

Campground Licensing and Recreational Area Act
210 ILCS 95

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§ 210 ILCS 95/1 (from Ch. 111 1/2, par. 761). [Short title].

Section 1. This Act shall be known and may be cited as the "Campground Licensing and Recreational Area Act."

(Source: P.A. 84-650.)

§ 210 ILCS 95/2 (from Ch. 111 1/2, par. 762). [Definitions].

Section 2. As used in this Act, unless the context requires otherwise:

- a) "Recreational Area" is any area of land which is designed, constructed, operated

or maintained either free of charge or for revenue purposes for recreational activities. The term "Recreational Area" is not meant to include primitive areas which evidence no major artificial change from the natural surrounding woodlands, croplands, pasturelands, prairielands, wetlands, or water areas, and where any recreational activities allowed are not for revenue purposes.

- b) "Recreational Activities" include, but are not limited to hunting, fishing, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, festivals, public gatherings and visiting historical, archaeological, scenic or scientific sites, or for any purpose, including but not limited to educational, vocational and religious activities and assemblies.
- c) "Director" means the Director of the Illinois Department of Public Health.
- d) "Department" means the Illinois Department of Public Health.
- e) "Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof, or any other entity.
- f) "License" means a certificate issued by the Department allowing a person to operate and maintain a campground under the provisions of this Act and regulations issued hereunder.
- g) "Permit" means a certificate issued by the Department permitting the construction, alteration and extension of a campground under the provisions of this Act and the regulations issued hereunder
- h) "Sanitary Station" means a facility used for removing and disposing of wastes from holding tanks.
- i) "Service Building" means a structure housing toilet, lavatory and such other facilities as may be required by this Act and regulations issued hereunder.
- i) "Recreational Vehicle" means a vehicular-type unit, primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, motor home and park model home.
- j) "Dependent Recreational Vehicle" means one that is dependent upon a service building for toilet and lavatory facilities.
- k) "Self-contained Recreational Vehicle" means one that can operate independent of connections to sewer, water and electric systems. It contains a water flush toilet,

lavatory, and kitchen sink, all of which are connected to water storage and sewage holding tanks, located within the trailer.

- l) "Applicant" means any person making application for a license or permit.
- n) "Owner" means the person in whose name legal title to the property is recorded, unless the property is held in land trust in which case the owner is the holder of beneficial title.
- o) "Licensee" means any individual having a license or permit under this Act, or any member of a firm, partnership, or association to which the license is issued under this Act and any corporation having a license under this Act.
- p) "Campground" means a recreational area where 3 or more tents, cabins, recreational vehicles or other permanent or non-permanent type shelters are erected and maintained for camping or where space is provided for camping, temporary parking of recreational vehicles or placing of such tents, cabins, recreational vehicles or other permanent or non-permanent type shelters of any kind for 10 or more persons for 6 or more camping days during a calendar year. It shall include any structure, tent, vehicle, enclosure, appurtenances or recreational equipment related to or used or intended for use as a part of such campground and an area upon which no more than 4 mobile homes are located for permanent habitation as defined in the Mobile Home and Mobile Home Park Act [210 ILCS 515/1 et seq.].
- q) "Operator" means the person who has been designated by the owner as responsible on his behalf for the operation and administration of the premises.
- r) "Camping Day" means any 24 hour period or portion thereof during which the participants remain overnight at the site.
- s) "Camping" means the act of resting or establishing temporary shelter using a tent, cabin, recreational vehicle or other permanent or non-permanent type shelter erected or placed on an area of land.

(Source: P.A. 85-959.)

§ 210 ILCS 95/3 (from Ch. 111 1/2, par. 763). [Purpose].

Section 3. It is found that there exists, and may in the future exist, within the State of Illinois recreational areas and campgrounds which are sub-standard in important features of safety, cleanliness, or sanitation. Such conditions adversely affect the public health, safety and general welfare of persons. Therefore, the purpose of this Act is to protect, promote, and preserve the public health, safety and general welfare by providing for the establishment and enforcement of minimum standards for safety, cleanliness and general sanitation for all recreational areas and campgrounds now in existence or hereafter constructed or developed and to provide for

inspection of all such facilities and the licensing of campgrounds.
(Source: P.A. 84-650.)

§ 210 ILCS 95/4 (from Ch. 111 1/2, par. 764). [License required].

