

DATE July 6, 2010

DEPARTMENT

Public Health & Environment

MOTION

SECONDED BY

BY COMMISSIONER Weik

COMMISSIONER

Peterson

**RESOLUTION ADOPTING WASHINGTON COUNTY
MANUFACTURED HOME PARK, RECREATIONAL CAMPING AREA, AND YOUTH CAMP
ORDINANCE NO. 182**

WHEREAS, the Minnesota Local Public Health Act MINN. STAT. CHAPT. 145A., imposes upon the counties the responsibility of protecting and promoting the health of its citizens through the prevention of disease, injury, disability and preventable death, and

WHEREAS, the counties are to advance this mandate through the promotion of effective coordination and use of community resources and by the extension of health service into the community, and

WHEREAS, MINN. STAT. § 145A.03 requires counties to undertake the responsibility of board of health or establish a board of health; and

WHEREAS, Washington County Department of Public Health and Environment is the county agency given responsibility by the Washington County Board of Health to administer the County's statutory mandate; and

WHEREAS, MINN. STAT. § 145A.04 authorizes counties to enforce laws, regulations and ordinances attendant to the local Board of Health; and

WHEREAS, MINN. STAT. § 145A.05 authorizes county boards to adopt ordinances to regulate actual or potential threats of public health consistent with the Minnesota Local Public Health Act; and

WHEREAS, the Minnesota Department of Health currently regulates and has enforcement authority over manufactured home parks, recreational camping areas, and youth camps; and

WHEREAS, the Minnesota Department of Health wishes to delegate this oversight authority to Washington County through a delegation agreement; and

WHEREAS, on July 6, 2010, the Washington County Board of Commissioners conducted a public hearing pursuant to MINN. STAT. § 375.51, to adopt the Washington County Manufactured Home Park, Recreational Camping Area, and Youth Camp Ordinance, Ordinance No. 182.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby adopts the Washington County Manufactured Home Park, Recreational Camping Area, and Youth Camp Ordinance, Ordinance No. 182.

BE IT FURTHER RESOLVED, that the Washington County Manufactured Home Park, Recreational Camping Area, and Youth Camp Ordinance attached hereto shall be effective upon and after publication of this ordinance according to law and the execution of a delegation agreement.

ATTEST:

James R. Selby

COUNTY ADMINISTRATOR

Will Pulkrabek

CHAIRMAN, COUNTY BOARD

	YES	NO
HEGBERG	<u>X</u>	___
KRIESEL	<u>X</u>	___
PETERSON	<u>X</u>	___
PULKRABEK	<u>X</u>	___
WEIK	<u>X</u>	___

**WASHINGTON COUNTY
 MANUFACTURED HOME PARK, RECREATIONAL CAMPING AREA,
 AND YOUTH CAMP ORDINANCE
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Manufactured Home Park, Recreational Camping Area, and Youth Camp Ordinance for Washington County

Section 1 Purpose and Authority

- 1.1** The purpose of this Ordinance is to establish standards and authority to protect the public health, safety and general welfare of the people of Washington County pursuant to powers granted under Minnesota Statutes, Chapters 144.71 to 144.74, 145A, 157, 327.14 to 327.28, and 375, as now constituted and from time to time amended.
- 1.2** This Ordinance establishes minimum standards, as defined in Minnesota Rules, Chapter 4630 and this Ordinance, for Manufactured Home Parks, Recreational Camping Areas, and Youth Camps which are located in Washington County, Minnesota, so that health and safety hazards will be minimized. Whenever, and if, this Ordinance conflicts with other applicable laws, regulations and ordinances, the most restrictive shall prevail.
- 1.3** A Manufactured Home Park, Recreational Camping Area, or Youth Camp that meets the definition of a Public Water Supply must comply with Minnesota Rules, Chapter 4720 and the Safe Drinking Water Act (Minnesota Statutes, sections 144.381 to 144.387).

Section 2 Scope

- 2.1** This Ordinance shall be applicable to all Manufactured Home Parks, Recreational Camping Areas, and Youth Camps which are located in Washington County.

Section 3 Administration

- 3.1** This Ordinance shall be administered by the Washington County Department of Public Health and Environment, hereinafter referred to as the “Department” or the “Health Authority.”
- 3.2** All of the provisions of the Washington County Administrative Ordinance shall apply as if fully set forth herein.

