging facilities.

(57) “Private water system” has the meaning given in s. NR 812.07 (78).

(58) “Public sewer” has the meaning given in s. SPS 381.01 (198).

(59) “Public water system” has the meaning given in s. NR 809.04 (67).

(60) “Recreational and educational camp” means a camp premises, including temporary and permanent structures that are operated as overnight living quarters, where food or lodging are provided for a camper. The camp provides a combination of planned program activities established for the primary purpose of providing an indoor or outdoor group living experience for campers with social, recreational, spiritual, and educational objectives during one or more seasons of the year.

(61) “Recreational vehicle” means a vehicle that has walls of rigid construction, does not exceed 45 feet in length, is designed to be towed upon a highway by a motor vehicle or has a motor of its own, and is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, including a camping trailer, motor home, and park model.

(62) “Rental group” means another group or program that has a written agreement to rent or use a licensed camp’s facilities, and perhaps some services, to operate their own camping program or retreat for campers. The group may be from within the camp’s parent organization.

(63) “Rescue boat” means a boat that can provide assistance to a camper during water activities that extend beyond the designated swimming area.

(64) “Rescue pole” means a long, slender, rounded piece of wood, plastic or metal, a minimum of 7 feet in length, used to assist in a water rescue.

(65) “Restricted-use pesticide” has the meaning given in s. ATCP 29.01 (36).

(66) “Retail food establishment” has the meaning given in s. ATCP 75.04 (33).

(67) “Sanitize” means to apply cumulative heat or chemicals on cleaned food-contact surface that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999 percent reduction, of representative disease microorganisms of public health importance.

(68) “Specialized program activity” means an activity, under the onsite supervision and direction of at least one trained adult, including fire building for outdoor cooking, kilns and campfires, foraging for edible plants, ice fishing, pyrotechnics, horseback riding, challenge courses, air pillows, zip lines, archery, motorized vehicles, power tools, model rocketry, and use of firearms.

(69) “Spotting” means the assistance provided on a low element challenge course that involves one or more persons working together to be ready to catch, lift, physically support, or slow the descent of the participant, if necessary.

(70) “Standing orders” means a written protocol developed in cooperation with the camp operator and signed by the staff physician or consulting physician that delineates health ailments such as minor illness and injury that may routinely occur and be treated at camp, when EMS response should be used, and procedures for any emergency medications and equipment that may be used by qualified camp staff including epinephrine, albuterol, nitroglycerine, AED, and oxygen.

(71) “Supervisor” means a person who is responsible for the care of campers and can intervene to prevent harm or respond to an incident.

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

(73) “Tent” means a collapsible shelter made of flame retardant material, in accordance with National Fire Protection Association Standards, that is sustained or stretched over a supporting framework of poles, ropes, and pegs.

(74) “Trained adult” means an individual whose competency is affirmed by local statute or regulation through holding a license or certification, or the individual has documented training or experience in a specific area or field.

(75) “Vault privy” has the meaning given in s. SPS 391.03 (9).

(76) “Vendor provided” means a third party that provides equipment and access to a program site or facility, with persons other than the camp staff responsible for the site, equipment, and supervision of the activity.

(77) “Visual obstruction” means, in reference to aquatic program activity, a feature that is manmade or natural and is on, in or near the water, that is larger than 10 feet in length by 6 feet in height by 5 feet in width and that obscures a lifeguard or attendant’s line of sight.

(78) “Water distribution system” has the meaning given in s. SPS 381.01 (280).

(79) “Water service” has the meaning given in s. SPS 381.01 (282).

(80) “Water system” has the meaning given in s. NR 812.07 (118).

(81) “Yurt” means a round domed structure constructed of wood and fabric.

(82) “Zip line” means lifeline suspended between support structures that enables a camper attached to a pulley to traverse from one point to another along the lifeline propelled only by the force of gravity.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; correction in (6), (28), (34), (35), (70) made under s. 35.17, Stats., Register June 2023 No. 810.

Subchapter II — Licensing and Fees

ATCP 78.04 License holder qualifications. To qualify for holding a license, an applicant shall do all of the following:

(1) Be an owner of the camp or an officer of the legal entity owning the camp or an entity under a duly created and approved agreement in effect for the duration of the license period for use of lands as a camp.

(2) Comply with the requirements of this chapter.

(3) Allow authorized representatives of the department or its agent access to the camp and provide required information to those authorized representatives.

(4) Pay the applicable license fees at the time the application is submitted.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

ATCP 78.05 License holder responsibilities. Upon acceptance of the license issued by the department or its agent, the license holder shall do all of the following in order to retain the license:

(1) Comply with the provisions of this chapter and any other applicable chapters.

(2) Immediately contact the department or its agent to report an illness of a food employee or conditional employee pursuant to ch. ATCP 75 Appendix 2-201.11 (B).

(3) Immediately discontinue operations directly related to an imminent health hazard and immediately notify the department or its agent.

(4) Replace existing facilities and equipment that no longer comply with the criteria set forth in this chapter according to time period pursuant to s. ATCP 78.09 (2).

(5) Comply with directives of the department or its agent including meeting deadlines for taking corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the department or its agent for the license holder’s camp or in response to community emergencies.

(6) Accept notices issued and served by the department or its agent according to law.

(7) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this chapter.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; correction in (2) made under s. 35.17, Stats., Register June 2023 No. 810.

ATCP 78.06 Plan review. (1) APPROVAL REQUIRED. An operator shall obtain plan approval from the department or its agent before any of the following occurs:

(a) *New construction.* The operator begins construction of a camp.

(b) *Modifications.* The operator modifies a camp by adding or moving a structure that was subject to a previous plan review by the department or its agent.

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

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

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

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

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

Note: To obtain a copy of the plan approval application form, email datcpdfrsrec@wisconsin.gov or contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

(b) *Determination.* 1. If the department or its agent receives a plan or application from an operator that is not completed as specified in par. (a), the department or its agent shall contact the operator to seek additional information necessary to complete the plan or application.

2. Within 30 days after receipt of a completed plan pursuant to par. (a) the department or its agent shall approve or deny the plan. If the department or its agent approves the plan, the department or its agent shall issue a plan approval letter to the operator. If the department or its agent denies a plan, the applicant shall be given the reason, in writing, for the denial. The applicant may appeal the decision made by the department pursuant to s. ATCP 78.11. If the decision was made by a department’s agent, the applicant may appeal the decision pursuant to s. ATCP 78.10.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

ATCP 78.07 Licenses. (1) LICENSE REQUIRED. Except as specified in par. (c), a license is required when a camp is advertised or offered free of charge or in return for payment of a fee by a person or by the state or a local unit of government.

(a) *Conditions requiring a license.* No person may operate a camp without holding a license from the department or its agent. The following requirements apply:

1. A separate license is required for each camp.

2. Except as provided pursuant to subd. 3., if a license holder sells or otherwise transfers ownership or operation of a camp to another person, a new license is required pursuant to s. 97.67 (2)

(a), Stats., and the camp may not be opened to the public until the department or its agent has issued a new license.

3. A camp operator can transfer ownership of the camp under any of the following:

a. Pursuant to s. 97.67 (2) (b) and (c), Stats., an individual may transfer a license to an immediate family member.

b. A sole proprietorship that reorganizes as a business entity, as defined in s. 180.1100 (1g), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a license to the newly formed business entity or sole proprietorship if the camp 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.

4. No license issued under this chapter is transferable from one premises to another.

5. A person who wishes to transfer a license shall notify the department or its agent prior to operation of the camp.

Note: To notify the department of a transfer of ownership, please email datcpd-frsrec@wisconsin.gov or contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

6. A person who operates a licensed camp and operates a retail food establishment, campground, hotel, motel, bed and breakfast establishment, or tourist rooming house that is solely operated independently and separately from the camp operation shall obtain an additional license, as applicable:

a. Retail food establishment license as required pursuant to ch. ATCP 75.

b. Campground license as required pursuant to ch. ATCP 79.

c. Hotel, motel, or tourist rooming house license as required pursuant to ch. ATCP 72.

d. Bed and breakfast establishment license pursuant to ch. ATCP 73.

Note: An example when an additional retail food license is required. A college campus kitchen that prepares and serves food to campers. The campus also has additional food service establishments that operate solely independently from the kitchen that serves campers. These independent food service operations would be required to obtain a separate retail food establishment license.

Note: An example when additional recreational licenses are required. A camp that has lodging or campground facilities that are exclusively rented to adults and families and are not used by campers. These lodging or campground facilities would be required to hold a separate lodging or campground license.

7. The operator of a camp that also offers an additional activity such as, a retail food establishment, campground, hotel, motel, bed and breakfast establishment or tourist rooming house within the confines of the camp, utilizing the same camp structures to serve other adult guests and their families shall pay the fee associated with applicable licensing category including the term "with hospitality" as indicated pursuant to s. ATCP 78.08 Table B or C. When the premises of a camp is used for hospitality activity, the operator is not required to meet ss. ATCP 78.16, 78.21, 78.25, 78.26, 78.27, 78.28, 78.29, and 78.32. A person that operates a retail food establishment, campground, bed and breakfast establishment, hotel, motel, or tourist rooming house under a camp license shall follow and is subject to the applicable administrative rules for that activity:

a. Retail food establishment, ch. ATCP 75.

b. Campground, ch. ATCP 79.

c. Hotel, motel or tourist rooming house, ch. ATCP 72.

d. Bed and breakfast establishment, ch. ATCP 73.

Note: An example when an additional retail food license is not required. A university campus kitchen prepares and serves food to campers and campus students, because the kitchen does not solely operate independently but in conjunction with student food service, no additional retail food establishment license is required.

Note: An example when an additional retail food license is not required. A camp kitchen provides food to campers, but also provides food service to other adult or family groups that may be utilizing the camp premises, because the kitchen does not solely operate independently but in conjunction with other food service, no additional retail food establishment license is required.

Note: An example when additional recreational licenses are not required. A camp has lodging or campground facilities that are rented to adults and families and are also

used by campers. These lodging or campground facilities would not be required to hold a separate lodging or campground license.

Note: More information on the applicable administrative rule requirements for hospitality activities may be obtained by contacting the department by email datcpd-frsrec@wisconsin.gov or contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

8. An operator may request evaluation by the department to clarify a subd. 6. or 7., licensing categorization decision made by the department or its agent. The operator shall follow the licensing requirement specified by the department following the evaluation. ^P

(b) *Preinspection required.* Before the department or its agent may issue a license to operate a camp pursuant to par. (a) and s. 97.67(1m), Stats., the department or agent shall conduct a preinspection. A preinspection is not required for a transfer pursuant to par. (a) 3.

Note: Pursuant to s. 97.67(1m), Stats., the department or a local health department granted agent status under s. 97.615 (2), Stats., may not, without a preinspection, grant a license to a person intending to operate a new camp or to a person intending to be the new operator of an existing camp. Please call the local health department to arrange for a preinspection.

Note: To arrange a preinspection from the department contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

(c) *License exemptions.* A license for a camp is not required under any of the following:

1. An overnight planned program of recreation or education for families or non-developmentally disabled adults.

2. An overnight planned program of recreation or education for fewer than 4 consecutive nights and without permanent facilities for food and lodging.

3. An overnight planned program for credit at an accredited academic institution.

4. A tournament, competition, visitation, recruitment, campus conference, or a professional sports team training camp.

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

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

(3) **NEW LICENSE.** (a) *Application.* The license applicant shall apply on an application form provided by the department or its agent. The completed application form shall be accompanied by all of the following:

1. The applicable fees specified pursuant to s. ATCP 78.08 or s. 97.615 (2) (d), Stats., and any fees previously due to the department or its agent under this chapter.

2. Information, as required by the department or its agent, including documentation that indicates the camp will be maintained and operated in compliance with this chapter, any other chapter related to a hospitality activity, and applicable local, federal and state laws, as it relates to the health, safety, and welfare of the public.

Note: As provided pursuant to s. 97.615 (2) (d), Stats., a local health department can establish and collect fees for licenses. If you need a license application for an agent-licensed camp, contact the local health department.

Note: To obtain a copy of the camp license application form for a state-licensed camp, contact the bureau of food and recreational businesses at (608) 224-4702 or PO Box 8911, Madison, Wisconsin 53708-8911.

(b) *Requests for preinspection.* The operator shall contact the department or its agent and arrange a time for the preinspection required pursuant to sub. (1) (b), before operating a camp.

(4) **LICENSE RENEWAL.** (a) *Payment.* To renew a license, the operator shall pay the department the applicable license fee specified pursuant to s. ATCP 78.08 before the license expires. If payment to renew a license fee is not received by the department on or before the expiration date of the license, the late fee specified pursuant to s. ATCP 78.08 Table B or C shall be paid in addition to the license fee. Submission of an application for a renewal license is not required.

