

## **ARTICLE 48**

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**§48.01 Scope.**

The provisions of this Article apply to all Day Camps, Overnight Camps, and Traveling Day Camps in New York City (NYC) which are occupied by ten (10) or more children, as defined in this Article except the following:

- (a) programs approved, certified or licensed under the New York State (NYS) Social Services Law;
- (b) programs operated by the government of the United States or the State of New York;
- (c) any operation or use of a tract of land or property determined by the State Commissioner of Health as not being within the intent of or regulation by Subpart 7-2 of the State Sanitary Code;
- (d) any place occupied by children under 18 years of age for overnight occupancy of 72 consecutive hours or less;
- (e) day camps operating less than all or part of 5 days in any 2 week period;
- (f) activities as unscheduled or drop-in neighborhood- center settings; single-purpose activity such as athletic events and associated training practice, "special olympics", little league baseball, Pop Warner football; and recreational activity without a specified time period of attendance required.

**§48.03 Definitions.**

When used in this Article, the following terms have the following meanings:

*“Acceptable training in cardiopulmonary resuscitation (CPR)”* means a CPR training program determined by the NYSDOH to provide an adequate level of knowledge and skills necessary to

perform two-rescuer CPR for all ages (infant, child and adult). Such training program must be deemed an accepted course by the NYSDOH current fact sheet entitled “*Cardiopulmonary Resuscitation Certification for NYS Children’s Camps and NYS Bathing Facilities*” or successor document. CPR certificates shall be valid as specified by the provider but shall not exceed one year from the date of course completion.

“*Acceptable training in first aid*” means certification in a first aid training program approved by the Department.

“*Activity leader*” means the staff-person who is deemed competent based on training and/or experience in the activity being conducted and is charged with supervising all children and adults in that activity.

“*Adequate*” means minimally sufficient to accomplish the purpose for which something is intended and to such a degree that no unreasonable risk to health or safety is presented. An item installed, maintained, designed and assembled, an activity conducted, or act performed, in accordance with generally accepted standards, principles or practices applicable to a particular trade, business, occupation, profession or activity, is adequate within the meaning of this Article.

“*Aquatic amusement park activities*” means where patrons are partially or totally immersed in water and includes but is not limited to “lazy rivers”, activity pools, wave pools and water slides.

“*Aquatics director*” means an experienced swimming instructor and lifeguard who oversees all aquatic and boating activities at any location. This person shall supervise lifeguards, progressive swimming instructors, and counselors with bather supervision responsibilities and implement the camp safety plan during all aquatic activities.

“*Camp*” means a day camp, overnight camp or traveling day camp as defined in this Article.

“*Camper(s)*” means a minor child under 18 years of age who is enrolled in a camp. As used in this Article, and unless the context clearly indicates otherwise, “camper” may be used interchangeably with “child” or “children”.

“*Camp program for persons with a developmental disability*” means a program:

- (a) within a camp,
- (b) with 20 % or more enrollment of campers with a developmental disability, and
- (c) that provides specially-designed recreational and educational activities and staffing ratios to benefit persons with a developmental disability.

The age requirements for a day camp and an overnight camp do not apply.

“*Constant and competent supervision*” means, for campers under 6 years of age, that camp staff must maintain direct line of sight observation of such children at all times. For children age 6 years and above, constant and competent supervision means taking into account the child’s age, emotional, physical and cognitive development, and includes awareness of and responsibility for the ongoing activity of each child and requires that all children be near enough to camp staff such that staff can respond immediately if assistance is required.

“*Day Camp*” means a property consisting of a tract of land and:

- (a) any tents, vehicles, buildings, or other structures that may be relevant to the camp’s operation, and;
- (b) any part of which may be occupied on a scheduled basis at any time between June 1 and September 15 in any year, and;

- (c) used by children under 16 years of age, under constant and competent supervision,
- (d) where activities take place during a period of less than 24 hours on any day the property is so occupied and/or which no provisions are made for overnight occupancy by such children, and
- (e) provides indoor or outdoor organized group activities, involving 2 or more activities of which at least 1 is a high-risk activity, unless the high risk activity is conducted for no more than 1 hour per day constituting no more than one fifth (1/5) of the program's daily programming for children and which occur on a playground, in a gymnasium or similar setting.

*"Department"* means the New York City Department of Health and Mental Hygiene.

*"Developmental disability"* means a severe, chronic disability of a person that has originated before the age of 18, and manifests as a cognitive or neurological condition or diagnosis, such as cerebral palsy, epilepsy, autism or neurological impairment, which affects general intellectual functioning and/or adaptive behavior, that requires treatment and/or services and is likely to continue indefinitely. Except as provided in §48.25, any camp that admits any person with a developmental disability must develop and provide a specialized program and staffing ratios approved by the Department.

*"Equipment"* means any furniture, amusement devices, activity, sports and playground equipment intended to be used by the camp for the use of campers and staff. Equipment must be age and developmentally appropriate, and accessible for the size and ability of the child and must be maintained and used in accordance with manufacturers' specifications and instructions.

*"Health director"* means a physician, physician assistant, nurse practitioner, registered nurse, licensed practical nurse, emergency medical technician, or other person minimally certified in both first aid and cardiopulmonary resuscitation training as required by the Department and who is responsible for creating, executing and maintaining the health program.

*"Health program"* means a program under the supervision of a designated health director created to assure the health and well-being of each child and each adult as required by this Article.

*"High risk activity"* means an activity that may result in significant risk of injury including, but not limited to, "non-passive recreational activities with significant risk of injury" as defined in the NYS Sanitary Code (10 NYCRR §7-2.2(1)). Examples of high-risk activity include, but are not limited to, all off-site trips and activities such as martial arts, court sports, field sports, water sports (including water slides), zip lining, parasailing, horseback riding, gymnastics, rock climbing, archery, bungee jumping, go-carts, motorized vehicle racing, skate boarding, roller skating or ice skating, trampoline, paint ball war games, cooking, or hiking in an area which is not within 5 minutes of a public road way, or involves incidental water immersion.

*"Incidental water immersion"* means intentional entry into a body of water for a purpose, other than swimming, which is ancillary to the primary activity being conducted. Such immersion, including partial immersion, includes but is not limited to stream crossing or entering water for personal hygiene, but excludes boating, water skiing, sail boarding and similar water sports where participants wear U.S. Coast Guard approved lifejackets.

*"NYCRR"* means the New York Codes, Rules and Regulations.

*"NYSDOH"* means the New York State Department of Health.

“*Overnight camp*” means a property consisting of a tract of land and:

- (a) any tents, vehicles, buildings or other structures that may be relevant to the camp’s operation, and,
- (b) any part of which may be attended by persons under 18 years of age under constant and competent supervision,
- (c) for the purpose of outdoor or indoor organized activities, and
- (d) on which provisions are made for overnight occupancy of children.

“*Progressive swimming instructor*” means a swimming instructor who is trained and who has the skills to assess the swimming ability of each camper prior to permitting them in water above chest level; such instructor training program must be deemed an accepted course by the NYSDOH current fact sheet entitled “*Progressive swimming instructor for NYS children’s camps.*” The progressive swimming instructor must be either:

- (a) a currently certified American Red Cross water safety instructor; or
- (b) possess a current certificate issued by a certifying agency determined by NYSDOH to provide an adequate level of similar training.

A progressive swimming instructor may not perform lifeguard duties unless currently certified as a qualified lifeguard, and not currently performing instructional duties.

“*Public health hazard*” means any violation or combination of violations and conditions concerning operation of the camp which could reasonably result in injury or be otherwise detrimental to the health and safety of a child. Any of the following are public health hazards which allow the Department to order its immediate correction and/or to order the permittee to cease operations immediately. Public health hazards include, but are not limited to:

- (a) Failure to maintain constant and competent supervision of children;
- (b) Use of corporal punishments or of frightening or humiliating methods of behavior management;
- (c) Failure to immediately report instances of alleged child abuse, maltreatment, or neglect to the Department and the Statewide Central Register of Child Abuse and Maltreatment and to take appropriate corrective action to protect children when allegations of such abuse or maltreatment have been reported to or observed by the permittee;
- (d) Refusal or failure to provide access to the facility to an authorized employee or agent of the Department;
- (e) Uncontained sewage in any part of the facility;
- (f) Transporting children in the bed of a truck or trailer or in any other part of any motor vehicle that is not designed for passenger occupancy; or transporting children without adequate supervision; or failing to use appropriate child restraints in vehicles;
- (g) Failure to provide two approved means of egress or obstructing any means of egress or a required fire exit;
- (h) Failure to properly store flammable liquids or other toxic substances;
- (i) Failure to maintain firefighting or fire detection equipment in working order;
- (j) Contamination of the potable water supply by cross connection or other faults in the water distribution or plumbing systems;
- (k) Serving food to children from an unknown or unapproved source; serving food that is adulterated, contaminated or otherwise unfit for human consumption, or re-serving food that was previously served;

- (l) Failing to exclude from work at the program a person with a communicable disease who is required to be excluded, pursuant to Article 11 of this Code;
- (m) Failure to implement the program's written safety plan resulting in a child not being protected from any unreasonable risk to his or her safety;
- (n) Conducting construction, demolition, painting, scraping, or any repairs other than emergency repairs while children are present in the facility; failing to remove children from areas and rooms while such activities are in progress;
- (o) Failure to screen any person who has, or will have the potential for, unsupervised contact with children as required by this Article and in accordance with § 47.19 of this Code; or
- (p) Any other condition(s), violations, or combination of conditions or violations, deemed to be an imminent health hazard by the Commissioner or designee.