Section 4 Definitions

- 4.1** Definitions of words, phrases, and terms used in this Ordinance shall be those set forth in Minnesota Statutes, section 327.14, Minnesota Statutes, section 144.71, Minnesota Rules, part 4630.1900, and the Washington County Administrative Ordinance. The following words shall have the following meanings:
 - (1) **Approved** shall mean acceptable to the Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.
 - (2) **Category A Site** shall mean any Manufactured Home Park or

Recreational Camping Area that meets one or more of the following conditions:

- (A) has a public swimming pool;
- (B) draws its drinking water from a surface water supply; or
- (C) has fifty (50) or more sites.

- (3) **Category B Site** shall mean any Manufactured Home Park or Recreational Camping Area that is not a Category A. Site.
- (4) **Change or Transfer of Ownership** shall mean a legal transaction whereby the ownership of a Manufactured Home Park, Recreational Camping Area, or Youth Camp is changed from one Person to another Person. This transaction can occur by sale, exchange, repossession or other legal means.
- (5) **Clean** shall mean free from insects, vermin and debris and free from physical, chemical and microbial substances discernable by ordinary sight or touch, by ultraviolet light, or by artificial light.
- (6) **County** shall mean Washington County.
- (7) **County Board** shall mean the Washington County Board of Commissioners.
- (8) **Department** shall mean the Washington County Department of Public Health and Environment and shall be synonymous with the term “Health Authority.”
- (9) **Health Authority** shall mean the Washington County Department of Public Health and Environment, its Director or other designated agent. The term Health Authority is synonymous with “Department.”
- (10) **Imminent Health Hazard** shall mean a significant threat or danger to health that exists when there is evidence to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation.
- (11) **Licensee** shall mean the Person who has been given the authority by the issuance of a license by the County to establish, operate, manage, and/or maintain a facility or activity regulated by County ordinances or as otherwise designated in the County Ordinance.
- (12) **Manufactured Home Park** shall mean any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the Manufactured Home Park.
- (13) **Person** shall mean an individual, firm, corporation, partnership, association, or other entity including the United States government, any interstate body, the state, and any agency, department, or political subdivision of the state.

- (14) **Public Water Supply** shall have the meaning given to “public water system” in the Federal Safe Drinking Water Act.
- (15) **Public Water System** shall mean a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least (15) fifteen service connections or regularly serves an average of at least (25) twenty-five individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any “special irrigation district.” A public water system is either a “community water system” or a “non-community water system.”
- (16) **Recreational Camping Area** shall mean any area, whether provided privately or publically owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five (5) or more tents or Recreational Camping Vehicles free of charge or for compensation. Recreational Camping Area excludes:
- (A) Children’s Camps;
 - (B) industrial camps;
 - (C) migrant labor camps, as defined in Minnesota Statutes and State Commissioner of Health rules;
 - (D) United States forest service camps;
 - (E) State forest service camps;
 - (F) State wildlife management areas or state-owned public areas which are restricted in use to picnicking and boat-landing; and
 - (G) temporary holding areas for self-contained Recreational Camping Vehicles created by and adjacent to motor sports facilities, if the chief law enforcement officer of an affected jurisdiction determines that it is in the interest of public safety to provide a temporary holding area.
- (17) **Recreational Camping Vehicle** shall mean:
- (A) any vehicular, portable structure built on a chassis, designed to be used as temporary dwelling for travel, recreation, and vacation uses;
 - (B) any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;
 - (C) any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and
 - (D) any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.
- (18) **Seasonal** shall mean an operation which is closed five (5) or more consecutive months of the year or more.
- (19) **Special Event Recreational Camping Area** shall mean a recreational camping area which operates no more than two (2) times annually and for no more than fourteen

(14) consecutive days.

(20) **Youth Camp or Children's Camp** shall mean a parcel or parcels of land with permanent buildings, tents, or other structures together with appurtenances thereon, established or maintained as living quarters where both food and beverage service and lodging or the facilities therefore are provided for ten (10) or more minors, operated continuously for a period of five (5) days or more each year for educational, recreational or vacation purposes, and the use of the camp is offered to minors free of charge or for payment of a fee. The term "Youth Camp" in this ordinance shall be synonymous with Children's Camp. This definition does not include the following:

- (A) cabin and trailer camps;
- (B) fishing and hunting camps;
- (C) resorts;
- (D) penal and correctional camps;
- (E) industrial and construction camps;
- (F) homes operated for the care or treatment of children and for the operation of which a license is required under the provisions of Minnesota Chapter 257.