(b) *Department action on a license renewal.* 1. The department may refuse to renew a license pursuant to s. 93.06 (7), Stats., and under sub. (5) (a).

2. The department shall refuse to renew a license as provided pursuant to s. 93.06 (7), Stats., and sub. (5) (b).

(5) DEPARTMENT ACTION ON A LICENSE APPLICATION. (a) *Department discretion on a license.* The department or its agent may not issue a new license or renew an existing license for a camp unless all of the following conditions are met.

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

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

3. The department or its agent has determined that the operator, applicant or license holder is not in violation of ch. 97, Stats., or has only a minor violation as defined in s. 227.04 (1) (a), Stats.

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

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

2. The department or its agent has not conducted the preinspection required pursuant to sub. (1) (b).

3. The department or its agent has not approved the plan for the camp pursuant to s. ATCP 78.06.

4. The operator has not paid all of the applicable fees pursuant to s. ATCP 78.08.

5. The operator has modified, repaired, or maintained the camp in a manner that is not in accordance with this chapter.

(c) *Conditional license.* Except as provided in s. 93.135, Stats., the initial issuance, renewal, or continued validity of a license may be conditioned pursuant to s. 93.06 (8), Stats., upon the requirement that the license holder correct a violation of this chapter, s. 97.67, Stats., or ordinances adopted pursuant to s. 97.615 (2) (g), Stats., within a specified period of time. If the condition is not satisfied within the specified time or after an extension of time approved by the department, the license is void. No person may operate a camp after the camp license has been voided. Any person who does so shall be subject to the penalties pursuant to ss. 97.72 and 97.73, Stats., and payment of fees pursuant to s. ATCP 78.08 (3) (e). An operator whose license is voided under this paragraph may appeal the decision pursuant to

s. ATCP 78.11. If the decision was made by a department's agent, the applicant may appeal the decision pursuant to s. ATCP 78.12.

(d) *Granting or denial of a license.* 1. The department or its agent shall issue or deny a new license or shall renew a license for a camp within 30 days after the applicant meets all of the requirements pursuant to sub. (3) or (4), as applicable.

2. If the department or its agent denies an application for a license, the applicant shall be given the decision and reason, in writing, for the denial and information regarding appeal rights provided pursuant to s. ATCP 78.11. If the decision is issued by a department's agent, the applicant may appeal the decision pursuant to s. ATCP 78.12.

(6) VOIDED LICENSE FOR FAILURE TO PAY FEES. (a) *Payment deadline.* If an applicant or operator fails to pay all applicable fees, late fees, and processing charges pursuant to s. ATCP 78.08, within 45 days after the expiration of the license, the license is void.

(b) *Appeal rights.* An operator whose license is voided by the department under this subsection may appeal the decision as provided pursuant to s. ATCP 78.11. Pursuant to s. 97.67 (5), Stats., the license applicant or operator shall demonstrate that all applicable fees, late fees and processing charges have been paid. In an appeal concerning voiding of a license under this subsection, the burden is on the license applicant to show that the entire applicable fees, late fees and processing charges have been paid. During any appeal process concerning payment dispute, operation of the establishment in question is considered to be operation without a license.

(7) LICENSE POSTING. A current license from the department or its agent shall be posted on the premises in a place visible to the public. A license may not be altered or defaced.

Note: This section is created eff. 9-24-23 by CR 21-109. History: CR 21-109: cr. Register June 2023 No. 810, eff. 9-24-23; correction in (1) (a) 3. b., (5) (c) made under s. 13.92 (4) (b) 7., Stats., and correction in (2) (b), (5) (d) 1. made under s. 35.17, Stats., Register June 2023 No. 810.

ATCP 78.08 Department fees. (1) **CAMP LICENSE CATEGORY ASSIGNMENT.** (a) *Criteria.* 1. The department or its agent shall assign a camp to a license category by evaluating the complexity of the camp based on the criteria specified in Table A.

2. A camp whose point value is 5 or less, shall be assigned to the simple license category.

3. A camp whose point value is 6 to 10 shall be assigned to the moderate license category.

4. A camp whose point value is 11 or more shall be assigned to the complex license category.

(b) *Point values for determining factors for assigning a camp license category.*

ATCP 78.08 Table A

Determining Factors	Point Value
The camp provides on-premises or off-premises waterfront activities including: swimming, kayaking, boating, sailing, canoeing, or inflatables to campers. This does not include vendor provided waterfront activities.	2
The camp offers camper firearm activity on-premises.	1
Archery, ax, hatchet, or knife throwing is offered to campers on-premises.	1
The camp offers high element challenge course to campers on-premises.	3
The camp offers low element challenge course to campers on-premises.	1
The camp offers horseback riding to campers on-premises.	1
The camp offers motorized vehicle activity for campers on-premises including go-kart, all-terrain vehicle, or utility-terrain vehicle.	1
The camp serves one or more rental groups including a school, church group, or scout troop.	1
The camp premises includes structures that are utilized for lodging, dining, health services, waterfront activities, water supply systems, or challenge courses that require inspection travel beyond a half mile from the main centralized camper drop off or welcome location (basic services that are spread out, or distant service areas).	1

The camp utilizes more than 3 private wells to supply camp drinking water.	1
The camp utilizes more than one kitchen or physical building with kitchen preparation space to serve meals to campers.	1
Camp sleeping structures. Choose one of the following:	
*The camp has one to 10 stand-alone sleeping structures including a cabin, yurt, covered wagon, Adirondack shelter, or platform tent throughout premises.	1
*The camp has 11-20 stand-alone sleeping structures throughout premises.	2
*The camp has 21 or more stand-alone sleeping structures throughout premises.	3
Hospitality add-on	
Does the licensed recreational and educational camp also offer additional activity such as a retail food establishment, campground, hotel, motel, bed and breakfast, or a tourist rooming house within the confines of the recreational and education camp, utilizing the same camp structures to serve other adult guests and their families?	Yes or No
* For college dorms, count individual sleeping rooms used by camp	

(c) *Evaluation of assessment score.* The operator of a camp may ask the department to reconsider the camp license category assignment within 30 days of the category assignment.

Note: To request evaluation of license category assignment call the bureau of food and recreational businesses at (608) 224-2720 or send your written request to the bureau of food and recreational businesses at PO Box 8911 Madison, WI 53708-8911 or if licensed by a local health department, contact that local health department.

(2) **FEE SCHEDULE.** Pursuant to s. 97.67 (5), Stats., no license may be issued until all applicable fees have been paid. Fee amounts listed in s. ATCP 78.08 Table B or C apply to camp licenses issued by the department under this chapter.

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

(3) **TYPE OF FEES.** (a) *Preinspection fee.* The operator shall pay the applicable preinspection fee listed in s. ATCP 78.08 Table B or C to the department before a new license is issued pursuant to s. ATCP 78.07 (3).

(b) *License fee.* The operator of a camp shall pay the applicable license fee listed in s. ATCP 78.08 Table B or C to the department for each camp for which the operator applies for a new or renewal license.

(c) *Late fee.* If the license fee for a license renewal is not paid on or filed before the expiration date of the license, the operator of the camp shall pay to the department a late fee as specified in s. ATCP 78.08 Table B or C pursuant to s. 93.21 (5) (b), Stats., in addition to the renewal license fee.

(d) *Reinspection or administrative follow-up fee.* If the department conducts a reinspection or an administrative fol-

low-up of a camp pursuant to s. ATCP 78.09 (1) (b) 1. or 4., the operator shall pay to the department the applicable reinspection or administrative follow-up fee listed in s. ATCP 78.08 Table B or C. The department shall assess an additional fee as listed in s. ATCP 78.08 Table B or C whichever is applicable, for any second or subsequent reinspection or administrative follow-up conducted pursuant to s. ATCP 78.09 (1) (b) 4.

(e) *Fees for operating without a license.* If a camp is found to be operating without a license, the operator shall pay to the department a fee of \$749.00, in addition to all applicable fees and any processing charges pursuant to sub. (4).

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.* If an operator requests a duplicate license, the operator shall pay the department a fee of \$15.00.

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

Note: An example includes a buyer that wants an inspection or consultation prior to a real estate transaction.

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

**ATCP 78.08 Table B
For licenses issued April 1, 2023 through March 31, 2025**

Recreational and Educational Camp License Category	License Fee	Preinspection Fee	First Reinspection or Administrative Follow-Up Fee	Second and Subsequent Reinspection or Administrative Follow-Up Fee	Late Fee
Simple	\$490	\$980	\$200	\$300	\$98
Simple/w Hospitality*	\$540	\$1080	\$200	\$300	\$108
Moderate	\$530	\$1060	\$200	\$300	\$106
Moderate/w Hospitality*	\$635	\$1270	\$200	\$300	\$127
Complex	\$570	\$1140	\$200	\$300	\$114
Complex/w Hospitality*	\$715	\$1430	\$200	\$300	\$143

* Provides a hospitality activity.

Note: Hospitality activity does not include the operation of a retail food establishment, campground, hotel, motel, bed and breakfast establishment, or tourist rooming house that is solely operated independently and separate from the recreational and educational camp operation. These separate activities shall obtain a license as required pursuant to chs. ATCP 72, 73, 75, and 79.

ATCP 78.08 Table C
For licenses issued on or after April 1, 2025

Recreational and Educational Camp License Category	License Fee	Preinspection Fee	First Reinspection or Administrative Follow-Up Fee	Second and Subsequent Reinspection or Administrative Follow-Up Fee	Late Fee
Simple	\$510	\$1020	\$200	\$300	\$102
Simple/w Hospitality*	\$562	\$1124	\$200	\$300	\$112
Moderate	\$555	\$1110	\$200	\$300	\$111
Moderate/w Hospitality*	\$661	\$1322	\$200	\$300	\$132
Complex	\$593	\$1186	\$200	\$300	\$119
Complex/w Hospitality*	\$744	\$1488	\$200	\$300	\$149

* Provides a hospitality activity.

Note: Hospitality activity does not include the operation of a retail food establishment, campground, hotel, motel, bed and breakfast establishment, or tourist rooming house that is solely operated independently and separate from the recreational and educational camp operation. These separate activities shall obtain a license as required pursuant to chs. ATCP 72, 73, 75, and 79.

Note: This section is created eff. 9-24-23 by CR 21-109.
History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

Subchapter III — Enforcement and Appeals

ATCP 78.09 Enforcement. (1) INSPECTIONS AND ACCESS TO THE PREMISES. (a) *Inspections.* Pursuant to ss. 93.07 (24) (e) 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 orders to correct violations.
4. To secure samples or specimens.
5. To examine and copy relevant documents and records related to the operation of the camp.
6. To obtain photographic or other evidence needed to enforce this chapter.

(b) *Reinspections.* 1. The department or its agent may perform a reinspection at the camp or an administrative follow-up with a camp whenever an inspection or the investigation of a complaint reveals any of the following conditions:

- a. Presence of an imminent hazard that cannot be corrected during the inspection.
- b. An inspection reveals 6 or more priority violations, regardless if they have been corrected during the inspection.
- c. Repeat violations, whether corrected during the inspection or not, are documented on 3 consecutive inspections regardless of inspection type.
- d. The department's authorized representative and that representative's supervisor determine there is a lack of active managerial control at the camp, based on the quantity and the criticality of the violations observed on the most recent inspection.

2. A reinspection or administrative follow-up shall be scheduled to allow the operator a reasonably sufficient time to correct the violations.

3. A reinspection fee shall be charged for the reinspection or administrative follow-up in the amount listed in s. ATCP 78.08 Table B or C or the applicable amount as determined by an agent of the department.

4. If an additional reinspection or administrative follow-up is required because a violation has not been corrected in the scheduled time, the department shall assess a second or subsequent reinspection fee listed in s. ATCP 78.08 Table B or C pursuant to s. ATCP 78.08 (3) (d), and the department may order the operator to

show just cause why the license should not be suspended or revoked pursuant to s. ATCP 78.10.

(2) **GENERAL ORDER TO CORRECT VIOLATIONS.** (a) *Written orders.* 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 as specified in par. (c).

(b) *Failure to correct a violation.* 1. If a violation is not corrected by the expiration of the time period stated in the order given pursuant to par. (a), or any extension of time granted pursuant to par. (c), the department or agent may issue a special order pursuant to s. ATCP 78.10 to suspend or revoke the license to operate the camp. An order for suspension or revocation shall take effect as provided pursuant to s. ATCP 78.10.

2. Pursuant to s. 97.12 (5), Stats., any person who fails to comply with an order of the department may be required to forfeit \$50 for each day of noncompliance. A person may appeal a forfeiture pursuant to s. ATCP 78.11.