“*Staff*” means any director, operator, employee, counselor or volunteer of a camp; or a consultant, employee or volunteer of a corporation, partnership, organization or other entity who has regular or substantial contact with campers.

“*Traveling day camp*” means a day camp which:

- (a) regularly operates in a period between May 15 and September 15, and
- (b) which provides care and regularly transports children under 16 years of age on a regular schedule to a facility, site, or property, including any tract of land, beach, park, stadium, building, tent or other structures pertinent to its use and primarily for the purpose of organized group activities.

**§48.05 Permit required, exceptions.**

No person shall operate or hold himself out as operating a summer day camp, children's overnight camp or children's traveling summer day camp without a permit issued by the Commissioner. The fee for and the expiration date of a permit issued pursuant to this section shall be prescribed by §5.07 of this Code, except that no fee shall be charged in the case of a municipal operation or a summer day camp, children's overnight camp or children's traveling summer day camp operated by a person, firm, corporation or association for charitable, philanthropic or religious purposes.

**§48.07 Permit; application, issuance, records and enforcement.**

(a) An application for a permit to operate any camp under this Article must be made by the operator to the Department, on a form furnished by the Department, at least 90 days before the first day of operation. Such application shall also be filed when the name, ownership or operator of the camp is changed. All applications shall include a copy of the camp's written safety plan required pursuant to §48.11.

- (b) (1) A permit shall not be issued to any camp program unless all required documents have been reviewed and approved by the Department and the Department is satisfied, upon inspection and evaluation, that the camp conforms or will conform with the requirements of this Code at the time of operation. However, if and when the Department determines that a camp has previously operated in a manner sufficient to assure that no unreasonable risk to the health and safety of camp attendees has occurred, the operator may submit a completed and certified self-inspection in a format approved by the Department, in lieu of an on-site pre-permit inspection.
- (2) A permit shall not be issued unless the camp director has attended an orientation session provided by the Department regarding the requirements set forth in this Article.

Attendance at Department orientation sessions need not be repeated by a director who has attended a session unless the Department determines that the substance of the orientation has changed and requires re-attendance. The director must ensure that the materials covered in the orientation sessions are incorporated into camper and staff orientation programs as required by this Article.

- (c) A permit shall not be issued to a children's traveling summer day camp unless the camp has an indoor manned home base and, when applicable, a permit from the Department of Parks and Recreation authorizing the use of a specific outdoor park site.
- (d) Whenever necessary, to prevent public health hazards, as defined in §7-2.1(b) of the State Sanitary Code [10 N.Y.C.R.R.], or successor regulation, the Department may, in specific instances impose additional requirements on a children's camp. The Department shall describe in writing the conditions of operation that have been imposed, including, but not limited to, amendment of the written safety plan, and the reasons for the additional requirements.
- (e) All records required by this Article may be maintained electronically or in hard copy paper form and must be made available to the Department immediately on request. If such records are maintained electronically, Department staff must be allowed to access such records while on-site.
- (f) A permit expires on September 16 of the calendar year it was issued or at the close of a camp's normal operation, whichever is sooner, unless some other date is indicated by the Department.
- (g) Notwithstanding anything to the contrary in this Article, a permit issued under this Article may be ordered suspended or revoked for maintaining a public health hazard, or failure to comply with any applicable law, regulation, rule, directive or policy enforced by the Department, or in the interest of protecting the health of an individual or the public as determined by the Commissioner.
- (h) The permittee shall have an opportunity to be heard before the Department prior to the issuance of an order to suspend or revoke a permit, except that when a public health hazard exists, a permit may be suspended pending such opportunity to be heard.

#### **48.09 Staff qualifications.**

- (a) The camp operator must be the permittee.
- (b) Each camp must have a camp director and a health director.
- (c) *Camp director.* Each camp must be supervised by a camp director. The camp director, or equally credentialed designee approved by the Department, must be present to supervise campers and camp staff at all times while the camp is in operation. The camp director must have at least the following minimum qualifications:
  - (1) a bachelor's degree or be at least 25 years of age for an overnight camp, or 21 years of age for a day or traveling day camp; and
  - (2) 24 weeks of previous administrative or supervisory experience in camping or equivalent experience acceptable to the Department.
  - (3) There must be on file at the Department a notification from the Department of Social Services Statewide Central Register of Child Abuse and Maltreatment that the camp director has not been the subject of an indicated report, pursuant to title 6 of the NYS Social Services Law, or successor law.
  - (4) The camp director must file with the Department a form entitled Prospective Children's Camp Director Certified Statement Relative to the Conviction of a Crime or the Existence of a Pending Criminal Action, as provided by the Department, and a determination shall

be made by the Department that the camp director has no criminal conviction record for which:

- (i) there is a direct relationship between one or more of the criminal offenses and the applicant's employment as a camp director; and
  - (ii) employment as a camp director would involve an unreasonable risk to the property or to the safety or welfare of camp participants or the general public.
- (5) The camp director must complete a training in recognizing and reporting child abuse, neglect and maltreatment.
- (6) The camp director must ensure that all staff and camper trainings are conducted and completed as mandated by the Written Safety Plan.
- (d) *Health director.* Each camp must have a health director to supervise and manage a camp health program. Except as provided in §48.25, the health director must minimally possess the following:
- (1) a current certificate in first aid training from a training program acceptable by the Department, and
  - (2) a current certificate in cardiopulmonary resuscitation (CPR) acceptable by the Department, with validity not to exceed 1 year from date of course completion, to provide an adequate level of knowledge and skills necessary to perform 2 rescuer CPR skills for all ages (infant, child, and adult).
- (e) Senior counselors, including specialty and general counselors, must be at least 18 years of age at a children's overnight camp, and at least 16 years of age at a summer day camp or traveling summer day camp. In addition, the counselor must either have experience in camping and supervision of children, or have completed a training course acceptable to the Department.
- (f) A junior counselor or counselor-in-training is a camper who is assigned to assist on-duty counselors or other staff members, as described in the camp's written safety plan, in performing specific duties. A junior counselor may not supervise campers and must be supervised as a camper. All junior counselors must receive training specific to their duties, and the camper orientation. Junior counselors must not be included in calculating counselor to camper supervision ratios.
- (1) Junior counselors at an overnight camp must be at least 16 years of age and have at least 2 season's prior experience as a camper.
  - (2) Junior counselors at a day or traveling day camp must be at least 15 years of age and have at least 2 seasons' prior experience as a camper.
- (g) *Trip leader.* A trip leader must accompany campers on any trip away from camp. The trip leader must be at least 18 years of age and have participated in at least 3 out-of-camp trips in a similar program activity as a camp staff member. A trip leader must possess or be accompanied by staff who possess either a current acceptable certificate in first aid and/or a current acceptable certificate in CPR training program as defined in §48.03.
- (h) An activity leader is required when campers engage in high-risk activities as defined in this Article. An activity leader must be at least 18 years of age, be present for any high-risk activity in which campers are engaged and be deemed competent in the activity being conducted. The permittee must make available to the Department immediately upon request proof of an activity leader's competence in the form of verified past experience and/or completed training and/or education for the activity being conducted.
- (i) A camp aquatics director must be at least 21 years of age and have a minimum of:
- (1) 1 season of previous experience as a camp aquatics director at a NYS children's camp; or

- (2) 2 seasons of previous experience consisting cumulatively of at least 12 weeks as a children’s camp lifeguard, as specified in subdivision (j) of this section, at a swimming pool or bathing beach which had more than 1 lifeguard supervising it at a time; or
  - (3) At least 18 weeks of previous experience as a lifeguard, as specified in paragraph (2) of this subdivision, at a swimming pool or bathing beach, which had more than one lifeguard supervising it at a time; and
  - (4) have successfully completed a training course in lifeguard supervision and management that meets the requirements specified in Part 6, §§ 6-1.31(e) or 6-2.20(e) of the NYS Sanitary Code;
  - (5) have annually reviewed and documented the review of the camp’s safety plan for swimming; and
  - (6) possess a current certificate in an acceptable CPR training program.
- (j) A qualified camp lifeguard must:
- (1) be at least 17 years of age; and
  - (2) meet lifeguarding, first aid and CPR certification requirements as detailed in Part 6 of the NYS Sanitary Code including the following:

<i>Bathing Facility Type</i>	<i>Minimum Lifeguard Supervision Level</i>
Ocean surf	Supervision Level I
Pool only	Supervision Level IIa
Pool and/or beach	Supervision Level IIb

(k) Each camp must ensure that sufficient first aid- and CPR-qualified staff is present wherever campers are present on- or off-site, taking into account staff absences or illnesses.

