

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 440.000: MINIMUM STANDARDS FOR DEVELOPED FAMILY TYPE CAMP GROUNDS  
(STATE SANITARY CODE, CHAPTER VI)

Section

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440.01: Definitions

Approving Authority means the local Board of Health, or the Department of Public Health in the case of public agencies.

Black Water means sewage from toilet wastes only.

Board of Health means the appropriate and legally designated health authority of the city, town, or other legally constituted governmental unit within the Commonwealth having the usual powers and duties of the board of health of a city or town or its authorized agent or representative; provided, that in any case in which a camp extends into the geographic areas of two or more boards of health, those boards shall coordinate activities in effecting compliance with 105 CMR 440.00.

Camping Unit means any vehicle or object on wheels which is so designed and constructed, or reconstructed, or added to by means of accessories, as to permit the vehicle to travel over the highways, and as to permit the use thereof for camping purposes, including, without limiting the generality of the foregoing, travel trailers, self-powered camping units, expandable camping units and similar camping devices. Tents are also considered camping units whether mounted on a trailer or not.

Department means the Department of Public Health.

Family Type Camp Ground, Camp Ground, or Camp means a tract or parcel of land, either privately or publicly owned, (a) which is used wholly or in part for recreational camping or group activity purposes, or for accommodation for overnight or longer periods, and (b) which accommodates for profit or under philanthropic or charitable auspices three or more families or camping groups. Without limiting the generality of the foregoing, the family type camp ground may accommodate tents, motor homes, expandable camping units, and such other devices as may be developed and marketed for the camping trade. The term family type camp ground does not include a children's day camp, recreational camp for children, mobile home park or picnic area.

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Gray Water means sewage consisting of wash water from sink and shower, etc.

Operator means any person, association, partnership, trust, corporation, firm or the Commonwealth or any body politic or political subdivision thereof which (a) alone or with others owns a family type camp ground, or (b) has care, charge, or control of a family type camp ground as agent or lessee of the owner or as an independent contractor.

Refuse means putrescible or non-putrescible solid waste materials consisting of all combustible and noncombustible solid wastes including garbage and rubbish but not including sewage.

Safari Field means an area attached to a licensed family type camp ground used for overflow and group camping. Safari fields are not to be used on a regular basis or construed to be just another campground with lower standards than required by 105 CMR 440.00. Overflow and group camping refers to one night stops or to a weekend at most.

Self-Contained Unit means a travel trailer or motor home equipped with holding tanks for black water and gray water waste water so that a hookup to the camp sewerage system is not required. The holding tank must be periodically pumped or drained to the camp facility.

440.02: Site Requirements

A family type camp ground shall be located only where:

- (1) Surface drainage conditions create no health or safety hazard;
- (2) Water supply and sewage disposal facilities are in accordance with 310 CMR 15.00: *Subsurface Disposal of Sanitary Sewage (Title V)* and 310 CMR 22.00: *Drinking Water Regulations*;
- (3) Traffic conditions create no undue safety hazards.

440.03: Housing

- (1) Every building, structure, or shelter used or provided for use in a family type camp ground shall be structurally safe, adequate in size for its use, easy to keep clean, and shall have a roof which is weather tight. All new construction shall comply with all appropriate regulations for handicapped persons.
- (2) Adequate lighting and ventilation shall be provided at all times for the safe use and sanitary maintenance of all buildings and all stairways in accordance with applicable state and local building, plumbing and electrical codes.
- (3) The floors in all buildings used for food preparation or food service shall be kept smooth, clean, and free from chronic dampness.

440.04: Eating and Drinking Establishments

If an eating and/or drinking establishment is operated in conjunction with the camp, it shall be operated and maintained in a sanitary manner and in accordance with the provisions of 105 CMR 590.000 and 105 CMR 595.000.

440.05: Individual Camp Sites, and/or Tent Areas

- (1) For each camp site, there shall be a minimum width of 25 feet, a minimum area of 1200 square feet, plus an additional 200 square feet for parking area. Sufficient area must be level enough to accommodate camping units and other vehicles safely in the opinion of the approving authority.

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- (2) Poison ivy, poison oak, poison sumac and other plants which produce toxic resins shall be eradicated within 50 feet of all campsites, safari fields and all toilet, bathing and recreation areas.