(c) *Requests for an extension to correct a violation.* 1. The department or its agent may extend the time to correct a violation based on a determination of the seriousness of the violation, the operator's progress towards correcting the violation, and the operator's previous history of compliance.

2. To request an extension to correct a violation, the operator shall contact the department or agent before the time specified in the written order to correct the violation expires. The operator shall provide information that demonstrates to the department or its agent that corrective action has been initiated, but additional time is needed to fully correct the violation.

(3) **TEMPORARY ORDERS.** (a) *Conditions for a temporary order.* As provided in s. 97.65 (2) (a), Stats., whenever, as a result of an inspection pursuant to sub. (1), the department or its agent has reasonable cause to believe that any examined food constitutes, or that any construction, sanitary condition, operation, or method of operation of the premises or equipment used on the premises creates, an immediate danger to health, the department or its agent may issue a temporary order and cause it to be delivered to the licensee, or to the owner or custodian of the food, or to both. The order may prohibit the sale or movement of the food for any purpose, prohibit the continued operation or method of operation of specific equipment, or require the premises to cease other operations or methods of operation which create the immediate danger to health, or set forth any combination of these requirements. The

department may order the cessation of all operations authorized by the license only if a more limited order does not remove the immediate danger to health.

(b) *Duration of a temporary order; actions prohibited.* 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, unless as provided pursuant to par. (c), the department or its agent provides notice that an immediate danger to health or safety is present. If, upon completed analysis or examination, the department or agent determines that construction, sanitary condition, operation, or method of operation of the premises or equipment does not constitute an immediate danger to health or safety, the department or agent shall immediately notify the owner, operator or responsible supervisor in writing and the temporary order shall terminate upon receipt of the written notice.

(c) *Notice of findings upon analysis or examination.* If the analysis or examination pursuant to sub. (1), shows that the construction, sanitary condition, operation or method of operation of the premises or equipment constitutes an immediate danger to health or safety, the department or agent, within the effective period of the temporary order specified in par. (b) 1., shall provide written notice of the findings to the owner, operator or responsible supervisor. Upon receipt of the notice, the temporary order remains in effect until a final decision is issued pursuant to s. ATCP 78.11. The notice shall include a statement that the facility has a right to request a hearing pursuant to s. ATCP 78.11, within 15 days after issuance of the notice.

(d) *Failure to comply with temporary order; forfeitures and penalties.* Pursuant to s. 97.65 (5) (a), Stats., any person who fails to comply with a temporary order issued by the department 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 pursuant to s. ATCP 78.11.

(4) ACTION PLANS. (a) *Required components.* When required by the department, its agent, or this chapter, the camp operator and the department or its agent shall develop, on a form provided by the department, an action plan for compliance. The action plan shall include all of the following:

1. A description of the violation and code citation.
2. The steps the operator will take to correct the violation.
3. The date by which compliance will be achieved.

(b) *Continued noncompliance.* The department or its agent shall void the camp license pursuant to s. ATCP 78.07 (5) (b), if the operator continues to be out of compliance or fails to meet the objectives outlined in the action plan past the date provided in the action plan.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; correction in (1) (b) 4. made under s. 13.92 (4) (b) 7., Stats., Register June 2023 No. 810.

ATCP 78.10 Suspension or revocation of license.

Pursuant to s. 97.12 (3) (b), Stats., the department may, by summary order and without prior notice or hearing, suspend a license issued under this chapter if the department finds that there has been a substantial failure to comply with the applicable requirements of this chapter and that the continuation of the violations constitutes a serious danger to public health. The order shall be in writing, have the force and effect of an order issued pursuant to s. 93.18, Stats., and is subject to right of hearing before the department, if requested within 10 days after date of service.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

ATCP 78.11 Appeals of actions by the department.

If requested in writing within 10 days after date of the service of an order, a hearing shall be conducted as specified in ch. ATCP 1. Enforcement of the order shall not be stayed pending action on the hearing. A request for hearing does not automatically stay or modify a summary special order.

Note: A request for hearing shall be submitted to the department's secretary via email at datcpappeals@wisconsin.gov, faxed to (608) 224-5034, mailed to PO Box 8911, Madison, Wisconsin 53708-8911, or hand delivered to 2811 Agriculture Drive, Madison, Wisconsin 53718. The hearing may be conducted by the department secretary or designee.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

ATCP 78.12 Appeals of actions by agent health departments. If an agent issues a license under this chapter, the operator shall appeal an enforcement action to the agent health department.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

Subchapter IV — Standards for Recreational and Educational Camps

ATCP 78.13 Qualifications of an authorized representative conducting inspections. An authorized representative of the department or its agent who inspects a camp or conducts a plan review for compliance with this chapter, shall meet the staffing qualification requirements set forth in s. ATCP 74.08.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; correction made under s. 35.17, Stats., Register June 2023 No. 810.

ATCP 78.14 Inspections. (1) **REFUSED INSPECTION; PROCESS.** If a person denies access to the department or its agent, the department or its agent shall inform the person of all the following:

(a) *Access.* The license holder is required to allow access to the department or its agent as specified pursuant to s. 97.12, Stats.

(b) *License conditions.* Access is a condition of the acceptance and retention of a license to operate a camp as specified pursuant to s. ATCP 78.04 (3).

(c) *Inspection warrant.* If the camp license holder denies access to an authorized representative of the department or its agent, the department or its agent may apply for an inspection warrant to allow access as provided in law pursuant to s. 66.0119, Stats.

(2) **REPORTING OF REFUSED ACCESS.** If the person in charge continues to refuse access after the department or its agent presents credentials, provides the explanation in sub. (1), and makes a final request for access, the department or its agent shall document details of the denial of access on an inspection report form.

(3) **FREQUENCY OF INSPECTION.** The department or its agent shall inspect a camp at least once during the licensing period, except as provided for pursuant to s. ATCP 78.15 or as approved in writing by the department.

(4) **INSPECTION DOCUMENTATION.** The department or its agent shall document all of the following on an inspection report form:

(a) *Facility information.* Administrative information about the camp's legal identity, street and mailing addresses, type of establishment and operation, inspection date, type of water supply and sewage disposal, status of the license, and personnel certificates that may be required at the camp.

(b) *Violation documentation.* The conditions or other violations from this chapter or applicable chapters shall be documented to include the required corrective action by the license holder. An accompanying narrative shall contain all of the following:

1. A factual description of the violation observed, including location of the observed violation.

2. Citation and a brief description of the statute, administrative rule, or local ordinance that was observed to be violated.

3. A statement indicating what corrective action the license holder has taken, or shall take, to regain compliance with the administrative rule, statute, or local ordinance.

4. Unless otherwise indicated on the inspection report, each violation shall have a corrective action deadline. The corrective action deadline shall be based on the following criteria:

a. A priority violation shall be corrected immediately. Depending on the nature of the potential hazard involved and the complexity of the corrective action needed, the department or its agent may agree to or specify additional time, not to exceed 3 calendar days after the inspection, for the license holder to correct violations of a priority item as defined in this chapter.

b. The license holder has a maximum time of 10 calendar days after the inspection for the license holder to correct violations of a priority foundation item.

c. The license holder shall correct core items, as defined in this chapter, by a deadline agreed to or specified by the department or its agent, but no later than 90 calendar days after the inspection. The department or its agent may approve a written compliance schedule that extends beyond 90 calendar days if the license holder submits a written schedule of compliance and no health hazard exists, or will result, from allowing an extended schedule for compliance.

(5) ISSUING A REPORT AND OBTAINING ACKNOWLEDGMENT OF RECEIPT. At the conclusion of the inspection, an authorized representative of the department or its agent shall sign the completed inspection report. The department or its agent shall review the inspection findings with the operator and obtain a signature on the inspection report from the license holder's designated person in charge. A copy of the inspection report shall be left with the person in charge at the completion of the inspection or emailed or otherwise presented within 2 business days after completion of the inspection.

(6) REFUSAL TO SIGN INSPECTION REPORT. If the license holder's designated person in charge refuses to sign the inspection report, the department or its agent shall do all of the following:

(a) *Signature is not agreement with findings.* Inform the person who declines to sign the inspection report that a written acknowledgment of receipt is not an agreement with findings.

(b) *Obligation to correct violations.* Inform the person that refusal to sign the inspection report will not affect the license holder's obligation to correct the violations noted in the inspection report by the deadlines specified.

(c) *Documentation.* Document the refusal to sign in the inspection report.

(7) POSTING OF INSPECTION REPORTS. The department and its agents shall make inspection report information available to the public on this section on the internet.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; correction in (4) (b) 4. a., c. made under s. 35.17, Stats., Register June 2023 No. 810.

ATCP 78.15 Active managerial control. (1) INSPECTION FREQUENCY. An annual inspection may be waived for not more than 2 out of every 3 license years, if the camp has exhibited active managerial control of public health hazards.

(2) CRITERIA. The operator shall meet all the following criteria to demonstrate active managerial control that may qualify for a reduced inspection frequency by the department or its agent:

(a) *Reinspection history.* No reinspections have occurred after the last 3 routine inspections related to this chapter, or any other license issued by the department or its agent pursuant to ss. 97.30, 97.605, and 97.67, Stats.

(b) *Standard operation procedures.* The camp has written standard operating procedures for all of the following, if applicable:

1. Rental group agreements pursuant to s. ATCP 78.16.

2. Food service operation procedures including: temperature monitoring, employee handwashing, employee illness restrictions and exclusions, cleaning and sanitizing utensils, surfaces and equipment; vomiting and diarrhea clean up, date marking, receiving delivery of food, no bare hand contact with ready-to-eat foods, and washing fruits and vegetables.

3. Supervision, safety and staff coverage pursuant to s. ATCP 78.26, including specific procedures for specialized and non-specialized program activities.

4. Health staffing and medication administration as required pursuant to s. ATCP 78.27.

5. Primitive camping and backcountry trips as specified pursuant to s. ATCP 78.32.

(c) *Monitoring and corrective action.* The camp has implemented monitoring, corrective action and documentation procedures for standard operating procedures.

(d) *Verification.* The camp has implemented a verification and documentation process for the standard operating procedures.

Note: Camps with a written strategic plan and involvement within professional organizations are indicators that a camp is focused on the continuous process of effective control over public health hazards.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; correction in (2) (a) made under s. 35.17, Stats., Register June 2023 No. 810.

Subchapter V — General Provisions

ATCP 78.16 Camps serving rental groups. (1) WRITTEN AGREEMENT. (a) *Signed.* A written use agreement shall be signed by both authorized representatives of the camp and the rental group. ^{Pf}

(b) *Designated responsibilities.* The written use agreement shall clearly identify the responsibilities of the camp and the rental group. ^{Pf}

(c) *Agreement contents.* When the rental group provides specific services, the written use agreement shall indicate how the rental group will meet the minimum requirements pursuant to this chapter including the following:

1. Food service requirements pursuant to s. ATCP 78.23. ^{Pf}

2. Health services staff requirements pursuant to s. ATCP 78.27. ^{Pf}

3. Health services staff required certifications pursuant to s. ATCP 78.27 (2). ^{Pf}

4. Responsibility for collecting a camper and camp staff health history as required pursuant to s. ATCP 78.27 (1) (d) and (e). ^{Pf}

5. Documentation of medication and treatment for campers and staff as required pursuant to s. ATCP 78.27 (5) (b). ^{Pf}

6. Camp vehicle requirements pursuant to s. ATCP 78.27 (1) (c). ^{Pf}

7. Specialized program activities and required certifications pursuant to s. ATCP 78.26 (3). ^{Pf}

8. Adult staff to camper ratio requirements pursuant to s. ATCP 78.25. ^{Pf}

9. Confirmation that background checks have been done on all staff as required pursuant to s. ATCP 78.26 (1). ^{Pf}

10. Camper sexual abuse prevention training has been provided as required pursuant to s. ATCP 78.26 (5) (c). ^{Pf}

11. Primitive camping requirements for water and waste are provided as required pursuant to s. ATCP 78.32. ^{Pf}

12. The rental group has been informed of the reporting requirements for death, injury or illness to the department or its agent as required pursuant to s. ATCP 78.29. ^{Pf}

(d) *Validation of written use agreement requirements.* The camp operator shall retain copies of form templates and certifications for validating par. (c), in the written agreement or provide a written statement with the reviewer's name or initials that provisions pursuant to par. (c), have been reviewed and validated.

(2) **RECORD RETENTION.** (a) *Agreement retention time.* The written use agreements shall be retained for a minimum of 3 years by the camp.^{Pf}

(b) *Contact information retention time.* The camp shall maintain the rental group contact information for a minimum of 3 calendar years.^{Pf}

(c) *Medication and treatment record retention time.* The rental group, if providing health supervision, shall maintain all camper medication and treatment records for a minimum of 3 calendar years and make the records available upon request to the department or its agent within 2 business days of the request.^{Pf}

(d) *Camp register retention time.* The rental group shall keep a register and a method of tracking individuals entering and leaving the camp during operation, as required pursuant to s. ATCP 78.28, and make the register and tracking document available upon request to the department or agent within 2 business days of the request.^{Pf}

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; correction in (1) (c) (intro.) made under s. 35.17, Stats., Register June 2023 No. 810.