- (l) The following are certain required minimum staff-to-camper ratios:
- (1) At an overnight camp, in addition to the health director or designee, 1 staff member who possesses a current, acceptable first aid certificate must be present for every 50 campers.
  - (2) At a day camp, 1 staff member who possesses a current, acceptable first aid certificate must be present for every 50 campers in attendance. The health director or designee may be counted toward meeting this first aid requirement.
  - (3) 1 staff member for every 100 campers in attendance must possess a current, acceptable CPR certificate. The health director may be counted toward meeting this requirement. Where a camp's qualified aquatics staff remain onsite and are available to respond to emergencies, such staff may be counted toward meeting this CPR requirement.

(m) *Records.*

- (1) The camp director must maintain a copy of each staff member's application and staff qualifications, such as resumes, licenses or certifications, on file. The camp director must verify all employees' prior education, experience, training and character references.
- (2) The permittee must maintain daily attendance records for all staff and campers that includes the name, date and time in attendance. Attendance records for staff must include the signature of the staff member.
- (3) The camp director must verify whether any staff or volunteer is listed on the NYS Division of Criminal Justice Services (DCJS) Sex Offender Registry prior to the day such staff or volunteer commences work at camp and annually thereafter prior to their arrival at camp. An individual who is registered, or required to be registered, on any state sex



offender registry or repository or the National Sex Offender Registry is ineligible to serve as a volunteer or to be employed at a camp. A written record of the employee and volunteer names that were submitted to the DCJS for checking against the Sex Offender Registry and DCJS's search results must be kept on file at the camp site.

- (4) If any records required by this Article are maintained electronically, Department staff must be allowed to access such records while on-site.

#### **§48.11 Written Safety Plan.**

(a) The camp operator shall develop, review annually and update, in accordance with changed circumstances, conditions or activities, or as required by the Department, a written safety plan, which shall be submitted for review and approval by the Department. The written plan shall be considered satisfactory for approval when it is found to include all the information required in this Article and in §7-2.5 of the State Sanitary Code, or successor regulation, and accurately reflects the camp's compliance with such provisions of law. When there are no changes in a previously approved written safety plan, the camp operator shall submit an affirmation in a form acceptable to the Department stating that no changes were needed or made to the plan. The camp's approved written safety plan shall be implemented by the camp operator and kept on file at the children's camp.

(b) The written safety plan shall consist of, at a minimum, a table of contents and the following components:

(1) *Staff*: chain of command; staff job descriptions; and a procedure for verification of staff qualifications.

(2) *Facility operation and maintenance*: water supply; sewage treatment system; lightning risk assessment; transportation; housing; grounds; food protection; and waterfront physical facility maintenance (if on-site aquatic activities are provided).

(3) *Fire safety*: evacuation of buildings and property, assembly, supervision, and accounting for campers and staff; fire prevention; coordination with local fire officials; fire alarm and detection systems and their operation, maintenance, and routine testing; type, location and maintenance of fire extinguishers; inspection and maintenance of exits; required fire drills and log; electrical safety; and reporting to the Department within 24 hours fires which destroy or damage any camp building, or which result in notification of the fire department, or are life or health threatening. A copy of the fire safety section of the plan shall be submitted to the New York City Fire Department.

(4) *Medical requirements*: review of camper medical histories to address restrictions and special needs; initial health screening of campers; daily health surveillance of campers; procedures for providing basic first aid, handling and reporting medical emergencies, including outbreaks and procedures for response to allegations of child abuse; identification of and provisions for medical, nursing and emergency medical services; names, qualifications and duties of health director and health personnel certified in first aid and CPR; description of health facilities available at the camp or community health facilities to be used by the camp; storage and administration of medicines; location and use of first aid and CPR supplies; maintenance of a medical log; description of universal precautions for blood borne pathogens; reporting of illness and injuries, including reporting camper abuse/allegations to the Department and other appropriate authorities, within 24 hours; and provisions to supervise sanitation at the children's camp.

(5) *General and activity specific safety*: description of the required camper supervision, including general supervision; supervision between activities; during passive activities, as

defined in §48.12(d)(5); during sleeping and rest hours; during transportation; and in emergencies. Safety requirements and supervision shall be discussed for specific camper activities, including but not limited to, swimming, boating, horseback riding, rope or challenge courses, archery, camp trips, wilderness hiking, overnight camping, rock climbing, bicycling, visits to aquatic and amusement parks, and out-of-city trips and all safety standards required by §48.13. The safety plan shall include an itinerary for all off-site trips planned during the current camp season. The camp operator or director shall submit to the Department for approval, 48 hours in advance of undertaking such activities, updated safety plans and itineraries for any activities not included in the approved safety plan and any amendments to such itineraries. No trips shall be provided which have not been included in the approved safety plan, or have otherwise been approved by the Department. The safety plan shall require that a consent, in a form approved by the Department, be obtained from the parent or guardian of each camper prior to any off-site trip.

(6) *Staff training*: Every camp must have a staff training curriculum, which provides at a minimum: a tour of the camp; a description of camp hazards; chain of command; procedures for camper supervision and discipline; child abuse recognition and reporting; provisions for first aid and emergency medical assistance; reporting of camper injury, incident and illness; buddy system; lost swimmer plan (if camp has an aquatics program); a lost camper plan; a lightning plan; fire safety and fire drills; camp evacuation procedures; activity specific training for assigned activities; a protocol for camp trips (if provided); and process to document attendance at and descriptions of required staff training.

(7) *Camper orientation*: Every camp must have a camper orientation curriculum, which provides at a minimum: a tour of the camp; a description of camp hazards; a protocol for reporting illness, injury and other incidents; a buddy or other accountability system approved by the Department; a lost camper plan; fire drills and evacuation plans; a lightning plan; a protocol for camp trips; and process to document attendance.

#### **§48.12 Supervision.**

- (a) The camp director must ensure that constant and competent supervision is provided to all campers at all times of camp operation.
- (b) *Counselor to camper ratios*:
  - (1) In each non-overnight camp there shall be at least one senior counselor for every:
    - (i) six children less than six years of age;
    - (ii) nine children six to seven years of age; and
    - (iii) twelve children eight years of age or over.
  - (2) In each overnight camp there shall be at least one senior counselor for every:
    - (i) six children seven years of age or under; and
    - (ii) eight children eight years of age or over.
  - (3) On any off-site camp trip, the following minimum staff-to-camper ratios must be maintained:
    - (i) minimum counselor to camper ratio of 1:6 must be maintained, with at least one trip leader and one other counseling staff member in attendance for children 6 years of age or older;
    - (ii) a minimum counselor to camper ratio of 1:5 must be maintained, with at least one trip leader and one other counseling staff member in attendance

for children under 6 years of age.

- (4) In addition to providing at least 1 (one) qualified lifeguard, during all swimming activities, for every 25 swimmers, where each qualified lifeguard supervises no more than 3,400 square feet of pool surface and no more than 50 yards of shoreline at bathing beaches, there must be at least 1 (one) senior counselor for every:
  - (i) four children under six years of age;
  - (ii) six children six to seven years of age; and
  - (iii) eight children eight years of age and older.
- (5) During passive activities, the ratio of counselors to campers shall be at least 1:25. A passive activity is defined as an activity that takes place in a defined on-site area, where participants are spectators, or have limited mobility, and use no tools or equipment (other than computers). Examples of passive activities include, but are not limited to, religious instruction, story telling, coloring, viewing movies or drama, singing and board games. The camp's passive activities shall be described in the camp's approved written plan. At the conclusion of the passive activity, supervision ratios shall be restored to and maintained at Code required levels for non-passive activities.

#### **§48.13 Safety standards for activities.**

(a) *Swimming and aquatic activities.*

(1) *Facilities and equipment.*

- (i) Only swimming facilities operating pursuant to a permit issued by the Department or other local permit issuing official in accordance with Article 165 and Article 167 of this Code or Subpart 6 of the New York State Sanitary Code, or other local law, and identified in the camp's written safety plan shall be used by children's camps.
- (ii) All swimming areas shall be maintained in a sanitary and hazard free condition.
- (iii) Any known hazards which cannot be removed shall be conspicuously marked and cordoned off.
- (iv) Entrances and exits at the camp's permanent swimming areas shall be monitored; lifeguard station(s) shall provide unobstructed views of swimming areas, and lifesaving equipment shall be provided in accordance with this Code and the State Sanitary Code, 10 N.Y.C.R.R. Subpart 7-2. Swimming pools shall be protected by fences. Entrance gates shall be locked except when lifeguard(s) are on duty.
- (v) Swimming shall be prohibited at a distance of more than 150 feet from the shore at bathing beaches.
- (vi) Camper swimming shall be prohibited between sunset and sunrise at bathing beaches, wilderness areas, lakes and rivers. Lighting at indoor and nighttime swimming pool activities shall comply with the requirements of this Code and the State Sanitary Code and shall be sufficient to allow for all campers to be constantly observed and effectively supervised.
- (vii) All water craft shall comply with applicable United States Coast Guard, State and local standards.
- (viii) All motorized boats used at camp shall be registered with the New York State Department of Motor Vehicles, shall display registration numbers on their bows, and current registration and inspection certificates shall be available for examination by the Department. Procedures and conditions for the use of non-motorized boats shall be included in the camp's approved written safety plan.

