

Cottonwood County Ordinance #31

Providing for the Regulation of Manufactured Home Parks, Recreational Camping Areas, and Youth Camps

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Statutes and Rules referenced in this Ordinance can be accessed to read or download at this website:
<https://www.revisor.mn.gov/pubs/>

BE IT AND IT IS HEREBY RESOLVED by the Cottonwood County Board of Commissioners, State of Minnesota, under the authority of Minnesota Statutes, Chapters 145A and 375 that:

An Ordinance providing for the licensing and inspection of Manufactured Home Parks, Recreational Camping Areas, and Youth Camps; regulating their design, construction, operation, and maintenance and providing for the administration and enforcement thereof; be and hereby is established as follows:

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 Cottonwood County pursuant to powers granted under Minnesota Statutes, Chapters 145A, 157, and 375.
- 1.2 This Ordinance establishes minimum standards, as defined in Minnesota Rules, Parts 4630.0200 to 4630.1900 and Parts 4630.2210 to 4630.4700; Minnesota Statutes, Section 327.14 and Sections 327.20 to 327.201 and Sections 327.205 to 327.28; Minnesota Statutes, Sections 144.71 to 144.74, and this Ordinance; for Manufactured Home Parks, Recreational Camping Areas, Special Event Camping Areas, and Youth Camps which are located in Cottonwood 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 Minnesota Rules, Chapter 4630 and Minnesota Statutes, Chapters 144 and 327 in effect the Effective Date of this Ordinance, and all future revisions thereof, are hereby adopted by reference and made part of this Ordinance.

Section 2: Scope

This Ordinance shall be applicable to all Manufactured Home Parks, Recreational Camping Areas, Special Event Camping Areas, and Youth Camps as defined in Minnesota Statutes, Sections 327.14 and 144.71; and Minnesota Rules 4630.1900, and this Ordinance which are located in Cottonwood County, Minnesota.

Section 3: Administration

This Ordinance shall be administered by the Brown-Nicollet Environmental Health Department, hereinafter referred to as the "Regulatory Authority."

Section 4: Definitions

Definitions of words, phrases, and terms used in this Ordinance shall be given the same meaning as those set forth in Minnesota Statutes, Section 327.14; Minnesota Statutes, Section 144.71; Minnesota Rules, Part 4630.1900; and this Ordinance. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- 4.1 **Appeals Board** shall consist of the Chairperson and Vice Chairperson of the Brown-Nicollet Community Health Board or their designated appointee, and the Environmental Health Director or a designated agent.
- 4.2 **Approved** shall mean acceptable to the Regulatory Authority based on determination of conformity with principals, practices, and generally recognized standards that protect public health.
- 4.3 **Board** shall mean the Brown-Nicollet Community Health Board acting under the provisions of Minnesota Statutes, Chapter 145A, as the Board of Health.

- 4.4 **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.
- 4.5 **Category B Site** shall mean any Manufactured Home Park or Recreational Camping Area that is not a Category A Site.
- 4.6 **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 or other legal means.
- 4.7 **Clean** shall mean free from insects, vermin, and debris; and free from physical, chemical and microbial substances discernible by ordinary sight or touch, by ultraviolet light, or by artificial light; absence of dirt, grease, rubbish, garbage and other offensive, unsightly, or extraneous matter.
- 4.8 **Commissioner of Health** shall mean the Minnesota Commissioner of Health.
- 4.9 **County** shall mean Cottonwood County.
- 4.10 **Environmental Health Department** shall mean the Brown-Nicollet Community Health Board and its environmental health staff.
- 4.11 **Environmental Health Director** shall mean the Brown-Nicollet Community Health Board's Environmental Health Director and any related staff acting under the Board's authority.
- 4.12 **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.
- 4.13 **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.
- 4.14 **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.
- 4.15 **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.
- 4.16 **Public Water Supply** shall have the meaning given to "public water system" in the Federal Safe Drinking Water Act, 42 U.S. Code § 300f.