ATCP 78.17 Location of the camp. (1) REQUIREMENTS.

(a) *Well-drained.* The camp's physical facilities shall be located on a well-drained site not subject to flooding.

(b) *Graded.* The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the camp's physical facilities or to the health and safety of the campers or camp staff.

(c) *Free from sources of contamination.* No camp's physical facilities may be located in an area that is situated so that drainage from any source of filth, including garbage or animal waste disposal, can be deposited on the site.^{Pf}

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) **SOURCES OF ODOR OR FLIES.** Cooking, dining and sleeping quarters shall not be located within 100 feet of a barn or enclosure housing livestock, a petting zoo, or other source of odors or flies.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

ATCP 78.18 Water supply. (1) WATER SYSTEMS. (a)

General. The water source used to supply the camp shall be a public or a private water system.

(b) *Well compliance with ch. NR 812.* The operation, construction, installation, materials, and maintenance of the water system used to supply water to the camp shall comply with ch. NR 812, as enforced by the Wisconsin department of natural resources.^{Pf}

(2) **POTABLE WATER SUPPLY. (a) Drinking water standards.** A camp shall be supplied with potable water under pressure that meets the drinking water standards in ch. NR 809, as enforced by the Wisconsin department of natural resources.^P

(b) *Water test report.* The operator shall provide a copy of the water system bacteriological analysis for total coliform and *E.coli* in ss. NR 809.30 and 809.31 (1), and analysis for nitrate in s. NR 809.115 (4), report to the department or its agent for each well that supplies water to the camp based on the following:

1. If the camp operates seasonally, the operator shall have the water tested and the report available within the preceding 2 months before the season begins for review by the department or its agent.

2. If the camp is operated year round, the operator shall have the water tested and the report available for review by the department or its agent within one year prior to the requested review.^{Pf}

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

(c) *Unsafe potable water.* The operator shall discontinue use of a public or private water system used to supply water to the camp, whenever the potable water from the system does not meet nitrate and bacteriologically safe drinking water standards in ch. NR 809.^P

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

(3) **PLUMBING. (a) General.** All plumbing shall comply with the requirements of chs. SPS 382 and 384, as enforced by the Wisconsin department of safety and professional services, that apply to camps.

(b) *Backflow prevention, air gap.* An air gap between any water supply inlet and the flood level rim of the plumbing fixture or equipment shall comply with State Uniform Plumbing codes, chs. SPS 381 to 387, as enforced by the Wisconsin department of safety and professional services.^P

(c) *Backflow prevention device, design standard.* A backflow or backsiphonage prevention device installed on a water supply system shall meet standards for construction, installation, maintenance, inspection, and testing as specified by the State Uniform Plumbing Code, chs. SPS 381 to 387, as enforced by the Wisconsin department of safety and professional services.

Note: Backflow or backsiphonage prevention devices stamped with ASSE 1011 or ASSE 1052 are common examples used on a hose bib connection that are recognized as in compliance with this section. The Wisconsin department of safety and professional services plumbing product online search is also available to confirm devices meet State Uniform Plumbing Code.

(4) **WATER SERVICE CONNECTIONS.** The plumbing system for the water service and water distribution system for a toilet building, shower building, food facility or other buildings supplied with water shall comply with chs. SPS 382 and 384, as enforced by the Wisconsin department of safety and professional services.

Note: To minimize the risk of *Legionella* growth and other diseases associated with water, adequate provisions should be made to ensure that all water systems including sink faucets, drinking fountains, and showers are safe particularly with regard to any water aged over 3 weeks that is at greater risk for proliferation of *Legionella*. It is strongly advised that each camp develop and implement a water management program as recommended by the United States centers for disease control water management program toolkit.

(5) **CONTAINERS FOR TRANSPORTING DRINKABLE WATER. (a) Labeling and construction.** Containers shall meet all of the following requirements for transporting water for human consumption and be:

1. Labeled and easily distinguishable from other containers.

2. Constructed of a food grade material that does not allow the migration of deleterious substances to the water or impart colors, odors or tastes.^P

3. Easily cleanable.

(b) *Containers cleaned and sanitized.* Water containers shall be cleaned and sanitized between uses.^P

(6) **DRINKING FACILITIES. (a) General.** Water shall be provided to campers using any of the following methods:

1. An approved drinking fountain as required pursuant to s. SPS 362.2902.^P

2. Individual disposable drinking cups.^{Pf}

3. Personal water containers.^{Pf}

(b) *Water containers for reuse.* Reusable individual water containers shall be cleaned as often as necessary or when returning from primitive camping trips.

(c) *Prohibition.* Common drinking cups are prohibited.^P

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; correction in (2) (b) 1., (3) (b) made under s. 35.17, Stats., Register June 2023 No. 810.

ATCP 78.19 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.^P

(2) **PLUMBING FIXTURES.** Plumbing fixtures shall meet all of the following:

- (a) *Connection.* Connected to the building drainage system.
- (b) *Discharge.* Discharge to a public sewer or private sewage disposal system.

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

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

(4) **POWTS DISPOSAL.** (a) *Designed, constructed and operated.* 1. Any POWTS system used by a camp under this chapter shall be located, designed, constructed and operated in accordance with chs. SPS 382, 383 and 384, as enforced by the Wisconsin department of safety and professional services.

2. The operator shall ensure that access opening covers to a POWTS remain locked or secured, except for inspection, evaluation, maintenance, or servicing purposes.

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

(b) *Failing private sewage system.* A failing private sewage system shall be brought into compliance, replaced or its use discontinued. In this subsection, “failing private sewage system” has the meaning given in s. 145.245 (4), Stats.

(c) *Required approvals.* 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.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; correction in (4) (b) made under s. 35.17, Stats., Register June 2023 No. 810.

ATCP 78.20 Toilet and shower facilities.

(1) **REQUIREMENTS.** (a) *Toilet facilities.* Toilet facilities construction shall comply with State Building code as enforced by the Wisconsin department of safety and professional services.

(b) *Ratio.* 1. A camp shall provide a minimum of one toilet and one handwash facility for every 10 campers and staff or fraction thereof.

2. The camp operator shall designate toilet facilities based on the attendance at the camp.

(c) *Lighting.* Toilet facilities shall be provided with adequate artificial lighting.

(d) *Location.* Toilet facilities shall be located within 400 feet of lodging units.

(e) *Operation.* Toilet facilities shall meet all of the following requirements and be:

- 1. Equipped with a functional privacy lock for each stall.
- 2. Provided with exterior self-closing doors.
- 3. Maintained in a pest-proof condition.
- 4. Effectively screened.
- 5. Maintained in clean and good repair.
- 6. Provided with a supply of toilet paper in each stall.

(f) *Privies.* Privies shall meet the following requirements:

1. Constructed in accordance with chs. SPS 361 to 365 and 391, as enforced by the Wisconsin department of safety and professional services.

2. Maintained in good repair.

3. Not be located within 15 feet of a building used for human occupancy.

4. Obtain approval by the department for a distance between 15 and 75 feet for other approved privy or toilet types.

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

(h) *Handwashing sinks.* Handwashing sinks shall be provided in all rooms having flush toilets and shower facilities and be provided with all of the following:

- 1. Tempered water
- 2. A supply of soap.
- 3. Single-use toweling or a hand drying device in locations that are accessible to all campers, staff and visitors.
- 4. A waste receptacle.

(i) *Flooring surfaces.* 1. Carpeting is prohibited in toilet rooms and shower and bathing facilities.

- 2. Shower area floors and bathtubs shall be provided with an anti-slip surface or matting.
- 3. Flooring shall be nonabsorbent and easily cleanable.
- 4. Flooring shall be maintained in good repair.

(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 s. SPS 362.1210 (1m), as enforced by the Wisconsin department of safety and professional services.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

ATCP 78.21 Camper sleeping quarters. (1) PERMANENT.

This section applies to structures that are enclosed and are permanent in nature, including buildings, cabins, dorms, yurts, covered wagons or tents covering a non-collapsible framework, and that are used as sleeping quarters for more than 30 consecutive days.

(a) *Layout.* Camper sleeping quarters shall meet all of the following requirements:

- 1. An individual bed is provided for each camper.
- 2. A ceiling height of at least 7 feet is provided.
- 3. Camper sleeping arrangement shall be head to toe or in a bed layout configuration that provides at least 6 feet horizontally between the heads of sleepers.
- 4. When beds are arranged side by side there shall be at least 3 feet between beds to provide an aisle for emergency egress and to help prevent transmission of respiratory illnesses.
- 5. L-shaped or end to end bed configurations are acceptable if the heads of sleepers are positioned to meet the requirements pursuant to subs. 3 and 4.

(b) *Platform tents.* Platforms constructed to provide a solid, level floor for the tent shall not exceed 3 feet in height above the ground.

(c) *Bunk beds.* When a bunk bed is provided by the camp for campers, the operator shall ensure all of the following requirements are met:

- 1. No more than 2 beds may be stacked vertically.
- 2. There shall be a vertical separation of at least 2 1/2 feet measured from the top of the lower mattress to the bottom of the frame of the upper bed.
- 3. A free space of at least 2 1/2 feet shall be provided above the mattress of the upper bed.
- 4. Bunk beds shall be located away from potential hazards, including heat sources, ceiling fans, or other ceiling protrusions.

5. When campers sleep in upper bunks, guards shall be installed to prevent occupants from rolling out and shall meet all of the following:

- a. The top of the rail shall be at least 5 inches above the top of the mattress.
- b. The bottom of the rail shall be no more than 3 and a half inches above the top of the bed frame.

(d) *Screening.* A camp shall use one of the following screening methods:

1. 16 mesh wire or other effective screening kept in good repair shall be provided on all openings in sleeping quarters to prevent the entry of pests. ^{Pf}

2. Individual camper mosquito-type netting shall be provided. ^{Pf}

(e) *Linens and bedding.* 1. If provided, pillowslips, sheets, towels, and washcloths shall be washed at least once a week and before being assigned to a different camper.

2. Blankets, spreads, mattresses, sleeping bags and pillows shall be kept clean and free of pest infestation.

3. Mattresses shall meet all of the following:

a. Covered with a nonabsorbent cover, pad or have an easily cleanable nonabsorbent mattress surface. ^{Pf}

b. Maintained clean.

c. Maintained in good repair.

4. The cover, pad, or other approved protection shall be cleaned before being assigned to a different camper and more often if necessary to maintain cleanliness.

5. If provided, sleeping bags shall be washed before being assigned to a different camper.

(2) **RECREATIONAL VEHICLES.** If a recreational vehicle is provided by the camp for overnight sleeping quarters for campers, the recreational vehicle shall meet all of the following:

(a) *Identification.* Be provided with an affixed label, symbol, or other identifying mark of approval by a nationally recognized testing laboratory, inspection agency, or other organization, which evaluates products to nationally recognized standards NFPA 1192 or ANSI 119.5.

Note: Examples of organizations with recognized standards include the Recreational Vehicle Industry Association and the Recreational Park Trailer Industry Association.

(b) *Requirements.* The chassis and axles remain on the unit with the tow bar or hitch and wheels left at the camp.

(3) **OPEN AIR SLEEPING EXPERIENCES.** Open air sleeping experiences include sleeping in collapsible tents or tents covering a non-collapsible framework that remains in a single location for less than 29 consecutive days, sleeping outdoors without any structure, in hammocks, under a pavilion, or sleeping in Adirondack shelters.

(a) *Capacity.* The capacity for campers in a tent shall not exceed the manufacturer's specification for maximum occupancy.

(b) *Screening or netting.* Screening or netting may be provided to a camper upon request.

(c) *Sleeping bags.* If provided, sleeping bags shall meet the requirements pursuant to sub. (1) (e) 2. and 5.

Note: Using a cave for overnight sleeping when bats are present October 1-May 15 is not recommended and may be prohibited if federally threatened or endangered bat species are present. Campers entering caves are subject to compliance with the Wisconsin department of natural resources-approved White-Nose Syndrome decontamination protocols required by s. NR 40.07 (8) (c).

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; correction in (1) (c) 2., 3., (3) (intro.) made under s. 35.17, Stats., and correction in (3) (c) made under s. 13.92 (4) (b) 4., Stats., Register June 2023 No. 810.

ATCP 78.22 Garbage and refuse. (1) **CONTAINERS.** (a) *Container design.* Garbage and refuse shall be kept in durable, easily cleanable, pest resistant, leak-proof and nonabsorbent containers. Plastic bags may be used to line these containers.

