

AN ACT

ENTITLED, An Act to revise certain provisions in statute and administrative rules regarding the regulation of campgrounds and the license fee for campgrounds and to repeal administrative rules regulating primitive campgrounds, full-service campgrounds, limited service campgrounds, and temporary campgrounds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34-18-1 be amended to read as follows:

34-18-1. Terms used in this chapter mean:

- (1) "Campground," a plot of ground for public use upon which two or more campsites are located, established, maintained, advertised, or held out to the public to be a place where camping units can be located and occupied as temporary living quarters for children or adults, or both. Camping units are considered to be trailers, tent campers, campers, tents, recreational park trailers, or other equipment that may be used by the public at individual campsites located at campgrounds or areas used by the public as campgrounds;
- (2) "County fair," any fair or celebration operated by any county of this state and under the supervision of a county fair board, county fair association, or the county board of commissioners;
- (3) "Department," the Department of Health;
- (4) "Food," any raw, cooked, or processed edible substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption;
- (5) "Food service establishment," any fixed restaurant; coffee shop; cafeteria; short-order café; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; catering kitchen; delicatessen; bakery; grocery store; boardinghouse; or similar place in which food or drink is prepared for sale or for service

- to the public on the premises or elsewhere with or without charge;
- (6) "Hotel," any hotel, motel, lodge, resort, cabins, building, or buildings with more than ten rental units which is used to provide sleeping accommodations for a charge to the public;
 - (7) "Lodging establishment," any building or other structure and property or premises kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to two or more transient guests. The term includes hotels, motels, cabins, bed and breakfast establishments, lodges, vacation home establishments, dude ranches, and resorts;
 - (8) "Mobile food service establishment," any mobile unit in which food or drink is prepared for sale or for service to the public with or without charge;
 - (9) "Nonprofit organization," any governmental organization, church, fraternal, social, school, youth, or other similar organization that is organized and operated for a common good and not for the specific monetary gain of any person or persons;
 - (10) "Owner," the operator, agent, proprietor, manager, or licensee whether it be a person, firm, corporation, limited liability company, or association;
 - (11) "Rental unit," any room, cabin, or other quarters that may be rented to a guest for sleeping accommodations;
 - (12) "Secretary," the secretary of the Department of Health;
 - (13) "Specialty resort," any bed and breakfast establishment, lodge, dude ranch, resort, building, or buildings used to provide accommodations or recreation for a charge to the public, with no more than ten rental units for up to an average of twenty guests per night and in which meals are provided to only the guests staying at the specialty resort;
 - (14) "State Fair," the fair at Huron, South Dakota, operated by the Department of Agriculture;
 - (15) "Temporary food service establishment," any food service establishment which operates

at a fixed location for a temporary period of time, not to exceed two weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering;

- (16) "Transient guest," any person who resides in a lodging establishment less than four consecutive calendar weeks;
- (17) "Vacation home establishment," any home, cabin, or similar building that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than fourteen days in a calendar year and is not occupied by an owner or manager during the time of rental. This term does not include a bed and breakfast establishment as defined in subdivision 34-18-9.1(1);
- (18) "Water recreational facility," any artificial basin of water located at a facility licensed pursuant to chapter 34-18 constructed, installed, modified, or improved for the purpose of swimming, wading, diving, or recreation, including swimming pools, spas, hot tubs, and water slides.

Section 2. That § 34-18-11.1 be amended to read as follows:

34-18-11.1. The annual license fee for a campground is:

- (1) Two to twenty-five campsites, inclusive, seventy-five dollars;
 - (2) Twenty-six to one hundred campsites, inclusive, one hundred thirteen dollars;
 - (3) One hundred one to two hundred campsites, inclusive, one hundred fifty dollars;
 - (4) Two hundred one to three hundred campsites, inclusive, one hundred eighty-eight dollars;
- and
- (5) Three hundred one or more campsites, two hundred twenty-five dollars.

Section 3. That ARSD 44:02:14 be amended to read as follows:

44:02:14:01. Definitions. Words defined by SDCL 34-18-1 have the same meaning when used in this chapter. In addition, the terms used in this chapter mean:

(1) "Camping cabin," any structure or building that is used to accommodate overnight sleeping guests and is dependent on a service building for restroom fixtures;

(2) "Camping unit," any trailer, tent camper, camper, camping cabin, tent, recreational park trailer, or other equipment that may be used by the traveling public at individual campsites located at campgrounds or areas used by the public as campgrounds;

(3) "Campsite," a specific parcel of land in a campground intended for occupancy and use by a single camping unit;