440.06: Safari Fields

- (1) Concentration. There shall be no more than 60 camping units per acre of safari field.
- (2) Exits. Camping units shall be so placed that any one camping unit may exit at any time.
- (3) Toilet facilities. If any part of the safari field is located more than 500 feet from the toilet facilities, a chemical toilet shall be provided for each 15 non-self-contained units or fraction thereof which may be located within said area in accordance with 105 CMR 440.08(3).
- (4) Gray water dumping facilities. No sink wastes shall be thrown on the surface of the ground. Each safari field shall have a gray water dumping station provided with a 12" funnel-shaped receiver located at least 12" but not more than 30" above ground level. There should be at least one such station for each 100 campsites or fraction thereof. The receiver should be equipped with a one inch mesh screen to exclude bottles and other bulky items. (Refer to 105 CMR 440.10, *Sewage Disposal*.)

440.07: Water Supply

- (1) An adequate quantity of water of safe potable quality shall be piped to each campsite. The water supply shall be obtained only from a source approved by the Department. Any campground restricted to tent camping and backpacking shall be exempt from 105 CMR 440.00 if an approved water supply is available within 1000 feet.
- (2) 310 CMR 22.00: *Drinking Water Regulations* shall be complied with. Copies of 310 CMR 22.00 are available for inspection at the regional offices of the Department of Environmental Quality Engineering, at any local Water Department or Board of Health. Copies of 310 CMR 22.00 and 105 CMR 440.000 may be purchased from the Secretary of the Commonwealth.
- (3) No physical connection may exist between any pipe carrying water from a source approved in accordance with 105 CMR 440.07(1) and any pipe carrying water from any other source without the written approval of the Department. Such approval shall be subject to 310 CMR 22.22: *Cross-Connection*.
- (4) All pipes and pumps delivering drinking water shall be installed and maintained in good working order and in accordance with 248 CMR 2.00 *State Plumbing Code*. The area surrounding a pump or hydrant used for water supply shall be maintained in a properly drained and sanitary condition.

440.08: Toilet Facilities

- (1) At least two water closets or privy seats shall be provided for each sex. Where the number of individual camp sites is in excess of 30, one additional water closet or privy seat for each sex shall be provided for each additional 30 camp sites or fraction thereof. One urinal may be substituted for up to  $\frac{1}{3}$  of the number of water closets or privy seats required for males. Campgrounds with areas dedicated to self-contained units and which areas have water, electricity and sewer hookups may have a reduced number of public toilets depending on actual operating experience and at the discretion of the approving authority.

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(2) The toilets shall be so located that they are not more than 500 feet from the camp sites of those people who are expected to use them. Self contained units are exempt from this 500 feet requirement. The operator shall provide an adequate supply of water and toilet paper. The operator shall provide for the ventilation of each toilet room to the outdoors and shall screen each window or other exterior opening with screens containing not less than 16 meshes per inch. A self-closing solid door shall be considered as satisfying this requirement.

(3) The use of every privy or chemical toilet is prohibited unless it is approved in writing by the board of health in conformance with 310 CMR 15.00: *Subsurface Disposal of Sanitary Sewage (Title V)* and with 105 CMR 435.06.

(4) Toilet facilities shall be constructed and located so that privacy is maintained between sexes.

440.09: Lavatories and Showers

(1) At least one shower and one lavatory or wash basin shall be provided for every 30 sites, or fraction thereof. Campgrounds with areas dedicated to self-contained units and which areas have water, electricity and sewer hookups may have a reduced number of lavatories, wash basins and showers depending on actual operating experience and at the discretion of the approving authority. Wash basins shall be so located as to facilitate their use, particularly after use of toilets.

(2) If indoor showers are provided, every indoor shower room floor shall be washed daily with a suitable washing agent and water. It is recommended that a rinse with a chlorine solution having a strength of not less than .05% available chlorine be used as an additional safeguard.

(3) The use of wooden or metal duckboards is prohibited. Only materials approved by the approving authority may be used.

(4) Each shower room and bathroom shall be ventilated to the outdoors.

(5) All lavatories, wash basins, showers, and bathtubs shall be maintained in good working order and in a clean and sanitary condition.

440.10: Sewage Disposal

(1) All gray and black waste water shall be discharged to a sanitary drainage system connected to a public sewerage system; provided, that if because of non-availability, distance, or ground conditions, connection to a public sewerage system is not practicable, any other means of sub-surface disposal of sewage may be installed after approval by the board of health and in compliance with 310 CMR 15.00: *Subsurface Disposal of Sanitary Sewage (Title V)*.

(2) Holding tank dumping station

(a) Holding tank dumping stations shall be connected to a municipal sewerage system or to subsurface facilities designed in accordance with 310 CMR 15.00: *Subsurface Disposal of Sanitary Sewage (Title V)* and shall consist of a four inches diameter inlet with a hinged or chained cover. The inlet shall be surrounded by a concrete apron pitched to drain into the inlet and curbed to exclude adjacent surface water.