- (ix) All piers, floats and platforms shall be in good repair and where used for diving the minimum water depth shall be indicated on the deck or planking and shall comply with all applicable requirements of this Code and Part 6 of the State Sanitary Code.
- (x) The minimum water depth for a one-meter diving board shall be ten (10) feet; for outdoor diving areas, the bottom shall be cleared of stumps, rocks, and other obstacles. Diving boards shall be mounted on a firm foundation and the top surface shall be slip resistant and shall comply with all applicable requirements of this Code and Part 6 of the State Sanitary Code.

(2) *Aquatic staff responsibilities.*

(i) All swimming activities at any facilities used by children's camps shall be directly supervised by the camp aquatics director. The aquatics director shall be present during all swimming and watercraft activities; shall establish and oversee all such activities at the children's camp waterfront or off-site, and shall supervise all staff and campers participating in these activities.

(ii) The progressive swimming instructor, as defined in §48.09, shall assess the swimming ability of each camper prior to allowing the child to participate in aquatic activities.

(iii) During all swimming activities, the camp aquatics director shall have in his or her possession, the approved written safety plan. The camp aquatics director shall maintain for each swimming session a "board" or other accountability system detailed in the written safety plan and approved by the Department for recording the name of each camper, the camper's swimming ability as determined by the progressive swimming instructor, the name of the camper's buddy with the same swimming ability, the swim area to which each camper is assigned and the time of each camper's entry to and exit from the swim area.

(iv) At least one qualified lifeguard, as defined in New York State Sanitary Code [10 N.Y.C.R.R.] §7-2.5(g), or successor regulation, shall be provided for every 25 campers and for every 3,400 square feet of pool surface area or 50 yards of shoreline at a bathing beach. Lifeguards shall actively supervise participants in the camp's aquatic activities, as detailed in the camp's approved written safety plan. While on duty at the waterfront, qualified lifeguards shall not be engaged in duties or activities which distract them from the direct supervision of the waterfront.

(3) *Camper safety.*

(i) The camp's permanent swimming areas shall be divided into non-swimmer and swimmer areas. Campers shall be confined to the area appropriate to their assessed swimming ability or an area requiring a lower level of swimming ability.

(ii) Non-swimmers shall be conspicuously identified to be readily distinguishable from swimmers except where non-swimmers are restricted from entering the swimmer area by a physical barrier such as a swim crib or dock, or are in a separate pool designated only for non-swimmers.

(iii) Non-swimmers shall be restricted to water less than chest deep, except:

(aa) during learn-to-swim programs; or

(bb) when counselors directly supervise a maximum of three non-swimmers in shallow water in the non-swimmer area.

(iv) A detailed buddy system and "buddy board" or other accountability system detailed in the written safety plan approved by the Department shall be established for supervising and checking campers, and shall include, but not be limited to:

- (aa) an accountability system which identifies each camper by name, the camper's swimming ability and the swimming area to which the camper is assigned;
  - (bb) a record of the entry to and exit from the swim area for each camper;
  - (cc) the assignment of each camper to a buddy who shall have the same level of swimming ability. If the camp cannot avoid pairing a non-swimmer with a swimmer, both shall remain in the non-swimmer area. Only one group of three swimmers shall be allowed in each swimming area. Buddies shall be instructed to notify the lifeguard when their partner is in distress or is missing;
  - (dd) that buddy checks of the campers are made at least every 15 minutes and results recorded on the buddy board or in accordance with the accountability system detailed in the camp's written safety plan approved by the Department.
  - (ee) When the camp aquatics director has determined that campers are unable to comprehend or implement the buddy system, another method which the Department has determined provides an equivalent level of camper safety, supervision and accountability may be substituted for the buddy system and board system and included in the camp's approved written safety plan.
  - (v) Prior to each aquatic activity, the camp aquatics director shall meet with all counselors assigned to the activity and review their roles and duties at the area. The review shall include emergency procedures for "lost swimmers."
  - (vi) The written "lost swimmer plan" included in the camp's written safety plan shall specify duties of all staff in case of aquatic activity emergencies. The plan's emergency procedures shall be posted in a conspicuous place within the camp's permanent swimming areas and shall detail the procedures to be followed whenever there is a "lost swimmer" and the specific responsibilities of all staff. The "lost swimmer plan" shall be utilized whenever a buddy check fails to account for all swimmers and whenever a swimmer is reported missing.
  - (vii) Small craft carrying passengers shall never be towed behind power or sail boats, and no small craft shall be allowed in the swimming area unless operated by lifeguards on waterfront duty.
  - (viii) All boat occupants in any craft shall always wear a Coast Guard approved life jacket or vest.
  - (ix) A lifeguard shall be present in any watercraft having a capacity of eight or more persons whenever carrying non-swimmers unless such watercraft is a public vessel as defined in §2(6)(a) of the New York State Navigation Law, or successor provision.
  - (x) Watercraft or boats may be used only by persons having permission of the camp aquatics director or camp director.
  - (xi) All persons shall wear Coast Guard approved life jackets or vests while waterskiing. Practices and equipment specified for use in waterskiing or other activities, including head protection for whitewater canoeing and personal flotation devices for specialty aquatic activities such as waterskiing, scuba diving or whitewater canoeing, shall be included in the camp's written safety plan.
  - (xii) All specialized aquatic activities, such as canoeing, sailing, waterskiing and scuba diving, conducted by the camp shall be under the leadership of a counselor trained in the specialty.
- (4) *Off-site aquatic activities.* In addition to all other requirements of this section, off-site aquatic activities shall be offered in accordance with the following:

(i) The camp aquatics director shall be responsible for ensuring that all provisions of the camp's written safety plan pertaining to safety and supervision during aquatic activities are implemented at off-site swimming and aquatic activity facilities.

(ii) When a camp uses any off-site facility for swimming, the camp operator shall supply one lifeguard for every 75 campers provided that the owner or operator of the off-site facility has stated, in writing, that the facility has the physical capacity to accommodate the campers; the off-site facility's lifeguard(s) will be present to guard the campers; the ratio of lifeguards to swimmers complies with the requirements of this Code and the State Sanitary Code, 10 N.Y.C.R.R. Subpart 7-2 so that there is one lifeguard for every 25 swimmers and each qualified lifeguard supervises no more than 3,400 square feet of pool surface and no more than 50 years of shoreline at bathing beaches.

(iii) When using any other off-site swimming facility, the camp operator shall supply one qualified lifeguard for every 25 campers. Each such qualified lifeguard shall supervise no more than 3,400 square feet of pool surface and no more than 50 yards of shoreline at bathing beaches. However, when campers participate in aquatic theme park activities which allow only one or two patrons in the water at a time, and the water depth does not exceed chest deep for non-swimmers, a camp supplied lifeguard shall not be required.

(iv) Prior to every trip to an off-site swimming facility not owned by the camp, the camp director shall obtain and maintain on file for each camper a written consent from a parent or guardian. The consent, in a form approved by the Department, shall be incorporated in the written safety plan and shall include the child's name and age, the destination and type of activities authorized during the field trip, and the date of the trip.

(b) *Riflery*. No camp operated in the City of New York shall include riflery as a camp activity.

(c) *Archery*.

(1) The archery range shall not endanger any person or persons in other program activities and shall be clearly marked to warn passing campers away from the danger area. The shooting area shall have at least 50 yards of clearance or an archery net behind each target. Bowmen shall fire from a common firing line and a ready line shall be marked behind it.

(2) A *ready* line shall be marked at least 15 feet behind the firing line.

(3) *The* archery supervisor shall be responsible for maintaining all archery equipment in good condition and stored under lock and key when not in use.

(4) No individually owned weapon, bows, or special equipment shall be brought to camp without the camp director's written permission. If any such article is permitted to be brought to camp, it shall be kept under lock and key and used only by the person who brought it to the facility in accordance with camp safety regulations.

(5) An archery staff-camper ratio of one for every 10 campers on the firing line shall be maintained.

(d) *Horseback Riding*.

(1) A riding instructor shall determine the camper's riding experience and level of skill at the first day of riding, and take such experience and skill into account in assigning horses and deciding whether the camper shall ride in the ring or on the trail.

(2) One experienced instructor shall be assigned for every 10 riders for each trail excursion and a minimum of two staff persons shall accompany such excursion.

(3) A riding instructor means a person who holds a certificate from a riding academy acceptable to the Department after completing a course in methods and techniques of riding and who has had two years experience in teaching children to ride.

(4) At all times, campers shall wear protective headgear certified as meeting the American Society for Testing Standards (ASTS) standard ASTM F1163, as specified in §1265 of the New York State Vehicle and Traffic Law, or successor law or regulation.

(5) Children shall wear shoes with heels, or closed stirrups shall be used.

(e) *Arts and Crafts.*

(1) All safety regulations peculiar to the needs of the arts and crafts programs should be well formulated and carefully enforced and supervised.

(2) Equipment used for arts and crafts shall be in good repair, of safe design, and properly installed.

(f) *Sports.* Sufficient facilities and equipment appropriate to each sport activity and designed to protect the participants in such activity, such as masks, guards for eye glasses, shin-guards, chest protectors and non-hazardous playing fields shall be available and supplied.

(g) *Outdoor Cooking Fire Safety.*

(1) Outdoor cooking shall be performed under the personal supervision of an adult counselor.