(4) "Community water system," a system that is regulated by the Department of Environment and Natural Resources that meets the requirements set forth in ARSD chapter 77:04:12;

(5) "Designated agent," a municipal, county, or district health department that has been designated as an agent of the secretary as provided in SDCL 34-18-7;

(6) "Egress window," a window of sufficient size to meet the requirements of section 15 of this Act so that an occupant of a guest room can escape through the window in an emergency;

(7) "EPA-certified laboratory," a laboratory which meets the requirements outlined in chapter 74:04:07;

(8) "Inspection," an objective examination of a campground by the department to review the employee practices, sanitary conditions, and health standards in accordance with SDCL chapter 34-18 and this chapter;

(9) "Private water system," a water system that serves a campground, food service establishment, or lodging establishment that is not a public water system regulated by the Department of Environment and Natural Resources;

(10) "Public water system," a system that is regulated by the Department of Environment and Natural Resources that meets the requirements set forth in ARSD chapter 77:04:12;

(11) "Sanitary dump station," a facility used for the removal and disposal of wastes from a

camping unit holding tank and that has a water connection for the necessary flushing of the area; and

(12) "Service building," a structure housing toilet, lavatory, and bathing facilities.

Section 4. That ARSD 44:02:14 be amended to read as follows:

44:02:14:02. Water supply. The owner shall provide an accessible, adequate, and safe supply of water to each campground facility. If a public water system of the quantity, quality, and pressure approved by the Department of Environment and Natural Resources is available, the owner shall provide that a connection is made to the system and the system's water supply is used exclusively. The owner of a private water system shall submit water samples quarterly to an EPA-certified laboratory for bacteriological analysis while the campground is in operation. The owner shall submit a nitrate test of the water supply system yearly. The owner of a private water system shall report any unsafe water sample to the department within three days. If an unsafe drinking water sample is reported, the campground shall provide two consecutive safe water samples prior to allowing the public to use the private water supply. No wellhead or well casing opening may be in a pit, room, or space that is below ground surface.

Section 5. That ARSD 44:02:14 be amended to read as follows:

40:02:14:03. Water connection system. All water connection and piping systems shall meet the uniform plumbing code as adopted by the state plumbing commission pursuant to SDCL 36-25-15.

Section 6. That ARSD 44:02:14 be amended to read as follows:

44:02:14:04. Waste water disposal. Each campground shall have a wastewater collection and treatment system to convey and dispose of all wastewater. The system shall be designed, constructed, and maintained in accordance with specifications for individual and small on-site wastewater systems pursuant to chapter 74:53:01 and shall meet the uniform plumbing code as adopted by the state plumbing commission pursuant to SDCL 36-25-15.

Section 7. That ARSD 44:02:14 be amended to read as follows:

44:02:14:05. Condition of grounds. The owner shall provide that the grounds are kept free of rubbish, trash, or debris that is or could become a health or safety hazard to any occupant or surrounding resident.

Section 8. That ARSD 44:02:14 be amended to read as follows:

44:02:14:06. Garbage and rubbish storage and disposal. The stored garbage and rubbish shall be kept in a leakproof, nonabsorbent container that is kept covered with a tight-fitting lid when filled, stored, or not in continuous use. Accessibility by insects, rodents, and other animals shall be minimized. No disposal of garbage and rubbish may create a health hazard. Disposal of rubbish shall be done as frequently as needed to minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

Section 9. That ARSD 44:02:14 be amended to read as follows:

44:02:14:07. Vermin control. Each building and area of the campground shall be constructed, equipped, and maintained to prevent the entrance, harborage, or breeding of flies, roaches, rats, mice, and all other insects and vermin. If there is an infestation, the department may require the owner of the campground to clean, renovate, and fumigate the campground to eliminate and to prevent the pests. The department may require the campground to hire a professional exterminator to exterminate pests under the following conditions:

(1) The infestation is so extensive that it is unlikely that a nonprofessional can eradicate the pests effectively;

(2) The method of extermination of choice can only be carried out by a professional exterminator; or

(3) The department finds that a campground has not been brought into compliance with a prior order to rid the establishment of pests.

The department shall require regularly scheduled professional extermination services following

the determination of an excessive pest infestation.

Section 10. That ARSD 44:02:14 be amended to read as follows:

44:02:14:08. Fire protection. Portable fire extinguishers shall be provided in an accessible area for use and shall be maintained in an operable condition. Each fire extinguisher shall be rated a minimum of 2A10BC and must be accessible to the public at all times.

Section 11. That ARSD 44:02:14 be amended to read as follows:

44:02:14:09. Sanitary dump station. A campground may provide a sanitary dump station. Each sanitary dump station shall meet the uniform plumbing code as adopted by the state plumbing commission pursuant to SDCL 36-25-15.