- 4.17 **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.
- 4.18 **Recreational Camping Vehicle** shall mean:
- a. Any vehicular, portable structure built on a chassis, designed to be used as a 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.
- 4.19 **Regulatory Authority** shall mean the Brown-Nicollet Environmental Health Department, its Director or other designated agent.
- 4.20 **Seasonal** shall mean an operation which is closed five (5) or more consecutive months of the year or more.
- 4.21 **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.

- 4.22 **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 education, recreation, 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 Statutes, Chapter 257.
- 4.23 **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: Licensure

- 5.1 **Application**. The application for a license to operate and maintain a Manufactured Home Park, Recreational Camping Area, or Youth Camp shall be made to the Environmental Health Department, at such office and in such manner as may be prescribed by that department.
- 5.2 **License Required**. It shall be unlawful for any person to operate a Manufactured Home Park, Recreational Camping Area, or Youth Camp without being licensed under this Ordinance. A Youth Camp which also offers lodging and/or food and beverage services for adults may be required to obtain a license to operate as a Recreational Camping Area, Lodging Establishment, Food Establishment, and/or other appropriate license.
- 5.3 **False Information**. The submission of false information or statements, whether by the licensee or other operators, shall be considered a violation of this Ordinance and subject to any appropriate penalties.
- 5.4 **License Fee Term and Renewal**. A fee for a license to operate a Manufactured Home Park, Recreational Camping Area, Special Event Camping Area, or Youth Camp shall be set by the Board. All licenses issued under this Ordinance shall expire on December 31, of each calendar year. License renewal shall be granted to any previously licensed Manufactured Home Park, Recreational Camping Area, or Youth Camp operator in good standing upon application and payment of the annual relicensing fee, set by the Board. Licenses shall not be transferable as to person or location. When opening after October 1, and before January 1, a new business or new operator is required only to pay one-half (½) of the normal annual fee.

Section 6: Review of Construction Plans

- 6.1 When a Manufactured Home Park, Recreational Camping Area, Special Event Camping Area, or Children's Camp to be licensed under the provisions of this Ordinance is hereafter constructed, or when an existing Manufactured Home Park, Recreational Camping Area, or Youth Camp shall be expanded or remodeled, it shall submit to the Environmental Health Department all required plans, specifications, materials, and procedures and comply with the requirements of this Ordinance. A plan review fee may be charged, equal to the annual license fee, and must be submitted along with the plans at least thirty (30) days before beginning construction, remodeling, or conversion of a facility. Plans must include:
- a. The full name and address of the applicant or applicants, firm, or business entity; or the names and addresses of the officers if the applicant is a corporation.
 - b. A description of the site, lot, field, or tract of land upon which the applicant proposes to operate and maintain the Manufactured Home Park, Recreational Camping Area, Special Event Camping Area, or Youth Camp, including detailed plans and specifications covering the proposed plot plan.
 - c. The proposed and existing facilities on and about the sites, lot, field, or tract of land for the proposed construction or alteration and maintenance of a sanitary community building for toilets, urinals, sinks, wash basins, slop-sinks, showers, drains, laundry facilities, source of water supply, sewage, garbage, and waste disposal; except that no toilet facilities shall be required in any manufactured home park which permits only manufactured homes equipped with toilet facilities discharging to water carried sewage disposal systems. Methods of fire and storm protection must be spelled out.
 - d. The proposed method of lighting the structures and site, lot, field, or tract of land upon which the manufactured home park or recreational camping area is to be located.
 - e. Plans for wells, water supply, plumbing, and sewage disposal systems must be submitted to the appropriate Cottonwood County Department and/or the Minnesota Department of Health for approval prior to construction.
- 6.2 The application for the primary license shall be submitted with all plans and specifications, and shall be accompanied by an approved zoning permit from the Municipality or County wherein the Manufactured Home Park, Recreational Camping Area, Special Event Camping Area, or Youth Camp is to be located, or a statement from the Municipality or County that it does not require an approved zoning permit.
- 6.3 When construction has been completed in accordance with approved plans and specifications, the Environmental Health Department shall promptly cause the Manufactured Home Park, Recreational Camping Area, or Youth Camp, and appurtenances thereto to be inspected. When the inspection and report has been made and the Environmental Health Department finds that all requirements and conditions of health and safety have been met by the applicant, the Environmental Health Department shall issue the primary license.