(2) The counselor shall find a safe place where it will be easy to keep the fire under control.

(3) The counselor shall demonstrate how to build a fire large enough to serve the need, but small enough for safety, and shall teach the campers how to control the fire, what steps shall be taken if the fire gets out of control and what steps shall be taken if anyone's clothing catches on fire.

(4) The counselor shall insure that the fire is under control at all times, and shall never leave the fire unattended.

(5) The counselor shall insure that the fire has been extinguished when no longer needed.

**§48.15 Safety standards for facilities.**

(a) (1) Children under the age of 24 months must be located on the ground level of the camp.

(2) No camps receiving a first permit after January 1, 1989, shall allow children under six years of age to utilize any rooms, areas or other spaces above the third floor of a building, except that the Department may allow camps to occupy spaces above the third floor where the NYC Department of Buildings and Fire Department (FDNY) or other appropriate government entities have approved such use and the Department has approved the applicant or permittee's evacuation plan.

(b) *Fire Protection.*

(1) The camp director shall be responsible for the regular inspection of all fire protection facilities and equipment of the camp.

(2) If water under pressure is available, adequate lengths of hose for fire fighting shall be provided.

(3) Fire extinguishers and other suitable fire fighting equipment shall be placed at strategic and easily accessible points.

(4) Containers for gasoline, kerosene and other inflammable materials shall be properly marked and stored in a properly vented and locked building not occupied by campers or staff at a safe distance from program buildings and sleeping quarters. Such materials shall be used only under qualified supervision.

- (5) Fire drills shall be held within the first 48 hours of each camping session and periodically thereafter in accordance with the fire safety plan. A log with drill dates and times must be maintained and verified by the camp director. It must be available for inspection at all times.
- (6) The means of egress from all structures shall be maintained in an unobstructed, easily traveled condition at all times, and protected from hazardous areas such as heating plant, kitchen and inflammable storage.
- (7) All tents housing five or more persons shall be of the fiber-impregnated flame-retardant variety or equivalent.
- (8) Fire extinguishers and other fire fighting equipment acceptable to the Department shall be provided, inspected and tagged by the camp operator prior to the camp season. The equipment shall be maintained in operating condition at all times.
- (9) Means of egress from buildings used for sleeping quarters by 30 or more persons shall be protected by a minimum of three-quarter hour fire-resistant construction. The Department may issue a variance for one-story buildings having direct outside exits from each sleeping quarter.
- (10) Buildings used for sleeping 50 or more persons, or buildings two stories or more in height used for sleeping shall have a fire alarm system, that when activated sounds an alarm which can be heard throughout the camp. However, buildings three stories or more in height used for sleeping shall be protected with an automatic fire detection system including smoke detectors installed in corridors, assembly areas, storage rooms, stairways and heat detection devices installed in kitchens.
- (11) Sleeping quarters with an occupancy of 15 or more persons shall be provided with at least two separate means of egress located as far apart as practical. Each door shall swing in the direction of egress. Windows in a sleeping quarter two stories or less in height may be substituted for one approved exit, provided the sill is not more than three feet above the floor and the drop from the windowsill to an unobstructed area on the ground is less than 14 feet.
- (12) Two separate means of egress shall be provided from each floor of a multistory building. In buildings constructed prior to September 1, 1978, dead end corridors up to 35 feet in length are acceptable. An exitway shall lead to an outside exterior stairway that complies with the State Building Construction Code or to an interior smoke-tight passageway having a minimum of three-quarter hour fire-resistant construction and leading to the outdoors at grade. Stairs extending beyond two occupied floors shall have a self-closing, tight door at each floor level.
- (13) Except for an individual room, a door containing hardware and forming part of a means of egress shall be non-locking against egress and operable with a single motion in the direction of egress. The use of nooks and eyes, bolts, bars and similar devices is prohibited; widths of exit doors shall be a minimum of 28 inches.
- (14) All assemblage areas, including a recreation room, dining hall or chapel, shall have at least two means of egress acceptable to the Department and doors shall comply with the requirements of subdivision 14 of this subsection.
- (15) Exits from a room occupied by 15 or more persons, or exits not readily visible to the occupants, shall be identified by lighted exit signs, including directional signs where needed.
- (16) Emergency lighting shall be provided for halls, stairways and exit signs where required by the Department.



(c) *Camp Equipment.* Camp equipment shall be of safe design, properly installed and kept in good order and repair.

(d) (1) No person shall modify, develop or convert a property for use as a children's camp without first notifying the Department at least 30 days before construction commences. The notice shall give the name and location of the property, a brief description of the facilities to be provided, and the name, telephone number and mailing address of the person giving notice. The notice shall be supplemented by additional information including plans or sketches as requested by the Department. Construction shall not start prior to the required approval of the plans or sketches by the appropriate regulatory official.

(2) All new construction including alterations, enlargements and improvements shall be in accordance with the New York State Uniform Fire Prevention and Building Code 9 NYCRR (Executive (B) Subtitle S, Chapter I), the provisions of the State Environmental Quality Review Act or the New York City Building Code, whichever is stricter. The building permit and certificate of occupancy shall be readily available for review and submission to the Department. A written statement signed by a registered architect or professional engineer certifying construction compliance with the State Uniform Fire Prevention and Building Code shall be submitted to the Department prior to occupancy of all new construction.

(e) *Housing Maintenance.*

(1) A building or structure of a children's camp shall be safe, adequate in size for its use, clean, and have watertight roof and sides. However, a lean-to or an open recreational facility, which excludes rain from occupied portions of the structure, may be used as a shelter.

(2) *Heat, light and ventilation.* Windows or skylights having a minimum total area within the casement equal to 10 percent of the floor area shall be maintained in all occupied rooms; at least 40 percent of the window shall be openable. Artificial in lieu of natural lighting and mechanical ventilation may be provided in toilet rooms.

(3) Camps occupied between October 1 and May 1 shall have at least one building with heating facilities for emergency use.

(4) *Heating.* Stoves or other heat sources, where provided shall be installed and maintained in accordance with the manufacturer's instructions to avoid fire hazards and dangerous concentrations of fumes or gas. Water heaters shall not be installed in sleeping quarters.

(5) Camps which enroll children 10 years of age or under shall ensure that all windows are safely guarded, except windows giving access to fire escapes or a window on the first floor that is a required means of egress from the premises.

(6) There must be no peeling lead-based paint or peeling paint of unknown lead content on any surface accessible to children under 6 years of age.

(f) *Location and grounds.* A children's camp shall be so located that adequate surface drainage can be provided during the period of operation and so that adequate soil and space will permit the installation and operation of proper sewage disposal system and/or water system, unless other provisions are made acceptable to the Department.

(g) *Food Sanitation.*

(1) All supervisors of food operations at all camps shall successfully complete a food protection course approved by the Department as specified in §81.15 of this Code.

(2) All food storage, preparation and service operations conducted by the camp permittee shall be in accordance with Article 81 of this Code provided, however, that the camp permittee shall not be required to obtain an additional permit to operate a food service establishment.

(3) If food is not prepared on premises, is catered, or campers are permitted to bring food from home for lunches and snacks, or food is carried off-site on trips, facilities shall be provided to maintain potentially hazardous foods at temperatures required by §81.09 of this Code,

(i) All foods shall be protected from contamination at all times.

(ii) All foods shall be prepared, processed or packed with sanitary utensils and equipment.

(iii) Packaged foods shall not be stored in direct contact with ice or water if packaging allows entry of water.

(iv) Raw fruits and vegetables shall be thoroughly washed with potable water before service.

(v) Ready to eat foods shall be protected from bare hand contact. Utensils, sanitary gloves, or other barriers shall be provided and used to eliminate bare hand contact.

(h) *Toilets; Showers; running water.*

(1) For overnight camps, the following facilities shall be provided: one toilet or privy seat for each 15 males or less, plus one urinal for each 30 males or less; one (1) toilet or privy for each 15 females or less; at least one (1) lavatory with water under pressure for each 20 occupants or less, or other handwashing facilities acceptable to the Department.

(2) At all non-overnight camps the ratio of toilet or privy seats per camper may be one for each 30 females and one for each 60 males including one urinal for each 60 males. In addition, a minimum of one lavatory shall be provided for each 40 campers; showers are not required.

(3) Overnight camps shall provide showers with water under pressure heated to between 90 and 100 degrees Fahrenheit, and one shower head for each 20 occupants or less, shall be provided.

(4) Toilets, privy seats and lavatories as specified above shall be provided within 200 feet of the sleeping quarters; however, no privy shall be located within 50 feet of any sleeping room, dining room, mess hall or kitchen.

(i) *Sleeping quarters.*

(1) Every bed, mattress and related sleeping accessories provided by the operator, shall be clean and in good condition at the time of issue; clean sheets and pillow-cases shall be provided weekly. Laundry facilities shall be available when campers and staff provide their own linens.

(2) A minimum clear space of 27 inches above the sleeping surface of a bed, and six feet between heads of sleepers, shall be maintained; triple-decker beds are prohibited.

(3) In sleeping quarters housing more than four persons, 40 square feet of floor area per individual shall be provided to accommodate a bed, for storage of personal belongings and space for aisles and ready exit in case of fire.