(b) A water tap and hose shall be provided for cleanup of the area as necessary. This tap shall be equipped with a vacuum breaker to prevent back siphonage and be posted as not to be used for drinking or filling of water tanks.

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(c) At least one accessible and operable dumping station inlet shall be provided for each 100 camp sites or fraction thereof except sites with a sewer connection. Septic tanks at dumping stations may have properly designed multiple inlets to conform to 105 CMR 440.00. Any campground restricted strictly to tent camping and backpackers shall be exempt from 105 CMR 440.00.

(d) Mobile Units, if provided for pumping out holding tanks on self-contained units, shall be constructed and operated to prevent any leakage, odors, or other nuisance.

(e) No sink wastes may be thrown on the surface of the ground or disposed of in open pits. At least one leaching pit for sink wastes only shall be provided for each four camp sites where other conveniently located dumping stations are not available. The leaching pit shall be covered and be in accordance with 105 CMR 440.06(5).

440.11: Refuse Storage and Disposal

(1) The operator shall provide and maintain in a clean and sanitary condition as many receptacles for the storage of refuse as are necessary to contain the accumulation between collections, and shall so locate them that no objectionable odors are noticeable at any camp site. Refuse shall be disposed of at least once each week or more often if necessary in the opinion of the approving authority.

(2) Refuse shall be stored in watertight receptacles of metal or other durable material with tight-fitting covers. Plastic bags shall be used only as liners in the container and not for the storage of refuse.

(3) No refuse is to be disposed of on the camp ground unless the area has been assigned and approved under the provisions of M.G.L. c. 111, § 150A, and 310 CMR 19.00: *Solid Waste Management*.

(4) The operator shall inspect camp areas daily, and keep same in a clean, sanitary condition.

440.12: Swimming Pools and Bathing Areas

Swimming pools and bathing areas, where provided, shall be operated in accordance with 105 CMR 435.000: *Minimum Standards for Swimming Pools (State Sanitary Code: Chapter V)* and/or 105 CMR 445.000: *Minimum Standards for Bathing Beaches (State Sanitary Code: Chapter VII)*.

440.13: Safety and Fire Prevention

(1) Facilities, equipment, and fire breaks for fire prevention and fire fighting shall be provided as may be recommended by the local fire department or fire warden. If fireplaces are provided, an area of six feet in every direction from each fireplace shall be maintained clear of debris and growth.

(2) Suitable emergency exits approved by the local fire department or fire warden shall be provided from every family type camp ground. Individual spaces shall be designed to prevent key-locking one another.

440.14: Curtailment of Utilities or Services

No person shall cause the water, or other utility, service facility, or equipment which is required to be made available under these minimum standards to be shut off or removed from occupied camping units except for such temporary period as may be necessary during actual repairs or alterations or during temporary emergencies when curtailment of service is approved by the board of health.

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440.20: General Administration

The provisions of 105 CMR 400.000: *State Sanitary Code Chapter I: General Administrative Procedures*, shall govern the administration and enforcement of 105 CMR 440.00 except as supplemented by the 105 CMR 440.21 through 440.28.

440.21: Licensing

(1) No family type camp ground shall be operated without a license granted by the Board of Health under M.G.L. c. 140, § 32B, or in the case of an agency of the Commonwealth without the approval of the Department. Licenses shall expire on July 1st and must be renewed annually.

(2) The approving authority may grant, suspend, or revoke such licenses for non-compliance with 105 CMR 440.00. All licenses for family type camps granted under these provisions shall state the maximum number of camp sites which may be occupied at any time at such camp sites and this capacity shall not be exceeded by the operator at any time. The capacity of safari fields, if provided, shall be listed separately on the license. The number of self-contained unit sites shall be listed separately on the license.

(3) An applicant for an original license under 105 CMR 440.00 for a family type camp shall file with the approving authority a plan showing the buildings, structures, fixtures, and facilities, including the proposed source of water supply and works for the disposal of sewage and waste water, which he plans to have upon said premises if and when the license may issue. The plans for the proposed source of water supply shall be submitted to the Massachusetts Department of Environmental Quality Engineering for approval. Works for the disposal of waste water shall be in accordance with 310 CMR 15.000: *Subsurface Disposal of Sanitary Sewage (Title V)*. No license may be issued without such approvals. Work must commence within one year of the date of approval to be valid. Extensions may be granted for good cause upon request.