Section 12. That ARSD 44:02:14 be amended to read as follows:

44:02:14:10. Sewer connection system. If a sewer connection system is provided, it shall meet the uniform plumbing code as adopted by the state plumbing commission pursuant to SDCL 36-25-15.

Section 13. That ARSD 44:02:14 be amended to read as follows:

44:02:14:11. Swimming pools and spas. Each swimming pool, spa, or other similar recreational facility shall comply with requirements in the "Recommended Standards for Swimming Pool Design and Operation," 1996 edition, Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers. The owner or operator of a swimming pool, spa, or other water recreational facility shall collect and submit at least one water sample weekly for each swimming pool, spa, or other water recreational facility under the owner's or manager's control to an EPA-certified laboratory for bacteriological analysis. A copy of the daily log and weekly water sample results taken shall be kept onsite of the facility and available for inspection at all times. The owner or operator shall report any unsafe water sample test results to the department within three days after receipt of the test results. Upon receipt of a positive water sample the owner or operator

of the facility shall submit two consecutive negative samples to the department to confirm treatment procedures have eliminated the contamination. If a resample test is positive, the owner or operator of the facility shall close the affected water recreational facility and submit two consecutive negative samples prior to allowing guest use of the affected water recreational facility. A colorimetric test kit shall be used for the monitoring and adjusting of disinfectant levels and pH in swimming pool, spa, or any other water recreational facility. The owner or operator of the facility shall maintain a daily log of disinfectant levels and pH.

Section 14. That ARSD 44:02:14 be amended to read as follows:

44:02:14:12. Toilet and bathing facilities. The campground may provide toilets, showers, and lavatories in one or more service buildings for patron use. The service building can consist of men's or women's, or unisex facilities. Toilet and bathing facilities must meet the uniform plumbing code as adopted by the state plumbing commission pursuant to SDCL 36-25-15. Each room containing a sanitary or laundry facility must have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Each floor, wall, and ceiling shall be constructed of light-colored, smooth, nonabsorbent, durable, and easily cleanable material. Each concrete, brick, or pumice block shall be finished and sealed to provide a smooth, flat, easily cleanable surface. Each floor, wall, and ceiling in the service building shall be kept clean and in good repair. Each toilet, lavatory, and bathing fixture shall be kept clean, sanitary, and in good repair. Each restroom fixture shall be cleaned and sanitized daily or more often as needed. Each cleaner, sanitizer, and disinfectant shall comply with 40 C.F.R. § 180.940, July 1, 2013. Each room shall have at least one screened window that can be easily opened or a mechanical device that ventilates the room. Each fixture shall be maintained in good repair. Each opening for ventilation or entrance shall be kept screened at all times to prevent the entrance of insects and vermin into the facility. Each service building room shall be equipped with nonglare lighting to provide at least 10 footcandles on all surfaces except those

used for reading, shaving, or the application of cosmetics. For these areas, a minimum of 30 footcandles shall be provided.

Section 15. That ARSD 44:02:14 be amended to read as follows:

44:02:14:13. Camping cabins. Any structure that is provided for use by overnight guests shall meet the following requirements:

(1) Each camping cabin shall have no more than two sleeping rooms;

(2) Each sleeping room shall either directly exit to the outside or be equipped with an operable egress window. Each egress window shall have at least a net clear opening of 5.7 square feet and shall be at least 24 inches high and at least 20 inches wide. The egress window shall open from the inside of the guest room without the use of any special tool or knowledge. The egress window shall have a finished height of not more than 48 inches above the floor. For camping cabins constructed before July 1, 2009, each grade level egress window shall have at least a net clear opening of 5.0 square feet and shall be at least 24 inches high and at least 20 inches wide;

(3) Each floor, wall, and ceiling shall be constructed of durable, nonabsorbent, easily cleanable materials and cleaned and sanitized between guests;

(4) Each mattress provided shall be protected or covered with an impermeable cover to prevent the infestation of pests and filth;

(5) A hard-wired or battery-operated smoke detector shall be provided in each camping cabin;

(6) No bathroom facility may be provided in the camping cabin;

(7) Each window and opening to the outside that is not a door shall be screened to prevent the entrance of vermin and insects; and

(8) Any fuel fired heating equipment located inside the camping cabin shall be inspected at least once a year by a person in the business of heating system maintenance. A written verification of the inspection shall be kept on file in the campground with the date of the inspection, a written statement

by the person making the inspection, and that person's signature.