(4) The Commissioner may waive any requirement setting a minimum standard of floor space per camper in a camp sleeping quarters in accordance with the State Public Health Law and the regulations pursuant thereto.

(5) An undivided room shall not have more than 35 occupants.

(6) A sleeping room shall have minimum clear height of five feet above the floor area, and at least 80 per cent of the floor area shall have a continuous minimum clear height above it of seven feet. The walls shall extend from the floor to the ceiling or roof, or to a minimum height of eight feet.

(7) At least one adult counselor shall be present during sleeping hours on every level of a building used for sleeping.

(8) Toilets and hand wash sinks must be installed at a height that allows unassisted use by children. If adult-size toilets or hand wash sinks are in place, platforms with easily cleaned surfaces must be provided for use by children. Such platforms must be securely affixed to a permanent structure and free of hazards.

(j) *Other Environmental Controls.*

(1) *Hazardous materials.* Agricultural, commercial or household pesticides and toxic chemicals shall be stored and/or used to cause no air, surface water or ground water pollution or be hazardous to the occupants of the camp. They shall be stored in their original containers in areas designated for such use.

(2) *Vector and vermin control.* The premises are to be free of insect and rodent infestation that may cause a nuisance or health hazard. Bats shall be excluded from living areas of occupied buildings.

(3) *Refuse storage and disposal.* Refuse shall mean solid wastes. Facilities shall be provided and maintained for the storage, handling and disposal of refuse to prevent nuisance conditions, insect and rodent infestations and pollution of air and water.

(4) No animals suspected of carrying a communicable disease shall be kept in camp. Animals kept in camp shall comply with applicable requirements of the NYS Environmental Conservation Law and/or the Agriculture and Markets Law.

**§48.17 Health and medical care.**

(a) A camp health program must be maintained under the supervision of a camp health director and must include: the keeping of comprehensive health records, including records of physical examinations and immunizations of each child and each staff or volunteer; information indicating appropriate and adequate food and nutrition for campers and staff; emergency plan; first aid procedures; plan for reported accidents; search and rescue for lost, missing and runaway persons; daily observation of the children; daily check of food service and food service facilities and adequate cleanliness and maintenance of all facilities.

(b) Prior to or at admission, the camp director must obtain and maintain from every child in camp required medical records that includes a thorough medical examination by a licensed physician dated within 1 year prior to admission to camp. Such record must include a signed statement containing a summary of the results of the examination, the past medical history and, if a disease or abnormal condition is found, recommendations for exclusion or treatment of the child, or any modifications of diet or activities. In addition, each camper medical record must include the children's immunization record which must include proof of immunization against diphtheria, tetanus, pertussis, poliomyelitis, measles, mumps, rubella, varicella, hepatitis B, pneumococcal disease and haemophilus influenzae type b (Hib). A child may be exempted from this immunization requirement for CDC Advisory Committee on Immunization Practices (ACIP)-recognized medical contraindications, or other nationally-recognized evidence-based guidelines, upon submission of appropriate documentation from a physician licensed in the State of New York. Documentation of immunizations and exemptions must be kept on site and made

available to the Department immediately upon request. If such records are maintained electronically, Department staff must be allowed to access such records while on-site. Proof of required child immunizations must be made available for review by the Department immediately upon request and must be established by:

- (1) A certificate of immunization prepared and signed by a physician licensed in the State of New York documenting that the child has been fully immunized against the diseases listed in this subdivision. The certificate of immunization must specify the products administered and the dates of administration. It may also show verified history of varicella disease and/or laboratory evidence of immunity to measles, mumps, rubella, varicella and Hepatitis B. A record issued by NYSIIS, the CIR, an official immunization registry from another state, an electronic health record, and/or an official record from a foreign nation may be accepted as a certificate of immunization without a health practitioner's signature.
  - (2) Documentation that the child is in process of receiving an immunization for which the child is not fully immunized, as follows:
    - (i) a child has received at least the first dose in each immunization series required by this subdivision (except in the case of live vaccines in which a child should wait 28 days after one live vaccine administration before receiving another live vaccine, if the vaccines were not given on the same day) and has age-appropriate appointments to complete the immunization series according to the ACIP Recommended Immunization Schedules for Persons Aged 0 through 18 Years;
    - (ii) a child is obtaining serologic tests within 30 days of notification of the parent/guardian that such testing is requested; or
    - (iii) a child's serologic test(s) are negative, and therefore the child in question has appointments to be immunized within 30 days of notification of the parent/guardian to complete, or begin completion, of the immunization series based on the ACIP Recommended Immunization Schedules for Persons Aged 0 through 18 Years.
  - (3) Children who are not fully immunized can only continue to attend camp if they are in the process of completing the immunization series based on the ACIP Recommended Immunization Schedules for Persons Aged 0 through 18 Years. If a child does not receive subsequent doses of vaccine in an immunization series according to the age appropriate ACIP catch-up schedule, including at appropriate intervals, the child is no longer in process and must be excluded from camp within 14 days.
  - (4) No owner, operator, or director of a camp shall permit any child to attend such camp without appropriate documentation of the immunizations required by this subdivision, except as provided for in this subdivision.
- (c) All staff, including volunteers and kitchen and maintenance staff, must have had a medical examination dated within 2 years of working with the camp, indicating that they are physically able to perform their camp duties. The Department may require testing for tuberculosis at any time of any staff or volunteer when such testing is deemed necessary for epidemiological investigation.
- (d) Each camp must provide in their written safety plan, the location and contact information to the nearest hospital, clinic, urgent care or doctor's office, as close as possible to the camp where children or staff can be taken in case of serious injury or illness.
- (e) *Necessary emergency medical care.* When a child or staff is injured or becomes ill under such circumstances that emergency care is needed, the permittee must obtain such emergency medical care in accordance with the requirements of this section and immediately notify the person's parent, guardian or emergency contact.

- (1) Each permittee must:
  - (i) at the time of the child's admission into the program, obtain written consent from a parent or guardian authorizing the permittee or other caregivers to obtain emergency health care for the child; and
  - (ii) secure emergency care when needed, and notify a parent or guardian immediately, and
  - (iii) arrange for any needed transportation of any child in need of emergency health care and ensure that the required staff/child ratios are maintained for the children remaining in the program.
- (2) Where a parent or guardian has provided written consent, medical authorization and training to designated staff, such designated staff may administer asthma inhalers, nebulizers and epinephrine auto-injectors to children.
- (3) Where a parent has provided a written, individualized health care plan indicating the specific medications that can be administered and the schedule of such administration(s) for their child, including in cases of emergency, and there is a direct conflict between such plan and any provision of this section, the permittee must follow the child's individualized health care plan.
- (4) The camper's and staff's family contact or other responsible person's name, address, and telephone number to notify during an emergency must be kept on file.
- (f) All camper and staff injuries, illnesses, and diseases and conditions reportable to the Department in accordance with Article 11 of this Code, must be reported to the camp health director and recorded in the medical log, including the date and time of the illness or injury, nature of complaint, diagnosis, treatment, disposition of case, area in camp where the accident causing the injury occurred, activity in which accident victim was engaged and tool or item of program equipment or other object causing injury.
- (g) Within 24 hours, any of the following must be reported by the camp to the Department:
  - (1) all camper and staff injuries or illnesses which result in death or which require resuscitation or admission to a hospital;
  - (2) all instances where epinephrine was administered to a staff member or camper;
  - (3) camper injuries to the eye, head, neck or spine which require referral to a hospital or other facility for medical treatment;
  - (4) camper injuries where the victim sustains 2<sup>nd</sup> or 3<sup>rd</sup> degree burns to 5 percent or more of the body;
  - (5) camper injuries which involve bone fractures or dislocations;
  - (6) camper lacerations requiring sutures or glue;
  - (7) allegations of camper abuse or neglect (as defined in §48.25(a)(3)(i));
  - (8) all camper and staff illnesses suspected of or confirmed as being water-, food- or air-borne, or spread by contact;
  - (9) any persons exposed to rabies; and
  - (10) any lost campers.
- (h) The camp director must isolate and exclude any child or staff member who is suspected or confirmed with, or has been exposed to, a communicable disease requiring isolation or exclusion under Article 11 of this Code. Any child or staff member who has been excluded must not be permitted to return to the camp without a written statement from a health care provider indicating that the child or staff member is free from such disease in communicable form and that the period of isolation or exclusion required by Article 11 of this Code has ended.
- (i) At all camps, there must be a current and fully-equipped first aid cabinet with appropriate contents relative to the size and activities of the camp and ability to contact 911. All camps

which travel from their home base must carry with them a first aid kit that must be stocked to treat a broad range of injuries and situations commensurate with the number of children present.

(j) An infirmary having hot and cold running water, examining room, isolation area, convalescent space, bathroom with flush toilets and showers must be provided at all camps with 100 or more persons in residence, including staff.

(k) In all non-overnight camps, a quiet place must be set aside away from the group where a child with a minor illness or injury can relax with an adult counselor in attendance.

#### **§48.19 Compliance with other laws.**

(a) All camp premises shall comply with all applicable provisions of the Building Code (Administrative Code) of the City of New York and the Zoning Regulations of the City of New York.