Section 7: Inspection and Correction

- 7.1 The Environmental Health Department shall inspect Manufactured Home Parks, Recreational Camping Areas, and Youth Camps as frequently as necessary to ensure compliance with this Ordinance but not less than the frequency established by Minnesota Rules, Part 4630.2210 and Minnesota Statutes Chapter 144.73.
- 7.2 The person operating a Manufactured Home Park, Recreational Camping Area, Special Event Camping Area, or Youth Camp shall, upon request of the Environmental Health Department, permit access to all parts of the establishment at any reasonable time for the purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain compliance with the provisions of this Ordinance. The manager, or his/her designated person in charge, shall be available for discussion of the inspection.
- 7.3 Whenever an inspection is made, the findings shall be recorded on an inspection form. Correction orders shall be recorded, with one copy of the correction orders furnished to the person in charge. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are part of on-going investigations or pending litigation.
- 7.4 The correction orders shall indicate a specific, appropriate, and reasonable period of time for correction of the violations. Correction of the violations shall be accomplished within the period specified. Failure to make corrections within the period specified shall result in one or more of the following enforcement options being taken by the Environmental Health Department:
 - a. Re-inspection of the Manufactured Home Park, Recreational Camping Area, Youth Camp or Special Event Camping Area requires payment of a re-inspection fee to the Brown-Nicollet Community Health Office as set by the Board. Failure to pay the re-inspection fee within thirty (30) days of notification will result in an additional late payment fee.
 - b. In-Office Hearing to discuss violations, correction orders, and other compliance requirements. Location, time and participants shall be determined by the Environmental Health Board. An In-Office Hearing Fee shall be set by the Brown-Nicollet Community Health Board. Failure to pay the In-Office Hearing Fee within thirty (30) days of notification will result in an additional late payment fee.

Section 8: Suspension of License

- 8.1 Licenses may be suspended temporarily by the Environmental Health Director at any time for failure by the holder to comply with the requirements of this Ordinance. Whenever a license holder or operator has failed to comply with any notice requiring corrective action, issued under the provisions of this Ordinance, that license holder or operator may be notified in writing that the license is immediately suspended and that an opportunity for a hearing before the Appeals Board will be provided if a written request for appeal is filed within five (5) business days with the Environmental Health Director by the license holder.
- 8.2 Notwithstanding the other provisions of this Ordinance, whenever the Environmental Health Director finds unsanitary or other condition (s) in the operation of a Manufactured Home Park, Recreational Camping Area, Special Event Camping Area, or Youth Camp which, in his/her judgment may constitute a substantial hazard to the public health, he/she can without warning,

notice or hearing, issue a written notice to the license holder or operator citing such condition(s), specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and if deemed necessary, such order shall state that the license is immediately suspended, and all operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately. The licensee upon written petition to the Environmental Health Director shall be afforded an appeal before the Appeals Board as soon as the Appeals Board may be convened.

- 8.3 Any person whose license or permit has been suspended may at any time make application for a re-inspection for the purpose of reinstatement of the license. Within ten (10) business days following receipt of a written request, including a statement signed by the applicant that in his/her opinion, the condition(s) causing suspension of the license has/have been corrected, the Environmental Health Director shall make a re-inspection. If the applicant is in compliance with the requirements of this Ordinance and Minnesota Rules, Chapter 4630, the license shall be reinstated.

Section 9: Revocation of License

For serious or repeated violations of any of the requirements of this Ordinance or Minnesota Rules, Chapter 4630, the license may be permanently revoked after an opportunity for a hearing before the Appeals Board has been provided. Prior to such action, the Environmental Health Director shall notify the license holder in writing, advising that the license shall be permanently revoked at the end of a five (5) day period.