A Youth Camp which also offers lodging and/or food and beverage services for adults does not fall under this definition and must obtain a license to operate as a Recreational Camping Area, Lodging Establishment, Food Establishment and/or other appropriate license.

(21) **Variance** shall mean a modification or variation to the requirements of this Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of this Ordinance would cause unnecessary hardship.

Section 5 Licensing, Permits and Fees

5.1 No Person shall operate a Manufactured Home Park or Recreational Camping Area, as defined in Minnesota Statutes, section 327.14 or this Ordinance, unless a license for the current year of the applicable type shall have been obtained pursuant to this Ordinance from the Health Authority.

5.2 No Person shall operate a Youth Camp as defined in Minnesota Statutes, section 144.71 or this Ordinance, unless a license for the current year shall have been obtained pursuant to this Ordinance from the Health Authority.

5.3 Only a Person who complies with the requirements of this Ordinance shall be entitled to receive a license. Licenses shall not be transferable as to Person or place. The original copy of all licenses obtained for a Manufactured Home Park, Recreational Camping Area, or Youth Camp shall be conspicuously located for public inspection.

5.4 Fees for licenses and other services shall be those established by the County Board. Additional fees may be charged for each additional service which is separate, distinct or

unique as determined by the Health Authority.

- 5.5** Manufactured Home Parks, Recreational Camping Areas, or Youth Camps that Change Ownership or otherwise begin operations at various times during the year shall have their license fees prorated as follows:
- (1) Seventy-five percent (75%) of the total required license fees for establishments beginning operations on or after April 1, but before July 1;
 - (2) Fifty percent (50%) of the total required license fees for establishments beginning operations on or after July 1, but before October 1;
 - (3) Twenty-five percent (25%) of the total required license fees for establishments beginning operations on or after October 1, but on or before December 31.

This proration of license fees is applicable only to the total required license fee. It does not include any required plan review fees or other fees which may be applicable. Proration of fees does not apply to Manufactured Home Parks, Recreational Camping Areas, or Youth Camps that operate on a Seasonal basis.

- 5.6** Licenses are valid through December 31 annually. License renewal applications shall be received by the Health Authority by December 1 of each year.
- 5.7** The application for licenses shall be made on forms furnished by the Health Authority and shall set forth the general nature of the business, the location, and other information as the Health Authority may require. The issuance of such licenses and their maintenance, termination and administration shall be in accordance with and subject to all conditions of the Washington County Administrative Ordinance relative to the general requirements for licenses in Washington County.
- 5.8** If the Health Authority receives plans and specifications for a Manufactured Home Park, Recreational Camping Area, or Youth Camp less than thirty (30) calendar days before construction or extensive remodeling begins, fifty percent (50%) of the original plan review fee will be assessed for a late fee.
- 5.9** Late penalty fees for Manufactured Home Parks, Recreational Camping Areas, and Youth Camps shall be assessed as described in the Administrative Ordinance.
- 5.10** An existing Manufactured Home Park, Recreational Camping Area, or Youth Camp that has been out of business or closed for more than thirty (30) calendar days or an existing Seasonal Manufactured Home Park, Recreational Camping Area, or Youth Camp closed for one season is considered a new establishment when re-opening with the same ownership and is subject to a pre-licensing inspection.
- 5.11** A license granted by the Department means that the requirements of the Department for conducting the licensed business have been met. There may be additional legal requirements, including requirements from other governmental entities that must be met in order to conduct the business. The granting of a license by the Department does not

exempt the business from any additional legal requirements, nor does it mean those requirements have been met.