(b) No camp premises shall be operated or maintained unless the operator has obtained:

- (1) a certificate of occupancy; or when such certificate is not required by the Administrative Code, a statement from the Department of Buildings that the camp premises comply with all applicable laws enforced by such Department; and
- (2) a statement from the New York City Fire Department that the camp premises comply with all applicable laws and regulations pertaining to fire control and the fire prevention directives of the New York City Fire Department.

(c) All electrical services shall comply with the Administrative Code of the City of New York and the rules and regulations of the New York City Department of Public Works, Bureau of Gas and Electricity. Swimming pool facilities shall comply with the applicable provisions of Article 165 of this Code and shall also comply with the requirements of the New York City Building Code (Administrative Code) and Zoning Regulations.

(d) All new electrical wiring and lighting fixtures shall be installed by a licensed electrician in accordance with the New York City Building Code or the National Electric Code of the National Fire Protection Association, whichever is stricter, and all existing electrical service, wiring and fixtures shall be in good repair and safe condition. Where conditions indicate a need for inspection and on a new or remodeling project, the electrical service and wiring shall be inspected by a qualified electrical inspector and a copy of the certificate of approval shall be submitted to the Department.

(e) Camp drinking water facilities shall comply with Article 141 of this Code. Common drinking utensils are prohibited. Drinking fountains when provided shall be in accordance with the New York State Uniform Fire Prevention and Building Code.

#### **§48.21 Insurance.**

(a) Adequate insurance coverage shall be obtained prior to the camping season and must include workers' compensation and disability insurance for the camp staff, comprehensive liability and motor vehicle insurance on camp vehicles.

(b) Camp transportation units shall be covered by minimum liability insurance of \$100,000 for death or injury to any one person and \$500,000 for two or more persons.

(c) A camp shall also carry a non-owner policy for all transportation units used but not owned by the camp.

(d) Every vehicle used for transporting staff or campers shall comply with the regulations of the Department of Motor Vehicles and State Department of Transportation and be equipped with at least a first aid kit, tools, fire extinguishers and flares.

(e) In addition, the camp shall arrange for the purchase of accident and health insurance at a minimum coverage of \$1,000 for accidents and \$300 for illness for each staff member and campers.

(f) All Children's Traveling Summer Day Camps shall arrange for purchase of accident and health insurance at a minimum coverage of \$5,000 for accident, \$1,000 for illness for each staff member and camper, and shall have a minimum liability insurance of \$100,000 for death or injury to one person.

(g) All Summer Day Camps, Children's Overnight Camps, and Children's Traveling Summer Day Camps shall provide the New York City Department of Health with name, address and telephone numbers of the insurance company, including the amount of coverage for campers and staff.

#### **§48.23 Transportation.**

(a) All transportation equipment shall be maintained in a safe operating condition and shall bear the required inspection sticker of the New York State Department of Motor Vehicles or, where required, the inspection sticker of the New York State Department of Transportation and be equipped with at least a first aid kit, tools, fire extinguisher and flares.

(b) All operators of vehicles for camps shall be at least 18 years old, shall possess a current valid driver's license and have at least one year's driving experience as a licensed operator.

(c) All bus operators shall have a current valid chauffeur's license, be physically capable of handling equipment and have driving records free from serious accidents and violations.

(d) While children are being transported by private conveyance, they shall be under the supervision of at least two staff members at least eighteen years of age in addition to the driver.

(e) No camp operator shall knowingly permit any child to embark for, or depart from, the camp premises unless at all times accompanied by a parent, legal guardian or adult counselor.

(f) A truck shall not be used as a means of transporting children except in the cab.

(g) Drivers of vehicles should not be counted as staff members and should never be used to supervise children.

(h) Children's Traveling Summer Day Camp and Municipal Traveling Summer Day Camp must receive written permission from camper's parents or legal guardians to be transported (by public or private transportation) on a regular schedule to a facility, site or property for the purpose of organized group activities.

(i) The camp operator of a Children's Traveling Summer Day and Municipal Traveling Summer Day Camp shall be responsible for instituting a program of accountability for each child on trips and shall have regular checking of children by roll call after each rest or activity stop or whenever potential problems concerning accountability for presence of each child may arise.

(j) The operator of a Children's Traveling Summer Day Camp and Municipal Traveling Summer Day Camp shall be responsible for the safety of the children from Home Base to the camp site and be accountable for the safe delivery of all campers to their respective home at the end of every camping day.

(k) No camper in a Children's Traveling Summer Day Camp or Municipal Traveling Summer Day Camp shall be left or released to the care of any person other than a parent, legal guardian or

any other person so designated legally or in writing by the natural parent or legal guardian of said child at the end of every camping day.

(l) Before any child may be transported in a motor vehicle where such transportation is provided or arranged for by the camp permittee, the camp must ensure all children are secured in child safety seats properly installed per manufacturers' recommendations, or with safety belts, as appropriate for the age of the child in accordance with the requirements of the NYS Vehicle and Traffic Law.

**§48.25 Additional requirements for camps enrolling campers with disabilities.**

(a) As used in this section, the following terms have the following meanings:

(1) "Developmental disability camp health director" means a physician, physician assistant, nurse practitioner, registered nurse or licensed practical nurse and who must be on-site for the period the camp is in operation.

(2) "Justice Center" means the Justice Center for the Protection of People with Special Needs, as established pursuant to § 551 of the NYS Executive Law.

(3) Reportable incidents include, but are not limited to, the following:

(i) allegations of "Abuse or Neglect", which includes, but is not limited to, those actions by camp staff that:

(A) satisfies the definitions of "physical abuse", "sexual abuse", "psychological abuse", "deliberate inappropriate use of restraints", "use of aversive conditioning", "obstruction of reports of reportable incidents", "unlawful use or administration of controlled substance" and "neglect", as such terms are defined in § 488 of the NYS Social Services Law.

(B) are actions incorporated within the definitions of "unauthorized seclusion," "unauthorized use of time-out," "administration of a prescribed or over-the-counter medication, which is inconsistent with a prescription or order issued by a licensed, qualified health care practitioner, and which has an adverse effect," and "inappropriate use of restraints," as such terms are defined in § 488 of the NYS Social Services Law.

(ii) allegations of a "Significant Incident", which means an incident (other than an incident of abuse or neglect as defined by clause (i) of paragraph (3) of this subdivision) that because of its severity or the sensitivity of the situation may result in, or has a reasonably foreseeable potential to result in, harm to the health, safety, or welfare of a camper with a developmental disability. A significant incident includes, but is not limited to:

(A) conduct between campers with developmental disabilities that would constitute abuse, as defined in this subdivision, if it had been conducted by a camp staff member; or

(B) conduct by a camp staff member which is inconsistent with the individual treatment plan for a camper with a developmental disability, generally accepted treatment practices and/or applicable federal or state laws, regulations or policies, or impairs or creates a reasonably foreseeable potential to impair the health, safety or welfare of a camper with a developmental disability.

(4) "Personal representative" means a camper's parent, guardian, or person authorized to act on behalf of a camper with a developmental disability in making health care decisions.

(b) *Staff and supervision requirements.*

(1) The camp director, who may also be the camp operator, must possess a bachelor's degree from an accredited program in the field of physical education, recreation, education, social work, psychology, rehabilitation or related human services fields and must present



evidence of specialized training or 1 year of experience in treating or working with individuals with a developmental disability.

- (2) A camp director does not have to meet the requirements of paragraph (1) of this subdivision if:
    - (i) The individual was a camp director for a camp for developmentally disabled campers during each of the 3 camping seasons preceding the 1986 camping season; and
    - (ii) Conditions at the camp did not threaten the health or safety of campers during that person's tenure as camp director; and
    - (iii) The individual otherwise meets the minimum qualifications for a camp director, as set forth in §48.09.
  - (3) The camp director, or any camp staff, must not be on the Justice Center Staff Exclusion List (SEL) established pursuant to § 495 of the NYS Social Services Law.
  - (4) The camp director must develop a written staff training program appropriate to the specific needs of the campers with developmental disability enrolled in the camp.
  - (5) Camp staff providing direct care of a camper with a developmental disability must be trained on the specific needs of the campers in their charge.
- (c) *Medical requirements.*
- (1) Prior to or at enrollment, a camp director must obtain existing individual treatment, care and behavioral plans for campers with a disability, which must be maintained, reviewed and monitored by the developmental disability camp health director.
  - (2) The developmental disability camp health director must ensure that camp staff implement adequate procedures to protect the health and safety of a camper based on the treatment plan provided and, when necessary, in consultation with an individual's parent, guardian, personal representative, physician and/or clinical team.
  - (3) Modified diets, use of any specialized devices and/or other special needs related to a camper's disability, must be identified for each camper prior to arrival at camp, and provided for in accordance with supplied directions, and reviewed and monitored by the developmental disability camp health director.
  - (4) The confidential medical history for a camper with a disability must, in addition to the requirements of § 48.17, include:
    - (i) Any restrictions, allergies, medications, special dietary needs, and other pre-existing medical, physical or psychological conditions and illnesses needing attention.
    - (ii) The camper's physician's name, address and telephone number.
- (d) *Recreational safety.*
- (1) All appropriate recreational activities must be accessible by providing ramps, proper surfaces for movement, and/or adaptive equipment.
  - (2) The minimum counselor-to-camper ratio who use a wheelchair, adaptive equipment or bracing to achieve ambulation, but who do not possess, for whatever reason, the ability to fit, secure or independently manipulate such devices to achieve ambulation, shall be 1:2.
  - (3) The minimum counselor-to-camper ratio during swimming pool and bathing beach activities shall be 1 counselor for each camper who is non-ambulatory or has a disability identified by the camper's parents, guardian, physician or residential care provider that may result in an increased risk of an emergency in the water, such as uncontrolled epilepsy.
  - (4) The minimum counselor-to-camper ratio during swimming pool and bathing beach activities shall be 1 staff member for every 5 campers with a developmental disability not designated in paragraph (3) of this subdivision.