(b) *Covered and emptied.* 1. Containers used in food preparation and utensil washing areas for holding garbage and refuse shall be kept covered or closed when not in use.

2. Containers for holding garbage and refuse shall be emptied at a frequency that minimizes the development of objectionable odors and other conditions that attract or harbor pests.

(c) *Outdoor storage containers and drain plugs.* 1. Containers stored outside as well as dumpsters, compactors and compactor systems shall meet all of the following:

a. Designed to be easily cleanable.

b. Provided with tight-fitting lids, doors, or covers.

c. Kept covered or closed when not in use.

2. Containers designed with drains shall have the drain plugs in place at all times, except during cleaning.

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

(e) *Cleaning frequency.* 1. Soiled containers shall be cleaned at a frequency sufficient to prevent pest attraction.

2. 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) *General.* 1. Garbage and refuse stored inside shall be stored in a manner to make the garbage and refuse inaccessible to pests.

2. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited.

3. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

(b) *Storage room design.* Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent materials, shall be kept clean, shall be pest-proof and shall be large enough to store all the garbage and refuse containers.

(c) *Outdoor storage capacity.* Outdoor storage areas or enclosures shall meet all of the following:

1. Be large enough to store all the garbage and refuse containers.

2. Kept in a clean condition.

(d) *Recyclable and returnable items.* Shall be stored in a clean and sanitary manner to prevent pest attraction.

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

(b) *Wisconsin department of natural resources compliance.* Solid waste disposal, including composting, on the premises shall comply with chs. NR 500 to 538, as enforced by the Wisconsin department of natural resources.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

ATCP 78.23 Food preparation and service.

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

(2) **KNOWLEDGE OF FOOD PROTECTION PRACTICES.** The operator or at least one manager of the food service facility at each camp shall have a certified food protection manager in compliance with the requirements of chapter 12 of the ch. ATCP 75 Appendix.

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

(4) **OUTDOOR FOOD SERVICE.** Outdoor food service at camps shall meet all of the following requirements:

(a) Ensure that food is protected from contamination.

(b) Provide protection of food from animals or pests.

(c) Restrict campers from using campfires, camp stoves, or flammable liquids until campers are provided with adequate instruction on their proper use and care and supervised until competency is demonstrated. ^{Pf}

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; (4) (a) title repealed under s. 13.92 (4) (b) 2., Stats., and correction in numbering of (4) (a) to (c) under s. 13.92 (4) (b) 1., Stats., Register June 2023 No. 810.

ATCP 78.24 Buildings and grounds. (1) WISCONSIN BUILDING CODE. Except as specified in this section, all buildings at a camp shall comply with applicable Wisconsin department of safety and professional services standards as enforced by the Wisconsin department of safety and professional services.

(2) HANDRAILS, GUARDS AND STAIRS. Except as provided in par. (d), handrails and guards shall be provided as follows:

(a) *Handrails.* A flight of stairs with more than 3 risers shall be provided with at least one handrail with a height of 30 to 38 inches above the step for the full length of the flight. ^{Pf}

(b) *Guards.* 1. a. Guards shall be provided on all open sides of stairs consisting of more than 3 risers, ^{Pf} and

b. All elevated surfaces in interior and exterior structures shall be provided with guards on all open sides that are elevated more than 24 inches above the floor or grade, ^{Pf} including lofts, open sides of landings, platforms, decks, balconies or porches.

2. The guard height shall extend to at least 36 inches above the floor or to the underside of a stair handrail. ^{Pf}

3. Except as specified in subd. 4., a guard shall not have openings that allow passage of a sphere not less than 4 3/8 inches in diameter. ^{Pf}

4. A rope, cable, or similar material used in guard infill shall not have openings that allow passage of a sphere 3 and a half inches in diameter with vertical supports a maximum of 4 feet apart. ^{Pf}

(c) *Stairs.* 1. The triangular openings at the open sides of a stair, formed by the riser, tread and bottom rail shall not have openings that allow passage of a sphere 6 inches in diameter.

2. Stairs with open risers shall not exceed more than 4 inches in height.

(d) *Exemptions.* This section, does not apply to window wells, egress wells, retaining walls, other landscaping features or detached walkways or stairs that are not part of the building structure.

(3) MEANS OF EGRESS. (a) *Doors.* 1. Doors must be arranged to be opened from the occupant's side whenever the building is occupied.

2. A latch or other fastening device on a door must be provided with a knob, panic bar, or other simple type of releasing device having a method of operation that is obvious under all lighting conditions.

(b) *Exit signage.* All exits and access ways in a public building or place of employment must be marked by an approved sign visible from any direction of exit access as enforced by the Wisconsin department of safety and professional services.

(4) MAINTAINED CLEAN AND IN GOOD REPAIR. (a) *Interior.* 1. The walls, ceiling, floors and equipment in buildings shall be maintained in a clean condition and in good repair.

2. Hot water pipes, steam radiators, fireplaces and permanently installed space heaters and registers shall be shielded, screened or otherwise equipped to protect campers from burns. ^{Pf}

(b) *Exterior.* 1. Roofs, exterior walls, doors and windows shall be maintained in good repair.

2. Openings to the outside shall be protected from the entrance of pests.

(c) *Grounds.* The premises shall be maintained in a clean condition free from refuse and pests.

(d) *Parking and roadways.* Parking areas and roadways shall be maintained to minimize dust and dirt.

(5) LIGHTING. All rooms shall be illuminated to permit cleaning and maintenance.

(6) PEST CONTROL. (a) *Effective measures.* 1. Effective measures to minimize the presence of pests shall be utilized.

2. Pest control measures shall be used in a safe manner.

3. Pest control measures shall be applied according to label instructions. ^P

(b) *Restricted use pesticides.* A restricted use pesticide shall be applied only by an applicator certified and licensed in accordance with ss. 94.704 and 94.705, Stats., and ss. ATCP 29.25, 29.26 and 29.40. ^{Pf}

(7) HAZARDOUS SUBSTANCES. (a) *Use.* Chemicals, flammable materials and other hazardous substances shall be used for their intended purpose and according to the manufacturer's directions stated on the container label. ^P

(b) *Storage.* 1. Chemicals and other hazardous substances shall meet all of the following:

a. Stored in their original, covered and labeled containers. ^P

b. Stored in a separate, secure area accessible only to staff. ^P

2. Hazardous substances shall be stored in easily identifiable or labeled containers when removed from the storage area for use. ^P

3. Flammable materials shall be stored:

a. Following safety data sheet storage instructions. ^P

b. Separately from areas occupied by campers and staff. ^P

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

(8) FIRE PREVENTION. (a) *Written notification of intent to operate.* Local fire fighting and law enforcement officials shall be notified in writing when the camp is planning to be in operation or annually if the camp is open year-round. ^{Pf}

Note: Camps should invite local fire and law enforcement to the camp, so they are familiar with the camp road systems and building structures.

(b) *Fire extinguisher location.* A fire extinguisher shall be located in all public buildings or places of employment according to the local fire official.

(c) *Fire extinguisher maintenance.* Annual maintenance shall be performed and then recorded on a tag or label attached to each fire extinguisher that indicates the month and year the maintenance was performed, the initials of the person performing the service and the name of the company performing the service. ^{Pf}

(d) *Smoke detectors.* The operator shall install and maintain smoke detectors in compliance with the requirements of s. 101.145, Stats. ^P

(e) *Fire alarm and detection systems.* When required, the operator shall install and maintain a fire alarm system in compliance with ss. SPS 362.0907 and 314.13, as required and enforced by the Wisconsin department of safety and professional services and shall meet all of the following:

1. a. The fire alarm system shall be operational at all times that the building is occupied. ^P

b. A camp operator shall immediately notify the fire alarm technician or other fire inspection or testing personnel in response to any illuminated indicator for alarm, trouble or supervisory notifications on the fire alarm panel.

2. The camp operator shall maintain documentation that verifies the fire alarm system has been inspected and tested annually by a fire alarm system service company. ^{Pf}

3. Documentation required in subd. 2. shall be provided to the department or its agent upon request. ^{Pf}

Note: Documentation can include the fire alarm and emergency communication system inspection and testing form provided by the service company or the fire inspection report provided by the local fire department.

(f) *Building evacuation diagrams.* Building evacuation diagrams shall be prepared and posted in all buildings that have 2 or

more exit doors to the outside, and shall comply with all of the following:

1. Be conspicuously posted. ^{Pf}
2. Indicate the viewer's location. ^{Pf}
3. Indicate a minimum of 2 evacuation routes to fire exits. ^{Pf}

(9) CARBON MONOXIDE ALARMS. (a) *Installation*. The operator shall install and maintain carbon monoxide alarms in compliance with the requirements of s. 101.149, Stats. ^P

(b) *Prohibitions*. The use of unvented furnaces and space heaters fueled by natural gas, kerosene, alcohol or other fuel shall be prohibited.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; correction in (2) (b) 3., (7) (b) 2., (8) (e) 3. made under s. 35.17, Stats., June 2023 No. 810.

ATCP 78.25 Adult camp staffing. During camp operation the adult camp staff to camper ratio shall be as required pursuant to s. ATCP Table 78.25. ^P For the purposes of determining staff to camper ratio, personnel that do not have responsibility for providing training or direct supervision to campers, including kitchen staff, maintenance staff, housekeeping, or administrative office staff, are not included.

ATCP Table 78.25 Adult Staff to Camper Ratio

Camper Age	Number of Adult Camp Staff	Campers
7-17	1 per	Every 10 or fraction thereof
6 and Under	1 per	Every 4 or fraction thereof

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; correction made under s. 35.17, Stats., Register June 2023 No. 810.

ATCP 78.26 Camper supervision and safety.

(1) CAMP STAFF SCREENING. (a) *General requirements*. Camps shall take into account criminal background check information during the hiring of camp staff and any additional individuals 14 years or older residing on the camp's premises with access to campers.

1. Written employment application forms shall require the applicant to provide all of the following:

- a. Legal first and last name, date of birth, and address. ^{Pf}
- b. Disclosure of sexual criminal history. ^{Pf}
- c. Permission for a background check. ^{Pf}

(b) *Background check completed*. 1. Prior to hiring any camp staff, the camp shall review the national sex offender public registry of the United States department of justice and other relevant available public record information. ^P

2. For international camp staff, review with the United States department of state sponsor to determine what criminal background check information will be provided by that country.

(c) *Background check threshold*. 1. Each camp shall set a policy that prevents employment or volunteer selection of any person who meets any of the following:

- a. A record of a violent crime against a person or animal. ^{Pf}
- b. Crimes against nature where children were affected. ^{Pf}
- c. Any crime involving a child as the victim. ^{Pf}
- d. Possession or facilitation of child pornography. ^{Pf}

2. This policy shall be reviewed, signed and dated within the last 3 years. ^{Pf}

(d) *Background check frequency*. All existing camp staff prior to extending employment shall have a background check performed at least every 2 years. This requirement also applies to any additional individuals who reside on the camp's premises with access to campers. ^P

(2) NON-SPECIALIZED PROGRAM ACTIVITY. (a) *General supervision*. 1. A non-specialized program activity may be directly led by a non-adult camp staff member provided the staff member is at least 2 years older than the campers in that activity. ^{Pf}

2. Non-specialized program activities shall be under the general supervision of adult camp staff. ^P

(3) SPECIALIZED PROGRAM ACTIVITIES. (a) *General supervision*. 1. Except as specified pursuant to subd 6. and par. (c) 5., a trained adult shall directly supervise each specialized program activity. ^P

2. The trained adult supervisor shall provide prior training and instruction to camp staff that assist with a specialized program activity. ^{Pf}

3. The trained adult supervisor shall document camp staff training provided, relevant to their assigned duties. ^{Pf}

4. Provision of firearms or archery equipment to campers shall be considered a specialized program activity at the camp and meet all of the following requirements: ^P

- a. When not being used shall be securely stored and locked. ^P
- b. Signage shall be posted that communicates clear safety signals and range commands to control activity at the firing line and during the retrieval of arrows or targets. ^{Pf}

5. Other specialized program equipment shall be securely stored when not in use by utilizing fencing, barriers or other access prevention strategies. ^{Pf}

6. A vendor provided specialized program activity is under the supervision of the third party provider.

(b) *High and low element challenge courses*. 1. A camp offering one or more challenge courses shall have all of the following:

a. Written evidence of an inspection conducted by a third party that is qualified from the Association for Challenge Course Technology, Professional Ropes Course Association or is a structural engineer licensed in Wisconsin. ^P

b. Undergone the third party inspection within the past 24 months. ^P

c. Documentation that corrective action was taken based on the findings of the third party inspection. ^P

