

# Washington County, Minnesota Ordinances

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## Ordinance No. 147 Manufactured Home Park, Recreational Camping Areas, and Youth Camp Ordinance

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### 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, 145A, 327.10 to 327.28, and 375.

1.2

This Ordinance establishes minimum standards, as defined in Minnesota State 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.

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## **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.

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## **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.

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## **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 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 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. It shall also include the term "Permittee" in the Manufactured Home Park, Recreational Camping Areas and Youth Camp 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) Permit**

shall mean written authorization to operate a Youth Camp.

**(14) Permittee**

shall mean the Person who have been given the authority by the issuance of a Permit by the County to establish, operate, and/or maintain a facility or activity regulated by County ordinances.

**(15) Person**

shall mean an individual, firm, corporation, partnership, association, limited liability company, government agency, club or organization of any kind.

**(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 wildlife management areas or state-owned public areas which are restricted in use to picnicking and boat-landing; and
- (F) 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) 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 therefor 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.

**(20) 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.

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**Section 5 Licensing, Permits and Fees**

**5.1**

No Person shall operate a Manufactured Home Park or Recreational Camping Area, as defined in Minnesota Statute 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 Statute 144.71 or this Ordinance, unless a Permit 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 or Permit. Licenses or Permits shall not be transferable as to Person or place. The original copy of all licenses or Permits 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 Washington County Board of Commissioners. Additional fees may be charged for each additional service which is separate, distinct or unique as determined by the Health Authority. Permits for Youth Camps shall be fee exempt.

**5.5**

Manufactured Home Parks or Recreational Camping Areas 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 or Recreational Camping Areas that operate on a Seasonal basis.

#### 5.6

Licenses or Permits are valid through December 31 annually. License renewal or permit applications shall be received by the Health Authority by December 1 of each year.

#### 5.7

The application for licenses or Permits 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 or Permits 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 and Recreational Camping Areas 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.

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## Section 6 Inspections

#### 6.1

The Health Authority shall inspect licensed Manufactured Home Parks, Recreational Camping Areas, or permitted 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 or Permit for a new establishment or change of ownership. A license or permit 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 Permittee or his authorized agent, or deliver 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/Permittees, 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 a reasonable 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.

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## **Section 7 Standards for Health, Safety and Nuisance Prevention**

7.1

Minnesota Rules Parts 4630.0200 through 4630.2210, except Part 4630.2000, Subparts 2 through 5, Part 4630.2200, and Part 4630.2300 through 4630.4700 in effect on October 1, 1992, and any future revisions thereof are hereby adopted by reference and made a part of this Ordinance.

7.2

The above adopted rules are hereby amended as follows:

(1) Whenever the terms "state board of health" or "commissioner of health" appear in these adopted rules, they shall mean the "Department" except in Minnesota Rules Parts 4630.0600, Subpart 1 and 4630.0700, where it shall remain unchanged.

(2) Minnesota Rules Part 4630.2000, Subpart 1, is amended to read as follows: "General. The application for a primary license, or for 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 or permitted 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 Statute 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

Manufactured Home Parks, Recreational Camping Areas or Youth Camps with a Public Pool and/or a Food Establishment and/or a Lodging Establishment shall also comply with the Washington County Public Pool Ordinance, Food Code Ordinance and Lodging Establishment Ordinance.

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**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.

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**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 the event of a violation or a threat of violation of this Ordinance, the County Attorney 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 Department of Public Health and Environment may, in lieu of, or in addition to issuance of a citation, order the Licensee, Permittee, 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 Department. The Licensee, Permittee, owner or operator must be given written notice at least 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 Department and the Department may suspend, summary suspend and revoke licenses or Permits in accordance with the Washington County Administrative Ordinance.

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### **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.

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### **Section 11 Effective Date**

11.1

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

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