Section 4. Any person who constructs, operates, maintains or owns a recreational area shall comply with the requirements of this Act and the rules and regulations promulgated hereunder by the Department, and all recreational areas that are campgrounds shall be licensed in accordance with this Act.

After the effective date of this amendatory Act of 1985, it shall be unlawful for any person to construct, or make major alterations or extensions of any campground as herein defined within the State of Illinois unless he holds a valid permit issued by the Department, which shall be valid for 1 year from date of issue, in the name of such person for the specific construction, or major alteration or major extension proposed. The Department shall by rule define and determine what constitutes major alterations or major extensions. All applications for permits shall be on forms furnished by the Department and must be made to the Department accompanied by a permit fee of \$100, except as provided in Section 32 of this Act [210 ILCS 95/32], which shall not be refundable, and shall contain the following:

- a) Name and address of applicant.
- b) Interest of the applicant in the campground.
- c) The name and address of all persons holding an interest or having an interest in the campground.
- d) Location and legal description of the campground.
- e) Plans and specifications of the proposed campground showing:
 1. The area and the dimensions of the tract of land;
 2. The number, location, and size of all camp spaces;
 3. The location and width of roadways and walkways;
 4. The location of service buildings, sanitary stations, and any other proposed structures or facilities;
 5. The location of water and sewer lines and riser pipes;
 6. Plans and specifications of water supply, refuse and sewage disposal facilities;
 7. Plans and specifications of all buildings constructed, or to be constructed within the campground;
 8. The location and details of all lighting and electrical systems.
- f) The calendar months of the year during which the applicant will operate the campground.
- g) A statement of the fire fighting facilities, public or private, which are available to the campground.
- h) Such other information as may be required by rules adopted by the Department hereunder.

The issuance of a permit does not relieve the applicant of securing necessary municipal or county building permits or of complying with any applicable municipal or county zoning or other ordinance.

(Source: P.A. 84-650.)

§ 210 ILCS 95/5 (from Ch. 111 1/2, par. 765). [Unlawful to operate campground without license].

Section 5. After the effective date of this amendatory Act of 1985, it shall be unlawful for any person to establish, maintain, conduct or operate a campground within this State without first obtaining a license therefor from the Department. Such license shall expire on February 1 of each year. Application for original licenses shall be in writing, signed by the applicant, on forms furnished by the Department, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a license fee of \$100, except as provided in Section 32 of this Act [210 ILCS 95/32], which shall not be refundable and which shall be in addition to the permit fee, and shall contain: the name and address of the applicant, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation or the name and addresses of all persons having an interest therein if the applicant is a group of individuals, association, or trust; the location and legal description of the campground; the site plan of the campground if one is not on file with the Department, showing all camping spaces, structures, roads, walkways, sanitation stations, and other service facilities provided however that nothing in this Act shall apply to farm ponds and areas adjunct thereto which are adjunct to a farming operation and used only for fishing and/or picnicking. Licenses shall not be transferable or assignable.
(Source: P.A. 84-650.)

§ 210 ILCS 95/6 (from Ch. 111 1/2, par. 766). [Applications for renewals].

Section 6. Applications for renewals of licenses shall be made in writing by the holders of the licenses, on forms furnished by the Department upon request and shall be accompanied by a license fee of \$100, except as provided in Section 32 of this Act [210 ILCS 95/32], which shall not be refundable, and shall contain any change in the information submitted since the original license was issued or the latest renewal granted. License renewal applications received by the Department after the expiration date of the existing license shall be subject to a \$50 late fee, except for applications submitted by units of State and local government. If the Department is satisfied that the existing or proposed campground is so located, constructed, and equipped as to be in compliance with this Act and the rules and regulations issued hereunder so as not to be a source of danger to the health of others or to its occupants, the Department shall issue the license.
(Source: P.A. 85-1261.)

§ 210 ILCS 95/7 (from Ch. 111 1/2, par. 767). [Conditional license].

Section 7. If the Department finds that the facilities of any campground for which a license is sought are not in compliance with the provisions of this Act and the rules and regulations of the Department relating thereto, but that such area is habitable without undue prejudice to the occupants and the public, the Department may issue a conditional license setting forth the conditions on which the license is issued, the manner in which the area fails to comply with the Act and such rules and regulations, and shall set forth the time, not to exceed one year, within which the applicant must make any changes or corrections necessary in order for such area to fully comply with the Act and the rules and regulations of the Department relating thereto. The

Department shall not issue 2 consecutive conditional licenses with respect to any one campground.