2. The third party inspection documentation shall include all of the following:

- a. The name of person or company performing the inspection, their certification information and the inspection date. ^{Pf}
- b. A list of elements inspected. ^{Pf}
- c. A list of elements not inspected and explanation for omission. ^{Pf}

d. Condition of each element at the time of inspection or any prohibitions on the element's use in its observed condition. ^{Pf}

e. Concerns warranting continued observation which may be critical for ensuring safety of campers and camp staff. ^{Pf}

f. A list of life safety system equipment inspected. ^{Pf}

g. A list of life safety system equipment not inspected and an explanation for any omissions when apparent. ^{Pf}

h. The condition of each piece of life safety system equipment at the time of the inspection or any prohibitions against its use in the observed condition. ^P

3. A camps challenge course shall operate under the supervision of an individual certified or an individual that has documentation they have received training according to applicable ANSI/ACCT 03-2019 or ANSI/PRCA 1.0-.3-2014, challenge course industry standards for the specific challenge course activities. ^P

4. A camp offering a challenge course shall maintain operational policies and procedures. ^{Pf}

5. A camp's challenge course staff shall participate in an annual documented training that is site-specific and includes hands-on skills assessment, relevant to the staff member's duties. ^{Pf}

6. Any newly constructed challenge course after July 1, 2023, shall complete an initial acceptance validation inspection by a qualified third party from the Association for Challenge Course Technology, Professional Ropes Course Association or a structural engineer licensed in Wisconsin, before beginning operation. ^P

(c) *Program aquatics.* 1. All swimming and watercraft activities at a camp shall be under the direction of an adult aquatic supervisor who holds a current lifeguard certification, including certification for first aid and professional CPR with AED included in the course or AED certification earned separately. ^P

2. The camp shall develop a written lifeguard and attendant staffing plan. ^{Pf} The camp shall keep a copy of the plan on the premises and the plan shall be made available for review by the department or its agent. The plan shall include all of the following:

- a. A diagram of recreational areas of water used by campers. ^{Pf}
- b. Designated areas for each aquatic program activity, including swimming, boating, and diving areas. ^{Pf}
- c. The hours of operation; with a description of how artificial lighting is provided if an area is operated beyond daylight hours. ^{Pf}
- d. Indication of how visual obstructions are addressed by lifeguard placement. ^{Pf}
- e. The location of each first aid kit. ^{Pf}
- f. A method of communication between lifeguards and attendants when 2 or more attendants or lifeguards are present. ^{Pf}
- g. A description of a reliable communication system used to reach 911 from the waterfront. ^{Pf}
- h. The number of lifeguards and attendants per s. ATCP Table 78.26, for each aquatic program activity, including off-premises aquatic program activities, such as where boating, canoeing, swimming, or water skiing occurs: ^P

ATCP Table 78.26 Lifeguard and Attendant Staffing Per Activity

Actual Aquatic Participant Load	Lifeguards (per activity)	Attendants (per activity)
1-50	1	1 for every 50 participants or fraction thereof.
51-100	2	1 for every 50 participants or fraction thereof.
101-150	3	1 for every 50 participants or fraction thereof.
Greater than 151	When the patron load exceeds 151 patrons, 1 lifeguard shall be provided for each additional 100	1 for every 50 participants or fraction thereof.

3. Every person serving as a lifeguard at a camp shall hold a current lifeguard certification with first aid and professional CPR with AED certification included in the course or AED certification earned separately. If the camp is going to serve infant campers, then the lifeguard must have a CPR course that includes infants. ^P

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.

4. Lifeguards shall have training, as required by the United States occupational safety and health administration pursuant to 29 CFR 1910.1030, bloodborne pathogens standard. ^{Pf}

5. If the lifeguards and attendants are all under the age of 18, the adult aquatics program supervisor or other designated lifeguard meeting the requirements pursuant to par. (c) 3. shall provide direct supervision. ^P

6. Lifeguards shall meet all of the following:

- a. At all times when on duty, wear clothing or rescue equipment that is conspicuously marked "Lifeguard" or "Guard".
- b. Shall not be assigned duties that may distract the lifeguard's attention from observing an individual or that may hinder the lifeguard's ability to provide immediate assistance to an individual. ^P
- c. Equipped with a rescue tube with a harness as instructed in approved lifeguard certification courses. ^P
- d. Equipped with a whistle or other signaling device for communicating to aquatic participants or other staff. ^P

7. a. Every boat, except a sailboard and except as provided in subd. 7. c., shall carry at least one personal flotation device prescribed as specified pursuant to 33 CFR part 175, subpart B for each person on board or being attended by the boat, so placed as to be readily accessible and available to the persons. ^P

b. No person may use a boat 16 feet or more in length unless one throwable personal flotation device is onboard in addition to the total number of wearable personal flotation devices required in subd. 7. a. ^P

c. No person may operate a boat with any child under 13 years old aboard unless each such child is wearing a properly sized personal flotation device approved by the Coast Guard. ^P

8. Pursuant to s. 30.678 (1) (d), Stats., no person who was born on or after January 1, 1989, and who is 16 years of age or older may operate a motorboat unless one of the following applies:

- a. The person holds a valid boating safety certificate pursuant to s. 30.74 (1) (a), Stats., or a valid boating safety certificate that is honored pursuant to s. 30.74 (1) (c), Stats. ^P
- b. The person is accompanied in the motorboat by another person who is at least 18 years of age and that person holds a valid boating safety certificate issued pursuant to s. 30.74 (1) (a), Stats., or a valid boating safety certificate that is honored pursuant to s. 30.74 (1) (c), Stats., or was born before January 1, 1989. ^P

9. a. The adult aquatic supervisor shall designate a separate area for each aquatic program activity. ^{Pf}

b. Access to each aquatic program activity area shall be controlled and the area used for swimming shall be clearly marked and separated into sections based on the camps written lifeguard and attendant staffing plan, including non-swimmers, beginners, intermediates and proficient swimmers. ^{Pf}

c. No person may go into a section marked for a swimming beyond their evaluated ability except when being tested under supervision for the next higher level or when wearing a properly fitted personal flotation device. ^{Pf}

d. The adult aquatic supervisor shall establish and enforce a method for checking persons in and out of each aquatic program activity. ^{Pf}

e. The adult aquatic supervisor shall establish and enforce a method for supervising persons in the water such as the buddy system, buddy check, or a combination of methods of supervising persons. ^{Pf}

10. Safety equipment shall be maintained and in the vicinity of the aquatic activity area and include all of the following: ^P

- a. An equipped and maintained first-aid kit as determined by the adult aquatic supervisor or the camp health supervisor. ^P
- b. Backboard equipped with head immobilizer and sufficient straps. ^P
- c. A ring buoy, rescue tube, or throw bag. ^P

11. The adult aquatic supervisor shall conspicuously post the camp's swimming rules and restrictions and boating regulations in the aquatic program activity area. When participating in an aquatic program activity off the camp premises, swimming and

boating regulations and restrictions shall be verbally discussed with campers.

12. A rescue boat shall be readily available when the aquatic program activity extends beyond the designated swimming area.^P The boat shall be provided with all of the following:

- a. A ring buoy, rescue tube, or throw bag attached to 50 feet of 1/4 inch rope.^P
 - b. A rescue pole. A standard length oar or paddle may substitute for a rescue pole.^P
 - c. Personal flotation devices that are United States coast guard approved and shall be sized properly for each individual.^P
13. The aquatic program activity area shall be free of hazards.^P

Note: Blue-green algae blooms can produce toxins that can make people sick after they swallow, breathe in, or have contact with water. Email the Wisconsin department of natural resources at DNRHABS@wisconsin.gov to report a bloom or ask questions. More information is also available from the Wisconsin department of health services Staying Safe at the Lake: What Summer Camps Should Know about Blue-Green Algae at www.dhs.wisconsin.gov/publications/p02438.pdf.

14. Aquatic program equipment shall be maintained in good repair, including docks, ladders, rafts, diving boards, boats, life jackets, and paddles.

15. A camp may allow swimming after dark if lighting is provided to identify swimmers.^P

(d) *Horseback riding*. 1. When horseback riding is provided on the camp premises, the camp shall meet all of the following:

- a. Evaluate and classify each camper's riding ability and assign each camper to a horse and equipment that matches their ability.^{Pf}
- b. Require protective head gear to be worn by campers or staff under the age of 18, except that this provision does not apply to pony rides where a horse or pony is led by a trained individual on foot or the animal is controlled by a mechanical device that leads its walk.^P

2. Horse and livestock medications shall be secured in an area away from camper access and locked when not in use.^P

3. Stables, corrals, riding rings, or other livestock areas shall be located away from lodging areas as specified pursuant to s. ATCP 78.17 (2).^{Pf}

4. Livestock areas shall be maintained free from the accumulation of manure.

(e) *Use of motorized vehicles*. 1. When a go-kart or similar motorized vehicle, excluding a golf cart, is provided for a camp program, the camp shall meet all of the following:

- a. Equip the go-kart or similar motorized vehicle with a restraint device such as a seat belt or safety harness.^P
- b. Require protective head gear to be worn by a camper or staff under the age of 18 who is using the vehicle.^P
- c. Establish a camper vehicle use policy that provides guidelines for when and where a vehicle may be used pursuant to s. 23.33, Stats., and ch. NR 64, as enforced by the Wisconsin department of natural resources.^{Pf}
- d. Provide safety and operating instructions to the camper prior to use.^{Pf}

2. When an all-terrain vehicle or utility-terrain vehicle is provided for a camp program, the camp shall meet all of the following:

- a. Require protective head gear to a camper or staff under the age of 18 using the vehicle.^P
- b. Use only a vehicle with a minimum of 4 wheels.^P
- c. Establish a camper vehicle use policy that provides guidelines for when and where a vehicle may be used per s. 23.33, Stats., and ch. NR 64, as enforced by the Wisconsin department of natural resources.^{Pf}

d. Provide safety and operating instructions to the camper prior to use.^{Pf}

(4) **POOLS AND WATER ATTRACTIONS**. Any public swimming pool, water attraction, wading pool, whirlpool or similar structure shall comply with the design and construction requirements in ch. SPS 390 and the camp operator shall obtain a license and operate the pool in accordance with ch. ATCP 76.

(5) **PLANS FOR CAMPER SECURITY AND DEALING WITH EMERGENCIES**. (a) *General camp security*. Camps shall have a written security plan for addressing all of the following:

1. Visitors, vendors, or contracted services that enter the camps premises.^{Pf}
2. Firearms and ammunition used by staff for non-program activities.^{Pf}
3. Active threats and possible intruders on camp premises.^{Pf}

(b) *Emergency response and recovery plans*. 1. A camp shall have a written plan for actions to be taken in response to all of the following:

- a. Fire.^{Pf}
- b. Severe weather and a power outage, including identifying a designated shelter.^{Pf}
- c. Lost camper.^{Pf}
- d. Lost swimmer.^{Pf}
- e. Communicable disease and foodborne illness outbreak, including reporting and notification to the health department.^{Pf}

Note: A list of reportable communicable diseases can be found in appendix A to ch. DHS 145. For more information on diagnosis and symptoms of foodborne illness refer to ch. ATCP 75 Appendix s. 2-201.11 (A) (1) and (2).

2. The camp's written plan shall include the frequency of training and rehearsal provided to camp staff.^{Pf}

(c) *Camper sexual abuse prevention training requirements*. Camper sexual abuse prevention training shall be conducted annually and meet all of the following:^{Pf}

1. The camp shall maintain a copy of the curriculum.^{Pf}
2. Maintain the individual certificate or dated documentation, with each participant's name, for training that occurred.^{Pf}
3. Provide the curriculum to the department or agent upon request.
4. The training shall cover all of the following topic areas:
 - a. Understanding the dynamics of camper to camper sexual abuse and sexualized behaviors.^{Pf}
 - b. Recognizing inappropriate conduct in camp staff behavior with campers.^{Pf}
 - c. Managing camp staff-to-camper and camper-to-camper one-on-one interactions.^{Pf}
 - d. Defining inappropriate physical and verbal contact or interaction with campers.^{Pf}
 - e. Identification and reporting of low-level concerns.^{Pf}
 - f. Responding to disclosure or suspicion of abuse. A process for ensuring that known or suspected cases of child abuse, neglect or sexual misconduct are immediately reported to the proper authorities.^{Pf}
 - g. Communication strategies for staff, campers, parents and media.^{Pf}

(d) *Response to allegations of camper abuse*. 1. A camp shall immediately report an allegation of known or suspected camper abuse, neglect or sexual misconduct to the proper authorities.^P

2. The camp shall separate the alleged perpetrator from campers until the incident is resolved, until the threat is removed, or as long as necessary to protect the safety and welfare of the campers.^P

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109: cr. Register June 2023 No. 810, eff. 9-24-23; correction in (3) (a) 1., (c) 5., 7. b. made under s. 13.92 (4) (b) 4., Stats., correction in (3) (c) 7. a., b., (5) (c) 1., (d) 1. made under s. 35.17, Stats., Register June 2023 No. 810.