Section 16. That ARSD 44:02:14 be amended to read as follows:

44:02:14:14. Bedding and linen. If a campground owner or operator furnishes linens for use by a guest using the camping cabin, the owner or operator shall furnish each guest with clean sheets and pillow cases for the bed, bunk, or cot to be occupied by the guest. Sheets shall be of sufficient width and length to cover the mattress completely. Any bath linen, sheets, and pillow cases used by one guest shall be washed and mechanically dried before being furnished to another guest. Any bedding, including mattress, mattress pad, quilt, blanket, pillows, sheets, and spreads, and all bath linen shall be kept clean, in good repair, and stored in a sanitary manner. Separate laundry containers shall be provided for clean and soiled laundry. Any soiled linen, uniform, and other garment shall be kept separate from clean linen to prevent cross-contamination. Any clean linen shall be stored on smooth, nonabsorbent, cleanable surfaces located a minimum of six inches above the floor.

Section 17. That ARSD 44:02:09:00 be repealed.

Section 18. That ARSD 44:02:09:01 be repealed.

Section 19. That ARSD 44:02:09:02 be repealed.

Section 20. That ARSD 44:02:09:03 be repealed.

Section 21. That ARSD 44:02:09:04 be repealed.

Section 22. That ARSD 44:02:09:05 be repealed.

Section 23. That ARSD 44:02:09:06 be repealed.

Section 24. That ARSD 44:02:09:07 be repealed.

Section 25. That ARSD 44:02:09:08 be repealed.

Section 26. That ARSD 44:02:09:09 be repealed.

Section 27. That ARSD 44:02:09:10 be repealed.

Section 28. That ARSD 44:02:09:11 be repealed.

Section 29. That ARSD 44:02:10:00 be repealed.

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Section 41. That ARSD 44:02:10:12 be repealed.

Section 42. That ARSD 44:02:10:13 be repealed.

Section 43. That ARSD 44:02:10:14 be repealed.

Section 44. That ARSD 44:02:10:15 be repealed.

Section 45. That ARSD 44:02:10:16 be repealed.

Section 46. That ARSD 44:02:10:17 be repealed.

Section 47. That ARSD 44:02:10:18 be repealed.

Section 48. That ARSD 44:02:10:19 be repealed.

Section 49. That ARSD 44:02:10:20 be repealed.

Section 50. That ARSD 44:02:10:21 be repealed.

Section 51. That ARSD 44:02:10:22 be repealed.

Section 52. That ARSD 44:02:10:23 be repealed.

Section 53. That ARSD 44:02:10:24 be repealed.

Section 54. That ARSD 44:02:10:25 be repealed.

Section 55. That ARSD 44:02:10:26 be repealed.

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Section 58. That ARSD 44:02:10:29 be repealed.

Section 59. That ARSD 44:02:10:30 be repealed.

Section 60. That ARSD 44:02:10:31 be repealed.

Section 61. That ARSD 44:02:10:32 be repealed.

Section 62. That ARSD 44:02:10:33 be repealed.

Section 63. That ARSD 44:02:10:34 be repealed.

Section 64. That ARSD 44:02:10:35 be repealed.

Section 65. That ARSD 44:02:11:00 be repealed.

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Section 79. That ARSD 44:02:11:14 be repealed.

Section 80. That ARSD 44:02:11:15 be repealed.

Section 81. That ARSD 44:02:11:16 be repealed.

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Section 92. That ARSD 44:02:12:00 be repealed.

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Section 103. That ARSD 44:02:12:11 be repealed.

Section 104. That ARSD 44:02:12:12 be repealed.

Section 105. That ARSD 44:02:12:13 be repealed.

Section 106. That ARSD 44:02:12:14 be repealed.

Section 107. That ARSD 44:02:12:15 be repealed.

Section 108. That ARSD 44:02:12:16 be repealed.

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Section 121. That ARSD 44:02:12:29 be repealed.

An Act to revise certain provisions in statute and administrative rules regarding the regulation of campgrounds and the license fee for campgrounds and to repeal administrative rules regulating primitive campgrounds, full-service campgrounds, limited service campgrounds, and temporary campgrounds.

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I certify that the attached Act
originated in the
SENATE as Bill No. 29
Secretary of the Senate
=====

President of the Senate

Attest:

Secretary of the Senate
Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 29
File No.
Chapter No.

=====
Received at this Executive Office
this ___ day of ___,
20___ at ___ M.
By ___
for the Governor
=====

The attached Act is hereby
approved this ___ day of
___, A.D., 20___

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed ___, 20___
at ___ o'clock ___ M.

Secretary of State

By ___
Asst. Secretary of State