(Source: P.A. 84-650.)

§ 210 ILCS 95/8 (from Ch. 111 1/2, par. 768). [Inspections].

Section 8. The Department is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Act and regulations issued hereunder.

(Source: P.A. 77-1473.)

§ 210 ILCS 95/9 (from Ch. 111 1/2, par. 769). [Right to entry at reasonable times].

Section 9. The Department shall have the power to enter at reasonable times upon a private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Act and regulations issued hereunder.

(Source: P.A. 77-1473.)

§ 210 ILCS 95/10 (from Ch. 111 1/2, par. 770). [Register].

Section 10. The licensee shall maintain a register containing a record of all recreational vehicles and persons using the campground as may be required by the Department. The Department and all other law enforcement officers shall have the power to inspect the register.

(Source: P.A. 84-650.)

§ 210 ILCS 95/11 (from Ch. 111 1/2, par. 771). [Access to premises].

Section 11. It shall be the duty of the owners, licensees and occupants of recreational areas and campgrounds to give the Department free access to such premises at all reasonable times for the purpose of inspection.

(Source: P.A. 84-650.)

§ 210 ILCS 95/12 (from Ch. 111 1/2, par. 772). [Occupants' duty to grant access].

Section 12. It shall be the duty of every occupant of a recreational area or campground to give the owner, operator or licensee thereof or his agent or employees access to any part of such area or its premises at reasonable times for the purpose of making such inspections, repairs, or alterations as are necessary to effect compliance with this Act and the rules and regulations issued hereunder, or in a lawful order issued pursuant to the conditions of this Act.

(Source: P.A. 84-650.)

§ 210 ILCS 95/13 (from Ch. 111 1/2, par. 773). [Notice of violation].

Section 13. Whenever the Department determines that there are reasonable grounds to believe that there has been a violation of any provision of this Act or the rules and regulations issued hereunder, the Department shall give notice of such alleged violation to the owner, operator, licensee or permit holder as herein provided. Such notice shall:

- a) be in writing;
- b) include a statement of the reasons for the issuance of the notice;
- c) allow reasonable time as determined by the Department for the performance of any act it requires;
- d) be served upon the owner, licensee or permit holder as the case may require; provided, that such notice or order shall be deemed to have been properly served upon such owner, licensee or permit holder when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Department; or, when he has been served with such notice by any other method authorized by the Laws of this State;
- e) contain an outline of remedial action, which, if taken, will be required to effect compliance with the provisions of this Act and the rules and regulations issued hereunder.

(Source: P.A. 84-650.)

§ 210 ILCS 95/14 (from Ch. 111 1/2, par. 774). [Notice to specify violation and required remedy].

Section 14. The Department shall in any proceeding to suspend, revoke or refuse to issue a permit or license, first serve or cause to be served upon the owner, applicant, permit holder or licensee a written notice specifying the way or ways in which such owner, applicant, licensee or permit holder has failed to comply with this Act, or any rules, regulations or standards promulgated by the Department pertaining thereto. In the case of a revocation or suspension, this notice shall require the owner, licensee or permit holder to remove or abate such violation, insanitary or objectionable condition, specified in such notice, within 5 days or within a longer period of time as may be allowed by the Department. If the owner, applicant, licensee or permit holder fails to comply with the terms and conditions of the notice, within the time specified or such extended period of time, the Department may revoke or suspend such permit or license.

(Source: P.A. 84-650.)

§ 210 ILCS 95/15 (from Ch. 111 1/2, par. 775). [Right to a hearing].

Section 15. Any person refused a permit or license to construct, alter, extend, develop, or operate a campground or whose permit or license is suspended or revoked, has a right to a hearing before the Department. A written notice of a request for such a hearing shall be served on the Department within 10 days of service of notice of refusal of a permit or license or suspension or revocation thereof by the Department. The Department shall give written notice by certified or registered mail to the owner, operator, licensee, permit holder or applicant, as the case may be, of such denial, suspension or revocation. The hearing shall be conducted by the Director, or a Hearing Officer designated in writing by the Director to conduct the hearing.

(Source: P.A. 84-650.)

§ 210 ILCS 95/16 (from Ch. 111 1/2, par. 776). [Witnesses; documents; notice].