ATCP 78.27 Camp wellness and health staff.

(1) **CAMP WELLNESS**. (a) *Physician on staff or consulting physician*. 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, consulting physician or the consulting physician's practice. ^P

(b) *Staff physician or consulting physician standing orders.* Health services staff shall work under the delegation of a physician licensed pursuant to ch. 448, Stats., who is available on-site during the camping season or for consultation services.

1. The staff physician or consulting physician, in cooperation with the camp operator, shall develop standing orders, signed by the physician, for the administration of medications, routine health care and emergency medical care at the camp. ^P

Note: Wisconsin is identified in a high incidence category for Lyme disease, therefore it is recommended that a written protocol should include tick bite identification and removal techniques, such the following resource provided by the United States centers for disease control and prevention: <https://www.cdc.gov/lyme/resources/FS-Guidance-for-Clinicians-Patients-after-TickBite-508.pdf>.

Note: Bats are the leading rabies vector in Wisconsin. It is recommended that camp staff are trained in bat education and that a written protocol be developed that includes: how to prevent and recognize a bat exposure, safe capture of a bat and what to do in the event a bat is found in a room with sleeping campers. A copy of the rabies algorithm can be found at the Wisconsin department of health services website at: <https://www.dhs.wisconsin.gov/rabies/algorithm/index.htm>.

2. The physician shall review, sign and date the standing orders annually. ^P

(c) *Camp vehicle.* A camp shall have a vehicle available at all times to transport a camper or staff member requiring urgent medical services to a hospital or clinic when the camp cannot provide the needed services or as approved by the department or its agent. ^{Pf}

(d) *Camper health history.* 1. Each camper upon arrival at the camp, shall present to the health services staff or to the rental groups health services staff as required pursuant to s. ATCP 78.16, an up-to-date written health history. ^P Health histories shall include all of the following:

- a. Any physical condition or limitations. ^P
- b. Medications. ^P
- c. Allergies. ^P
- d. Immunization status or a signed document by the legal guardian presented to the camp objecting to the immunization requirements for a camper for reasons of health, religion or personal conviction that meets the requirements pursuant to s. 252.04 (3), Stats. ^P
- e. Any special health and behavioral considerations, including mental, emotional, social and developmental needs or restrictions of the camper. ^{Pf}

f. Permission from the family that allows for a camper to self-carry and administer emergency medication, such as epinephrine, inhalers, or insulin, if applicable. ^P

2. For a camper under 18 years of age, the written health history shall be prepared and signed by a parent or legal guardian. ^P

3. Parent or legal guardian's written consent to treat camper in case of an emergency. ^{Pf}

4. Signed permission by the parent or legal guardian for camp health services staff to provide routine healthcare treatment, identifying over-the-counter medications that can be administered. ^{Pf}

Note: It is recommended that each camper 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 nurse practitioner.

(e) *Camp staff health history.* 1. Each camp staff member, upon arrival at the camp, shall present to the health services staff or to the rental groups health services staff, as required pursuant to s. ATCP 78.16, an up-to-date written health history. ^P Health histories shall include all of the following:

- a. Any physical condition or limitations. ^P
- b. Medications. ^P
- c. Allergies. ^P
- d. Based on the staff member's job description, clarification of any camp activities from which the staff member should be

exempted or limited for health reasons as indicated by qualified medical personnel. ^{Pf}

e. A statement indicating if the staff member requires any medication that might impair their ability to perform the essential functions of their position. ^{Pf}

f. Who to contact in case of emergency.

g. Immunization status as determined by the consulting physician and camp health supervisor. ^P

2. For camp staff under 18 years of age, the written health history shall be provided as required pursuant to par. (d). ^P

(f) *Health center.* A camp shall have written procedures and space for the temporary isolation of sick or injured campers and staff members. ^P

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 pursuant to s. 252.05, Stats., and ch. DHS 145.

(g) *First-aid supplies.* A camp shall have first-aid supplies as determined by the staff physician or consulting physician standing orders. ^{Pf}

(h) *Emergency Phone.* 1. A telephone capable of connecting with 911 or emergency dispatch services shall be accessible at all times during camp operation. ^P

2. Other telephone technology may be used that has continuous power backup and a reliable service connection. ^P

3. The installation and location of the telephone shall be in close proximity to the camp buildings or lodging units and the telephone shall be available to camp staff and campers. ^{Pf}

4. A current list of emergency numbers, including 911, and the facility's location shall be attached to or posted near the telephone. ^P

(i) *AED.* If provided, the camp shall ensure the AED meets all of the following:

1. Maintained in operational condition in accordance with manufacturer guidelines. ^P
2. Tested in accordance with any operational guidelines of the manufacturer. ^{Pf}
3. Continually available on camp premises when camp is in session. ^{Pf}

Note: Camp administration is encouraged to consider placement of multiple AED(s) based on the population served and activities conducted.

(2) **HEALTH STAFF REQUIREMENTS FOR A CAMP OR RENTAL GROUP OPERATING FOR 3 NIGHTS OR MORE.** (a) *Camp health services supervisor.* 1. Except as provided pursuant to sub. (3), a camp shall have an adult camp health supervisor who shall be responsible for routine and urgent health care supervision at the camp and meet the requirements pursuant to par. (b) 1.to 5. ^P

2. The camp health supervisor shall inform appropriate camp staff of any specific needs, as identified in the camper health history, of a camper whom they are responsible. ^{Pf}

(b) *Health services qualifications.* 1. The health staff shall include at least one of the following: ^P

- a. A physician licensed in Wisconsin pursuant to s. 448.033, Stats.
- b. A registered nurse licensed in Wisconsin pursuant to s. 441.115 (3), Stats.
- c. A physician assistant licensed in Wisconsin.
- d. A practical nurse licensed in Wisconsin.
- e. A national athletic trainers association certified trainer and meeting subd. 4.
- f. An emergency medical services practitioner as defined in s. 256.01 (5), Stats., and meeting subd. 4.
- g. A person currently certified as completing the American Red Cross responding to emergencies course or equivalent and meeting subd. 4.
- h. A person currently certified as completing a wilderness first aid course as approved by the department and meeting subd. 4.

2. Health services staff at a camp shall hold current certification from the American Red Cross or American Heart Association for basic CPR and AED.^P A camp shall follow the staffing requirement for CPR and AED as follows:

a. If the local ambulance service provider or emergency medical services states in writing that there is a target response time of 30 minutes or less to the camp, the camp shall meet the requirements pursuant to s. ATCP Table 78.27, for all programs going to a physical location.^P

b. If the local ambulance service provider or emergency medical service response is greater than 30 minutes, the camp shall meet the requirements pursuant to s. ATCP Table 78.27.^P

3. Health services staff at a camp shall hold a current certificate for the completion of the American Red Cross or American Heart Association first-aid course or equivalent.^P

4. Health services staff administering medication and only meeting the requirements pursuant to subds. 2. and 3., shall annually take the Wisconsin department of public instruction online course, Medication Administration Principles and shall maintain documentation of the assessment test and passing grade.^P

Note: The Wisconsin department of public instruction course Medication Administration Principles can be found at the following link. https://media.dpi.wi.gov/sppw/av/bmap/story_html5.html.

5. If a camp is prescribed an epinephrine auto-injector or pre-filled syringe as an authorized entity that is not patient-specific or the camp plans to have health services staff help administer epinephrine to a camper, health services staff shall complete an anaphylaxis training program required pursuant to s. 255.07 (5),

Stats., and meet all of the following:

a. The health services staff member shall complete a training program conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an organization approved by the Wisconsin department of health services.^P

b. The training certificate shall be maintained on the camp premises.^P

c. The training certificate shall be made available to the department or its agent upon request.

(c) *Health services coverage.* A camp shall meet the requirements pursuant to s. ATCP Table 78.27, for health service staff coverage at the camp at all times during camp operations.^P

(d) *Health services staff coverage for off-premises trips and primitive camping.* 1. If the local ambulance service provider or emergency medical services states in writing that there is a target response time of 30 minutes or less to the camp, the camp shall meet the requirements pursuant to s. ATCP Table 78.27, for all off-premises trips and primitive camping.^P

2. If the local ambulance service provider or emergency medical service response time is greater than 30 minutes, the camp shall meet the requirements pursuant to s. ATCP Table 78.27, for all off-premises trips and primitive camping.^P

(3) ALTERNATIVE HEALTH SERVICES REQUIREMENTS FOR A RENTAL GROUP THAT OPERATES FOR A PERIOD OF 3 NIGHTS OR LESS. A rental group, such as a school class, a church group, or a scout troop that provides their own health services staff shall meet the requirements pursuant to s. ATCP Table 78.27.^P

ATCP Table 78.27 Health Staff Coverage and Training Requirements

Recreational and educational camp	Minimum number of health services staff available at all times during camp operations, for given EMS response time		Health services staff – minimum training requirements
	Ambulance service provider or EMS provides written documentation that response time is 30 minutes or less.	Ambulance service provider or EMS response time is greater than 30 minutes.	
More than 3 nights	1	2	A health services supervisor as required pursuant to sub. 2 (a). Additional health services staff providing coverage shall at least meet the requirements pursuant to sub. (2) (b) 2. and 3. and if they are administering medication or epinephrine they shall also meet sub. (2) (b) 4. and 5.
Rental Group – 3 nights or less	1	2	Adult leader – Meet requirements nights or less pursuant to sub. (2) (b) 2. and 3. and if they are administering medication or epinephrine they shall also meet sub. (2) (b) 4. and 5.
Off-premises and primitive camping	1	2	Health services staff – Meet requirements pursuant to sub. (2) (b) 2. and 3. and if they are administering medication or epinephrine they shall also meet sub. (2) (b) 4. and 5.

(4) MEDICATIONS BROUGHT TO CAMP. (a) *Prescription medication.* 1. Except as specified in subd. 2., all medications brought to camp by a camper or staff member shall be properly labeled with all of the following:

- a. The name of the camper or staff member. ^P
- b. The name of the medication. ^P
- c. The dosage. ^P
- d. The frequency of administration. ^P
- e. The route of administration. ^P
- f. Name of the prescribing physician. ^P
- g. The prescription number. ^P
- h. The date prescribed. ^P

2. A prepackaged pill pack provided by a pharmacy service accompanied by paperwork meeting the requirements as specified pursuant to subd. 1. ^P

(b) *Additional information.* Information regarding possible adverse reactions, the specific conditions when contact should be made with the physician and other special instructions shall be documented in the camper health history. ^P

(c) *OTC medications including vitamins, supplements and natural remedies.* All OTC medications brought to camp by a camper or staff member shall meet all of the following:

1. Clearly labeled with the name of the camper. ^P
2. In a container labeled with the name of the medication and directions for use. ^P

(d) *Medication administration and storage.* Except as allowed in pars. (e) and (f), all medication brought to camp by a camper or staff member under 18 years of age shall meet all of the following:

1. Kept in a locked unit. ^P
2. Administered by health services staff qualified pursuant to sub. (2) (b), except that epinephrine auto-injector, pre-filled syringe, inhaler, and insulin 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 their personal medication. ^P

3. Administered by a parent or legal guardian who is serving as camp staff member that:

- a. Retains and administers their own child's medications as long as this information is included in the camps medication record. ^{Pf}
- b. Takes responsibility for the security of their child's personal medication. ^{Pf}

(e) *Delegation for administration of medication.* For a camp that lasts longer than 3 days, the department shall allow qualified health services staff to designate an individual at the camp to administer, to a camper or staff member who is under 18 years of age, medications brought to the camp by that camper or staff member, other than medications that a camper or staff member may carry themselves pursuant to s. 97.67 (5m) (b), Stats. Any individual designated by health services staff to administer medication brought to camp by campers, not meeting the qualifications pursuant to sub. (2) (b) 1., shall meet the requirement pursuant to sub. (2) (b) 4., for completion of the Wisconsin department of public instruction course, Medication Administration Principles. ^P

Note: The Wisconsin department of public instruction course Medication Administration Principles can be found at the following link. https://media.dpi.wi.gov/sspw/av/bmap/story_html5.html.