- (5) No camper with a developmental disability can participate in swimming activities unless a written permission statement signed by the camper's parent, guardian or residential care provider is on file at the camp.
- (6) The camp safety plan approved under § 48.11 must contain a procedure to address the handling of seizures, gag syndrome, and aspiration of water for campers with developmental disabilities. All bathing beach and swimming pool staff must be trained to implement the procedure prior to the date the camp begins operation. In-service training using this procedure must be conducted and documented every 2 weeks after the commencement of the camp's operation or as otherwise approved by the Department in the camp's safety plan.
- (e) *Transportation.*
- (1) A camp serving wheelchair-bound campers must provide an adequately-equipped vehicle for transportation.
- (2) There shall be at least 1 counselor in addition to the driver in any vehicle transporting campers with a developmental disability or as provided in the camp safety plan approved under §48.11.
- (f) *Toilets, privies, lavatories, showers.* All lavatories and showers used by a camper with a disability must be equipped with specialized fixtures, grab bars or other controls appropriate for the camper's disability. Lavatories and showers used by campers with physical, intellectual or developmental disabilities, who are unable to moderate water temperature safely, must have a water temperature not greater than 110 degrees Fahrenheit.
- (g) *Sleeping quarters.*
- (1) Buildings housing non-ambulatory or wheelchair-bound campers must have ramps constructed in accordance with the NYS Fire Prevention and Building Code (19 NYCRR Chapter XXXIII, Subchapter A, Part 1219) to facilitate access and egress and must maintain a minimum 36 inch wide clear path to exits if 2 ramps are provided, or a 60 inch wide clear path when only 1 ramp is provided.
- (2) Non-ambulatory campers must not have their sleeping accommodations above the ground floor.
- (h) *Location and grounds.* Exterior paths of travel must be free of encumbrances and provide an appropriate surface for movement during inclement weather as appropriate for the camp population being served.
- (i) *Incident reporting.* In addition to reporting incidents as required by this Article, all camp staff must immediately report any incident involving a camper with a developmental disability to the camp director, the Department and to the Justice Center's Vulnerable Person's Central Register (VPCR). Such report must be provided in a form and manner as required by the Department and the Justice Center.
- (j) *Immediate protections and notifications.* Immediately upon notification of an allegation of abuse, neglect or significant incident as defined in § 48.25(a)(3), the camp director or designee must ensure appropriate actions are taken to immediately address the physical and psychological needs of the camper(s) involved, implement protections to ensure the safety and mitigate further risk to campers and document such actions and implementations.
- (k) The camp director or designee must notify a camper with a developmental disability and the camper's personal representative that the camper is an alleged victim or potential witness of an incident of abuse or neglect.
- (1) Alleged victims must be notified within 24 hours and potential witnesses must be notified within 48 hours of reporting to the camp director or designee and to the

Department, that an incident of abuse or neglect has been accepted by the Justice Center for investigation.

- (2) There shall be no notification of a personal representative if the alleged victim or potential witness objects to such notification or if providing such notification would compromise the investigation, violate relevant confidentiality laws, be contrary to court order, or otherwise contrary to the best interests of the alleged victim or the potential witness.
- (l) Camp staff must document in writing that notice of an incident (as described in subdivision (k)) was given or that adequate effort to make such notification was made for each camper.
  - (m) *Staff screening, training and code of conduct.*
    - (1) Prior to hiring anyone who will or may have direct contact with campers, or approving credentials for any camp staff, the camp director must follow the procedures established by the Justice Center in its regulations or policy, to verify that such person is not on the SEL.
    - (2) Prior to hiring anyone who will or may have direct contact with campers, the camp director must consult the NYS Office of Children and Family Services' Statewide Central Register of Child Abuse and Maltreatment (SCR) as required by § 424-a of the NYS Social Services Law to verify that such person is not on such registry.
    - (3) The screenings required by paragraphs (1) and (2) of this subdivision are in addition to the requirement that the camp director similarly verify that any prospective camp staff is not on the sex offender registry, as required by §48.09(m)(3).
    - (4) A camp director must ensure that camp staff receive training regarding their mandated reporting obligations as mandated reporters as defined by Article 11 of the NYS Social Services Law. A camp director must ensure that the telephone number for the Justice Center's VPCR hotline for the reporting of reportable incidents is conspicuously displayed in areas accessible to mandated reporters and campers.
    - (5) The camp director must ensure that all camp staff are provided with a copy of the code of conduct established by the Justice Center pursuant to § 554 of Executive Law. Such code of conduct must be provided at the time of initial employment, and at least annually thereafter during the term of employment. Receipt of the code of conduct must be acknowledged and the recipient must further acknowledge that he or she has read and understands such code of conduct.
  - (n) *Disclosure of information.*
    - (1) Except as prohibited by law, the camp director must share information relevant to the investigation of any incident subject to reporting under this Article with the Department and the Justice Center. Except as prohibited by law, the Department and the Justice Center may share information obtained in their respective investigations of incidents.
    - (2) Except as prohibited by law, records of facilities or provider agencies not otherwise subject to Article 6 of the NYS Public Officers Law must be made available for public inspection and copying, when such records relate to abuse and neglect, or a significant incident of developmentally-disabled persons, to the same extent that those records would be available from a state agency, as defined in such Article.
  - (o) *Incident management.*
    - (1) The camp director must promptly obtain an appropriate medical examination of a physically injured camper with a developmental disability.
    - (2) The camp director must fully cooperate with the investigation of reportable incidents involving campers with developmental disabilities and must provide all necessary information and access to conduct the investigation. The camp director must provide

information, whether obtained pursuant to the investigation or otherwise, to the Justice Center and Department upon request, in the form and manner requested. Such information must be provided when requested by the Justice Center or Department or other applicable investigator.

- (3) At the conclusion of any investigation of an alleged reportable incident, the camp director must:
- (i) Assess the need for corrective actions;
  - (ii) Report corrective actions to the Department within 45 days of the conclusion of an investigation; and
  - (iii) Implement corrective actions identified by the camp, or required by the Department or the Justice Center.
  - (iv) Corrective action plans must be implemented as soon as possible but no later than 90 days of the completion of an investigation, unless the camp has closed for the season. If closed for the season, corrective action plans must be implemented when the camp reopens.

(p) *Incident review committee.*

(1) Unless as provided by paragraph (2) of this subdivision, a camp must maintain a facility incident review committee in accordance with 14 NYCRR Part 704.

(2) Pursuant to paragraph (f) of subdivision (1) of § 490 of the Social Services Law and 14 NYCRR Part 704, a camp director may seek an exemption from the Department from the requirement to establish and maintain an incident review committee.

(i) In order to obtain an exemption, the camp director must file an application with the Department and provide sufficient documentation and information to demonstrate that compliance would present undue hardship, that granting an exemption would not create an undue risk of harm to campers' health and safety and specify an alternative process to ensure appropriate review and evaluation of reportable incidents.

(ii) If approved by the Department, a camp director must meet all terms of an approved exemption(s). An exemption shall remain in effect until revoked by the Department. A camp director must immediately notify the Department when conditions upon which the incident review committee exemption was granted have changed.

(p) In addition to all other bases afforded to the Department to deny, suspend or revoke a permit as specified in this Code, a camp permit may be denied, revoked or suspended if the camp fails to comply with regulations, policies, or other applicable requirements of the Justice Center, as determined by the Department. In considering whether to issue a permit to a camp, the Department shall consider the camp's past and current compliance with the regulations, policies, or other requirements of the Justice Center.

**§48.26 Modification of provisions.**

When the strict application of any provision of this Article presents substantial difficulties, or unusual or unreasonable hardships, the Commissioner of the Department or designee may in a specific instance modify the application of such provision consistent with the general purpose and intent of this Article and upon such conditions as in his/her opinion are necessary to protect the health of the children. Unless a specific duration is specified by the Department, all modifications shall remain in effect for the remainder of the permit period and shall expire at the end of the permit period.

**§48.27 Modification.**

**§48.29 Overnight Camps, Summer Day Camps, Traveling Summer Day Camps; Enrollment Application Requirements.**

Any enrollment application forms and/or enrollment contract forms mailed or delivered to a person for purposes of enrollment of a child for any children's overnight camp, children's summer day camp and traveling summer day camp shall contain or be accompanied by a written statement which declares:

- (a) That such camp is required to be licensed by the New York City Department of Health and Mental Hygiene;
- (b) That such camp is required to be inspected twice yearly; and
- (c) The address where inspection reports concerning such camp are filed.