Section 16. The Director or Hearing Officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of books and papers and administer

oaths to witnesses. The hearing shall be conducted at such place as designated by the Department. The Director shall give written notice of the time and place of hearing, by registered or certified mail, to the owner, operator, licensee, permit holder or applicant, as the case may be, at least 20 days before such hearing. The Director or Hearing Officer shall permit the owner, operator, licensee, permit holder or applicant to appear in person or to be represented by counsel at the hearing at which time such party shall be afforded an opportunity to present all relevant matter in support of his application for permit or license or in resisting the revocation or suspension thereof.

(Source: P.A. 77-1473.)

§ 210 ILCS 95/17 (from Ch. 111 1/2, par. 777). [Depositions].

Section 17. In the event of the inability of any party, or the Department, to procure the attendance of witnesses to give testimony or produce books and papers, such party or the Department may take the deposition of witnesses in accordance with the laws of this State. All testimony taken at a hearing shall be reduced to writing, and all such testimony and other evidence introduced at the hearing shall be a part of the record of the hearing.

(Source: P.A. 77-1473.)

§ 210 ILCS 95/18 (from Ch. 111 1/2, par. 778). [Rendering of decision].

Section 18. The Director shall make findings of fact in such hearing, and the Director shall render his decision within 30 days after the termination of the hearing, unless additional time is required by him for a proper disposition of the matter. When the hearing has been conducted by a Hearing Officer, the Director shall review the record before rendering a decision. It shall be the duty of the Director to forward a copy of his decision, by registered or certified mail, to the owner, operator, licensee, permit holder or applicant, as the case may be, within 5 days of rendition of such decision. Technical errors in the proceeding before the Director or Hearing Officer or their failure to observe the technical rules of evidence shall not be grounds for the reversal of any administrative decision unless it appears to the court that such error or failure materially affects the rights of any party and results in substantial injustice to him.

(Source: P.A. 77-1473.)

§ 210 ILCS 95/19 (from Ch. 111 1/2, par. 779). [Service; witness fees; contempt proceedings].

Section 19. All subpoenas issued by the Director or Hearing Officer may be served as provided for in a civil action. The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the circuit court and shall be paid by the party to such proceeding at whose request the subpoena is issued. If such subpoena is issued at the request of the Department, the witness fee shall be paid as an administrative expense.

In cases of refusal of a witness to attend or testify, or to produce books or papers, concerning any matter upon which he might be lawfully examined, the circuit court of the county where the hearing is held, upon application of any party to the proceeding, may compel obedience by proceeding as for contempt.

(Source: P.A. 83-334.)

§ 210 ILCS 95/20 (from Ch. 111 1/2, par. 780). [Certification].

Section 20. The Department is not required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of 95 cents per page representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

(Source: P. A. 77-1473.)

§ 210 ILCS 95/21 (from Ch. 111 1/2, par. 781). [Rules and regulations].

Section 21.

- (a) The Department shall promulgate such rules and regulations as may be necessary for the proper enforcement of this Act, to protect the health and safety of the public using such recreational areas and campgrounds and may, when necessary, utilize the services of any other State agencies to assist in carrying out the purposes of this Act. These regulations shall include, but are not limited to, standards relating to water supply, sewage and solid waste disposal, food service sanitation, design of buildings, rodent and insect control, water and swimming hazards, first aid, communicable disease control, safety, cleanliness and sanitation.
- (b) The Department may designate county and multiple-county health departments or municipal boards of health to make inspections relating to compliance with this Act and the standards prescribed by the Department. The reports and recommendations of any such agency shall be in writing and shall state its findings with respect to compliance or non-compliance with this Act and the regulations. The Department or the designated agency shall make at least 1 annual inspection of each campground and inspect any recreational area when deemed necessary.

(Source: P.A. 91-798, eff. 7-9-00.)

(210 ILCS 95/22) (from Ch. 111 1/2, par. 782) [Repealed]

Sec. 22. (Repealed).

(Source: P.A. 89-445, eff. 2-7-96. Repealed by P.A. 91-798, eff. 7-9-00.)

§ 210 ILCS 95/23 (from Ch. 111 1/2, par. 783) [Emergency orders].

Section 23. Whenever the Department finds that an emergency exists which requires immediate action to protect the public health or safety, it may, without notice or hearing, issue an order reciting the existence of such an emergency and then require that such action be taken as it may deem necessary to meet the emergency including the closing of the campground or recreational area or the suspension or revocation of the permit or license. Notwithstanding any other provision in this Act such order shall be effective immediately. The State's Attorney and Sheriff of the county in which the recreational area or campground is located shall enforce the closing

order after receiving notice thereof. Any owner, operator or licensee affected by such an order is entitled, upon request, to a hearing as provided in Section 14 of this Act [210 ILCS 95/14]. When such conditions are abated, in the opinion of the Department, the Department may authorize reopening the recreational area or campground.