(f) *Rental group administration of medication.* When a camp's facilities are used by a rental group for 3 nights or less, an adult leader of the group shall meet all of the following:

1. Keep all medications brought to camp by a camper or staff member under 18 years of age in a locked unit. ^P
2. Meet the requirements pursuant to s. ATCP Table 78.27. ^P
3. Administered by a parent or legal guardian who is serving as camp staff pursuant to par. (d) 3. ^{Pf}

(5) HEALTH AND TREATMENT RECORDS. (a) *Health history records.* A camp's health services supervisor shall keep available, the health history required pursuant to sub. (1) (d) and (e), for each camper and staff member. ^{Pf}

(b) *Medication and treatment log.* When a medication is administered or treatment provided to a camper or staff member, health services staff shall, as soon as possible, make a record of the action using any one of the following:

1. In a bound book with preprinted page numbers. ^P
2. By electronic entry into a software program that documents each change to the health record and that does not allow previous changes to the health record to be edited or deleted. ^P
3. By making an electronic medication administration record, printed with the date and time stamp, from a health software program pursuant to subd. 2., to be used for manual recording with a signature on the form of the individual making entries. ^P

(c) *Medication and treatment record requirements.* The record shall indicate all of the following information:

1. Legal name of the person receiving the medication or treatment. ^{Pf}
2. Ailment. ^{Pf}
3. Name of the medication or treatment. ^{Pf}
4. Quantity given. ^{Pf}
5. Date and time administered. ^{Pf}
6. Initials of the person administering the medication or providing treatment. ^{Pf}
7. Comments.

(d) *Medication and treatment record storage.* 1. The logging of medication and other treatment administered shall support accurate medication and treatment administration in a clear, complete and organized manner. ^{Pf}

2. Health history and treatment records shall be accessible, upon request, to the department or its agent.

(e) *Record retention.* The camp shall retain health history and treatment records for at least 3 calendar years.

(f) *Rental group health history, medication and treatment records.* 1. The rental group using a camp's facilities and providing their own health services staff shall maintain the health histories and treatment records for their campers and staff. ^P

2. The health history and treatment records shall be accessible, upon request from the department or its agent.

(g) *Rental group record retention.* 1. The rental group, if providing health supervision, shall maintain all camper health histories, medication and treatment records for a minimum of 3 calendar years and make the records available upon request to the department or agent within 2 business days of the request.

2. The rental group shall keep a register and a method of tracking individuals entering and leaving the camp during operation, pursuant to s. ATCP 78.28, and make the register and tracking document available upon request to the department or agent within 2 business days of the request.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23; correction in (1) (d) 1. d., (e) 1. (intro.), (2) (b) 4., 5., Table 78.27, (4) (d) 2., (e), (5) (a) made under s. 35.17, Stats., Register June 2023 No. 810.

ATCP 78.28 Camp register. (1) **REQUIREMENTS.** A camp shall maintain a written or electronic camp register with all of the following information for each camper and staff member:

- (a) Legal name. ^{Pf}
- (b) Home address. ^{Pf}
- (c) Phone number. ^{Pf}
- (d) Email address. ^{Pf}
- (e) The name, phone number and email of persons to notify in case of an emergency. ^{Pf}

(2) **RENTAL GROUP CAMP REGISTER REQUIREMENTS.** (a) *Rental group contact information.* Each rental group shall provide the

contact information for their authorized representative to the licensed camp operator that includes all of the following:

1. The name of the authorized representative. ^{Pf}
2. Phone number. ^{Pf}
3. Email address. ^{Pf}
4. Home address. ^{Pf}

(b) *Register responsibility.* Each rental group shall be responsible for maintaining a camp register as required pursuant to sub. (1). ^{Pf}

(3) **CAMP REGISTER RETENTION.** The camp register shall be retained for a minimum of 3 years.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

ATCP 78.29 Death, injury or illness reports. The camp shall report incidents resulting in serious injury, illness or death where an emergency medical service response is required, by the end of the next working day following the incident by phone or email to the department or its agent. ^{Pf}

Note: Report deaths, injuries, or illnesses to the bureau of food and recreational businesses by calling (608) 224-4682 or email datcpdfrsec@wisconsin.gov, or if licensed by an agent, by contacting your agent health department.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

ATCP 78.30 Playground equipment. (1) **INSTALLED AND MAINTAINED IN GOOD REPAIR.** Playground equipment shall be:

- (a) *Installed.* Installed to manufacturer's directions. ^{Pf}
- (b) *Maintained.* Shall be maintained in good repair.

(2) **ENTANGLEMENT AND IMPALEMENT.** (a) *Hazards.* Playground equipment shall be free of the following hazards:

1. Open "S" hooks. ^P
2. Bolt ends protruding more than 2 threads beyond the end of the nut. ^P
3. Sharp points or edges. ^P

(3) **TRIP AND FALL HAZARDS.** (a) *Exposed footing.* Concrete footings shall not be exposed above ground level. ^P

(b) *Protective surfacing.* Fall hazards shall be minimized by providing protective surfacing material, including wood chips, pea gravel, sand or a unitary surface. ^{Pf}

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

ATCP 78.31 Petting zoo and other animal education interactions. (1) **HAND HYGIENE.** The camp operator shall provide any of the following:

(a) *Hand washing station.* If the camp includes a petting zoo or other animal interaction for campers, the operator shall provide a hand washing station with running water, soap, and single-use toweling in close proximity to encourage hand washing after handling animals. ^{Pf}

(b) *Hand sanitizing station.* If soap and water are not available, a hand sanitizing station using an alcohol based sanitizer containing at least 60 percent ethanol shall be provided. ^{Pf}

(2) **SUPERVISION.** Camp staff shall ensure that campers are washing their hands or using hand sanitizer after handling animals or being in their environment. ^{Pf}

Note: Direct contact with species known to serve as reservoirs for rabies virus (e.g., bats, raccoons, skunks, foxes, and coyotes) is not recommended. If the camp will provide a petting zoo or animals for interactive display or educational programming, it is recommended the operator minimize risk of zoonotic disease transmission to participants and staff by designing and operating the display in accordance with the recommendations in the most current National Association of Public Health Veterinarians Compendium of Measures to Prevent Disease Associated with Animals in Public Settings. <http://nasphv.org/documents/CompendiumAnimals.html>.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109; cr. Register June 2023 No. 810, eff. 9-24-23.

ATCP 78.32 Primitive camping trips. (1) **GENERAL.** The operator of a camp shall maintain each primitive camp area in a safe and clean manner conducive to public health.

Note: An itinerary shall be filed or arrangement shall be made with the national forest service office if such land is used by the primitive camping trip. The camp director should familiarize the staff and campers with rules governing such property.

(2) **TRIP DOCUMENTATION AND EMERGENCY INFORMATION.** The trip leader shall be provided with all of the following health information and resources:

(a) *Health histories.* A description of any individual camper specific health conditions. ^{Pf}

(b) *Medication and treatment record.* Any one of the following methods shall be used for the documentation of medical treatment and medication administration provided to campers while off premises of the licensed camp: ^{Pf}

1. Documentation pursuant to s. ATCP 78.27 (b) and (c). ^{Pf}
2. Alternative documentation method:

a. Required information pursuant to s. ATCP 78.27 (c). ^{Pf}

b. Maintain documentation of medical treatment including medications administered to campers while away from camp and submitted to the camp health services supervisor by the trip leader upon return to camp. ^{Pf}

c. Documentation from this record shall be transferred to the camps medication and treatment log and be made available for review by the department or its agent upon request. ^{Pf}

d. The original primitive camping medication and treatment documentation shall be kept by the camp health services supervisor and be made available for review by the department or its agent upon request. ^{Pf}

(c) *First aid.* A fully stocked first aid kit. ^P

(d) *Communication.* Reliable means of communication to summon emergency help and communicate with the camp health supervisor. ^P

(3) **TRIP STAFFING.** Camper to staff ratios shall follow the requirements pursuant to ss. ATCP 78.25 and 78.27 (2) (d). ^P

(4) **WATER SUPPLY.** (a) *Water provided by the camp.* Drinking water taken on primitive camping trips away from camp shall meet all of the following:

1. Except as specified pursuant to par. (b), taken from a potable water source. ^P

2. Transported and stored in clean, sanitized containers. ^P

(b) *Alternative water sources.* Where it is not practical to transport drinking water, drinking water treatment purification methods shall be provided. Water shall be visibly clear and free from debris, foam, blue-green algal blooms or scum, trash and organic matter. ^P

1. Water shall be treated using one or more of the following methods:

a. Brought to a rolling boil for a minimum of one minute. ^P

b. Treated water with a purifier meeting National Sanitation Foundation standard P231 or P248. The filter pore size shall be 0.02 microns or less. ^P

c. Filtered using a filter with an absolute pore size not greater than 0.3 micron pursuant to National Sanitation Foundation Standard 53 or 58 and disinfected with a chemical product labeled for the treatment of drinking water. ^P

d. Treated with a water treatment method not covered under this section for which a request for a variance has been granted by the department. ^P

(c) *Use and maintenance.* Water treatment filters and cartridges shall meet all of the following:

1. Maintained according to manufacturer's instructions to ensure devices are in proper working order. ^{Pf}

2. Maintain a maintenance log or receipts for any device replacement parts or accessories. ^{Pf}

3. Ensure chemical treatment products are stored according to manufacturer's directions. ^{Pf}

4. Ensure chemical treatment products are not expired. ^P

(d) *Trained staff.* 1. A camp operator shall ensure staff performing drinking water treatment are trained in the proper use of all practices, devices, time requirements and chemical treatments.^{Pf}

2. Only persons trained to properly treat water using the designated treatment methods shall treat drinking water in the field.^{Pf}

(5) OFF SITE WRITTEN FOOD SAFETY PLAN. (a) *Plan contents.* A written food safety plan shall be provided for primitive camping and backcountry trips and shall incorporate all the following components:

1. General food safety practices as provided in ch. ATCP 75, for the type and method of food service provided.^{Pf}

2. Hand hygiene.^{Pf}

3. Utensil washing procedures, if applicable.^{Pf}

4. Protection of food from animals and other pests.^{Pf}

(b) *Plan available to regulatory authority.* The written food

safety plan shall be made available to the department or its agent upon request.

(6) TOILETS. (a) *Usage.* Except as specified pursuant to par. (c), at minimum, toilet usage in these areas shall comprise a slit trench with earth backfill or cathole at least 8 inches deep.^P

(b) *Location.* The toilet areas shall be located at least 200 feet from a stream, lake, well or established trail, camp, tent or other sleeping or housing arrangement.^P

(c) *Disposal.* Solid human waste can be carried out and disposed of back at the camp premises or other toilet facility.^P

Note: See Leave No Trace from the Center for Outdoor Ethics: <https://lnt.org/>

(7) SOLID WASTE. Garbage and refuse generated in primitive camping areas shall be carried back to the camp premises or other approved area for proper disposal pursuant to s. ATCP 78.22.

Note: This section is created eff. 9-24-23 by CR 21-109.

History: CR 21-109: cr. Register June 2023 No. 810, eff. 9-24-23; correction in (2) (b) (intro.) made under s. 35.17, Stats., and (6) (c) (title) created under s. 13.92 (4) (b) 2., Stats., Register June 2023 No. 810.

Note: Chapter ATCP 78 is shown as repealed and recreated eff. 9-24-23 by CR 21-109. Prior to 9-24-23 it reads:

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 datcpd-frsrec@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, campus 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, dishwashing 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. 180.1100 (1g), Stats., or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a license to the newly formed business entity or sole proprietorship if the 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. 180.1100 (1g), 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.

(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 (6) 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; correction in (3) (b) made under s. 13.92 (4) (b) 7., Stats., Register February 2023 No. 806.

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 with-

out 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 datcpappeals@wisconsin.gov, faxed to (608) 224-5034, mailed to PO Box 8911, Madison, Wisconsin 53708-8911, or hand delivered to 2811 Agriculture Drive, Madison, Wisconsin 53718.

(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 decision may order any of the following to remove the danger to health:

(a) Changes to or replacement of equipment or construction.

(b) Changes in or cessations of any operation or method of operation of the equipment or premises.

Note: A request for hearing, under sub. (2), shall be submitted to the DATCP Secretary via e-mail at datcpappeals@wisconsin.gov, faxed to (608) 224-5034, mailed to PO Box 8911, Madison, Wisconsin 53708-8911, or hand delivered to 2811 Agriculture Drive, Madison, Wisconsin 53718. The hearing may be conducted by the department secretary or designee.

(3) If the department voids a license 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; renun. 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. 2-1-206.

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; renun. 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: renun. from HFS 175.06 Register January 2009 No. 637, eff. 2-1-09; renun. 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: renun. 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; renun. 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: renun. 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; renun. 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 1/2 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: renun. 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; renun. 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 non-permanent 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 overall 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 nonswim-

mers, 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 physician licensed in Wisconsin.
- A registered nurse licensed in Wisconsin.
- A physician assistant licensed in Wisconsin.
- A practical nurse licensed in Wisconsin.
- A national athletic trainers association certified trainer.
- An emergency medical technician or a paramedic.
- A person currently certified as completing the American red cross emergency response course.
- 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 cardiopulmo-

nary 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.