440.22: Orders; Service and Content

(1) If an examination as provided for in 105 CMR 400.000: *State Sanitary Code Chapter I: General Administrative Procedures*, reveals that a family type camp does not comply with the provisions of 105 CMR 440.00, the board of health or the Department shall order the operator to comply with the violated provisions.

(2) Every order shall be in writing and shall be served on the operator or his authorized agent:

- (a) personally, by any person authorized to serve civil process, or
- (b) by leaving a copy of the order at his last and usual place of abode, or
- (c) by sending him a copy of the order by registered or certified mail, return receipt requested, if he is within the United States, or
- (d) if his last and usual place of abode is unknown or outside the United States, by posting a copy of the order in a conspicuous place on or about the building or portion thereof affected.

(3) Subject to the emergency provisions of 105 CMR 400.000: *State Sanitary Code Chapter I: General Provisions*, any order issued under the provisions of 105 CMR 440.000, shall

- (a) include a statement of the violation or defect, and may suggest action which, if taken, will affect compliance and
- (b) allot a reasonable time for any action required, and
- (c) inform the person to whom it is directed of his right to a hearing, and of his responsibility to request the hearing, and to whom the request shall be made.

440.23: Hearing

- (1) The person or persons to whom any order has been directed may request a hearing before the approving authority by filing, within seven days after the day the order was served, in the office of the approving authority, a written request for a hearing on the matter. Upon receipt of such request, the approving authority shall set a time and a place for such a hearing and shall inform the applicant thereof in writing. The hearing shall be commenced not later than ten days after the day on which the request was filed; provided, that upon application the approving authority may postpone the date of the hearing for a reasonable time beyond such ten-day period for good and sufficient reason.
- (2) At the hearing the petitioner shall be given an opportunity to be heard to show why the order should be modified or withdrawn. Where appropriate, a consolidated hearing may be held.
- (3) After the hearing, the approving authority shall sustain, modify, or withdraw the order, and may suspend or revoke the license, and shall inform the petitioner in writing of the decision. If the approving authority sustains or modifies the order, it shall be carried out within the time period allotted in the original order or in the modifications.
- (4) Every notice, order, and other record prepared by the approving authority in connection with the hearing shall be entered as a matter of public record in the office of the approving authority and the Board of Health.
- (5) Any operator or other person aggrieved by the decision of the approving authority may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.
- (6) If a written petition for a hearing is not filed in the office of the approving authority within seven days after an order as provided in 105 CMR 440.23(1) has been issued, or if after a hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense. (See 105 CMR 440.24(2)).
- (7) Any request for hearing before the Department shall be subject to 310 CMR 1.00: *Rules for Adjudicatory Proceedings*, except as modified or superseded herein.

440.24: Penalties

Pursuant to M.G.L. c. 111, § 127A, any operator who shall violate any provision of 105 CMR 440.00, or who shall fail to comply with any order issued pursuant thereto, shall, upon conviction, be fined not less than \$10, no more than \$500. Each day's failure to comply with an order shall constitute a separate violation. (See 105 CMR 440.23(6)).

440.25: Variance

The approving authority may vary the application of any provision of 105 CMR 440.00, with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, provided, that the decision of the approving authority shall not conflict with the spirit of these minimum standards. Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of each variance shall be conspicuously posted for 30 days following its issuance; and shall be available to the public at all reasonable hours in the office of the city or town clerk or the office of the Board of Health while it is in effect. Notice of the grant of each variance shall be filed with the Department of Public Health, which shall approve, disapprove, or modify the variance within 30 days from receipt thereof. If the Department fails to comment within 30 days, its approval will be presumed. No work shall be done under any variance until the Department approved it or 30 days elapse without its comment, unless the Board of Health or the Department certifies in writing that an emergency exists.

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440.26: Variance, Grant of Special Permission; Expiration, Modification Suspension of

Any variance or other modification authorized to be made by 105 CMR 440.000, may be subject to such qualification, revocation, suspension, or expiration as the approving authority expresses in its grant. A variance or other modification authorized to be made by 105 CMR 440.000, may otherwise be revoked, modified, or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard, in conformity with the requirements for an order and hearing, 105 CMR 440.22 and 440.23.

440.27: Grace Period

The operators of all familytype camp grounds licensed and in existence on the effective date of 105 CMR 440.00, shall be allowed a grace period of two years from said effective date to bring their facilities into compliance with any requirement not in effect on said effective date.

440.28: Severability

Each regulation of 105 CMR 440.000, shall be construed as separate to the end that if any regulation, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of 105 CMR 440.00 and all other regulations shall continue in full force.

REGULATORY AUTHORITY

105 CMR 440.00: M.G.L. c. 111, § 127A.