(Source: P.A. 84-650.)

§ 210 ILCS 95/24 (from Ch. 111 1/2, par. 784) [Violations; penalty].

Section 24. Any person who violates this Act or any rule or regulation adopted by the Department, or who violates any determination or order of the Department under this Act shall be guilty of a Class B misdemeanor. Each day's violation constitutes a separate offense. The State's Attorney of the County in which the violation occurred, or the Attorney General shall bring such actions in the name of the people of the State of Illinois, or may, in addition to other remedies provided in this Act, bring action for an injunction to restrain such violation, or to enjoin the operation of any such recreational area or campground.

(Source: P.A. 84-650.)

§ 210 ILCS 95/25 (from Ch. 111 1/2, par. 785) [Applicability].

Section 25. Nothing in this Act shall be construed to exclude any developed state parks of Illinois or the rest areas on state or interstate highways. Nothing in this Act shall be construed to impose any additional duty of care on an owner of land who either directly or indirectly invites or permits without charge, as defined in the Recreational Use of Land and Water Areas Act [745 ILCS 65/1 et seq.], any person to use such property for recreational purposes. Except that the provisions in this Act for applications for permits and licenses, the provisions for fees for permits and licenses, and the provision for fine and imprisonment shall not apply to the State of Illinois, to Departments thereof, or to units of local government. The State of Illinois and Departments thereof and units of local government shall furnish to the Department such information as may be requested by the Department as would otherwise be required for permits and licenses. The terms "campground" and "recreational area" shall not be construed to include buildings, tents, or other structures maintained by an individual or company on their own premises and used exclusively to house their own farm labor, or any military establishment of the United States or this State wherein a recreational vehicle or vehicles may be located or harbored, on any park or State or county fairgrounds for a period during, immediately prior to and immediately subsequent to the holding of a fair or in association with events or activities being sponsored on any State or county fairgrounds, or the area or premises on any farm upon which are harbored recreational vehicles occupied by persons employed upon such farm for not to exceed 90 days in any calendar year in the production, harvesting or processing of agricultural or horticultural products produced on such farm.

(Source: P.A. 85-959.)

§ 210 ILCS 95/26 (from Ch. 111 1/2, par. 786) [Law governing review of decisions].

Section 26. The Administrative Review Law, as now or hereafter amended [735 ILCS 5/3-101 et seq.], and the rules adopted under the Administrative Review Law apply to and govern all proceedings for judicial review of final administrative decisions of the Department under this

Act. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101].
(Source: P.A. 82-783.)

§ 210 ILCS 95/26.1 (from Ch. 111 1/2, par. 786.1) [Administrative rules and decisions].

Section 26.1. The provisions of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.] are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act, except that in case of conflict between the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.] and this Act the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35] relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.
(Source: P.A. 88-45)

§ 210 ILCS 95/27 (from Ch. 111 1/2, par. 787) [Severability].

Section 27. If any part of this Act is adjudged invalid, such adjudication shall not affect the validity of the Act as a whole or of any other part.
(Source: P.A. 77-1473.)

§ 210 ILCS 95/28 (from Ch. 111 1/2, par. 788) [Effective date].

Section 28. This Act becomes effective January 1, 1972.
(Source: P.A. 77-1473.)

§ 210 ILCS 95/30 (from Ch. 111 1/2, par. 790) [Home rule units].

Section 30. This Act does not apply within the jurisdiction of any home rule unit.
(Source: P. A. 77-1473.)

§ 210 ILCS 95/31 (from Ch. 111 1/2, par. 791) [Youth camps].

Section 31. This Act shall not apply to a youth camp, which means a recreational camp or area where five or more children under 18 years of age are accommodated apart from their parents, relatives or legal guardians for five days or more.
(Source: P.A. 77-1473.)

§ 210 ILCS 95/32 (from Ch. 111 1/2, par. 792) [Nonprofit corporations].

Section 32. The provisions in this Act for fees shall not apply to an organization incorporated under the General Not For Profit Corporation Act [805 ILCS 105/101.01 et seq.]. A copy of the latest annual report filed with the Secretary of State shall be submitted with the application form annually as evidence of such status.
(Source: P.A. 84-650.)