Section 6 Inspections

- 6.1** The Health Authority shall inspect licensed Manufactured Home Parks, Recreational Camping Areas, or Youth Camps as frequently as necessary to ensure compliance with this Ordinance; but not less often than established in State Rules.
- 6.2** The Health Authority shall have the right to enter and have access to the Manufactured Home Park, Recreational Camping Area, or Youth Camp at any time during the conduct of business. No persons shall interfere with or hinder the Health Authority in the performance of its duties or refuse to permit the Health Authority to make such inspections.
- 6.3** The Health Authority shall inspect each Manufactured Home Park, Recreational Camping Area, or Youth Camp prior to issuing a license for a new establishment or change of ownership. A license shall not be issued until the corrections required by the Health Authority, as a result of the pre-licensing inspection, have been made to the satisfaction of the Health Authority.
- 6.4** Each inspection report may be posted by the Health Authority, not in a public area, and such inspection report shall not be defaced or removed by any person except the Health Authority. The posting of the inspection report shall constitute service of an official notification by the Health Authority. The Health Authority may, in lieu of posting such reports, deliver it in person to the Licensee or his authorized agent, or deliver it by certified or registered mail. A copy of the inspection report shall be filed with the records of the Health Authority.
- 6.5** All Licensees, owners or operators of a Manufactured Home Park, Recreational Camping Area, or Youth Camp having a report posted or having received a report giving notification of one or more violations of this Ordinance shall correct or remove each violation in the length of time determined by the Health Authority. The length of time for the correction or removal of each such violation shall be noted on the inspection report. The failure to remove or correct each such violation within the time period noted on the inspection report shall constitute a separate violation of this Ordinance.

Section 7 Standards for Health, Safety and Nuisance Prevention

- 7.1** Minnesota Rules, Chapter 4630, Minnesota Statutes, sections 144.71 to 144.74, 327.14 to 327.28, and any future revisions thereof are hereby adopted by reference and made a part of this Ordinance.
- 7.2** Minnesota Rules, part 4630.2000, Subpart 1, is amended to read as follows: “General.
The application for a primary license, or for a renewal license to operate a Manufactured Home Park or Recreational Camping Area, as defined by Minnesota Statutes, section

327.14, must be accompanied by fees which shall be established by the Washington County Board of Commissioners.”

- 7.3** Whenever a Manufactured Home Park, Recreational Camping Area, or Youth Camp which would be licensed under the provisions of this Ordinance is constructed, remodeled or expanded, properly prepared plans and specifications for each construction, remodeling or expansion shall be submitted, along with the appropriate plan review fee to the Health Authority for review and approval at least thirty (30) calendar days prior to the time that construction, remodeling or expansion is begun. The plans and specifications shall include the contents listed in Minnesota Statutes, section 327.16, subdivision 2. The plans and specifications shall be submitted in the form requested by the Department. The facility shall be constructed and finished in accordance with the approved plans.
- 7.4** A Manufactured Home Park, Recreational Camping Area, or Youth Camp that meets the definition of a Public Water Supply must comply with Minnesota Rules, Chapter 4720 and the Safe Drinking Water Act (Minnesota Statutes, sections 144.381 to 144.387).
- 7.5** Manufactured Home Parks, Recreational Camping Areas, or Youth Camps with a Public Pool, Food Establishment, Lodging Establishment, or a Subsurface Sewage Treatment System shall also comply with the Washington County Public Pool Ordinance, Food Code Ordinance, Lodging Establishment Ordinance, and Subsurface Sewage Treatment System Ordinance.

Section 8 Variances

- 8.1** A Variance from this Ordinance may be granted if it is deemed that the strict enforcement of any provision of the standards of the Ordinance would cause unnecessary hardship or that strict conformity with the standards would be unreasonable, impractical, or not feasible under the circumstances. The Department may permit a Variance upon such conditions as it may prescribe for management consistent with the general purposes and intent of the applicable Ordinance and all other applicable state and local regulations and laws.
- 8.2** Variances will be granted in accordance with the procedures defined in the Washington County Administrative Ordinance and Minnesota Rules, part 4717.7000, subparts 1 (E) and 1 (F).

Section 9 Enforcement

- 9.1** Any Person who violates a provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- 9.2** In addition to any other remedy provided by law, in the event of a violation or a threat of violation of this Ordinance, the Health Authority may take appropriate action to enforce this Ordinance, including application of injunctive relief, action to compel performance,

or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

9.3 The Health Authority may, in lieu of, or in addition to issuance of a citation, order the Licensee, owner or operator to appear for an informal hearing at the Washington County Government Center, located at 14949 62nd Street North, Stillwater, Minnesota, at the time and date prescribed by the Health Authority. The Licensee, owner or operator must be given written notice at least twenty four (24) hours in advance of the informal hearing and such notice shall specify the Ordinance violations to be discussed. Failure to appear shall constitute a violation of this Ordinance.

9.4 Citations may be issued by the Health Authority and the Health Authority may suspend, summary suspend and revoke licenses in accordance with the Washington County Administrative Ordinance.

Section 10 Severability

10.1 If any provision or application of any provision of this Ordinance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance.

Section 11 Effective Date

11.1 This Ordinance shall be effective upon passage by the Board and publication according to law.