Section 10: Appeals Procedure

Appeals shall be heard by the Appeals Board.

- 10.1 Request for Hearing. Any person affected by a notice of embargo, suspension, or revocation shall be granted a hearing on the matter before the Appeals Board upon filing in the office of the Environmental Health Director, a written petition requesting such a hearing and setting forth a brief statement on the grounds therefore. Said petition shall be filed within ten (10) business days after the notice was served.
- 10.2 Date of Hearing. The hearing requested shall be held not more than ten (10) business days after the date on which the petition was filed. The Chairperson of the Appeals Board may postpone the date of the hearing for a reasonable time beyond such ten (10) business day period, if in the Chairperson's judgment a good and sufficient reason exists for such postponement.
- 10.3 Notice of Hearing. The Environmental Health Director shall cause five (5) business days written notice of the hearing to be given to the petitioner(s) by personal service or by mailing to the petitioner(s)'s last known address.
- 10.4 Proceedings. At such hearing the petitioner(s), their agent, or attorney shall be given an opportunity to be heard and to show cause why the notice of embargo, suspension, or revocation issued by the Environmental Health Director should be modified or withdrawn. The Environmental Health Director shall present a detailed written statement of their findings and recommendation(s) to the Appeals Board at the time of the hearing.

- 10.5 Decisions of the Appeals Board. The Appeals Board, within three (3) business days after such hearing, shall sustain, modify, or withdraw the notice of embargo, suspension, or revocation depending upon its findings. A copy of the decision of the Appeals Board shall be served by mail to the petitioner(s). Any person aggrieved by the decision of the Appeals Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the State of Minnesota.
- 10.6 Record of Proceedings. The proceedings of each hearing held before the Appeals Board pursuant to petition, including the findings and the recommendation(s) of the Environmental Health Director, shall be recorded and reduced to writing and entered as a public record in the office of the Environmental Health Director. Such record shall include a copy of every notice, order, or writing issued in connection with the matter.
- 10.7 Notices Not Appealed. Any notice served pursuant to the provisions of this Ordinance shall automatically become final if a written petition for a hearing is not filed with the Environmental Health Department within ten (10) business days after the notice is served.

Section 11: Severability

The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase, or portion of this Ordinance be declared invalid for any reason, the remainder of the Ordinance shall not be affected thereby.

Section 12: Penalties

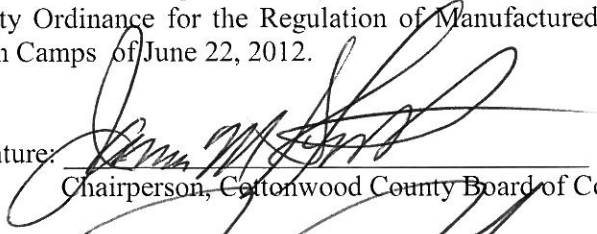
Any person, firm, business entity, or corporation who violates any of the provisions hereof or who fails to comply with any of the provisions hereof or who makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days or both. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.

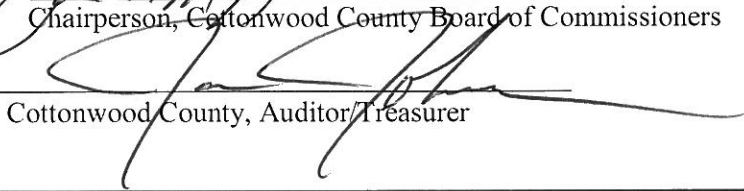
Section 13: Variance

A variance considered by the Environmental Health Department to this Ordinance shall be consistent with procedures and criteria specified in Minnesota Rules, Part 4630.1801 and Part 4630.4750 and the Brown-Nicollet Policies Variance Section.

Section 14: Effective Date

This Ordinance, adopted January 1st, 2015, hereby repeals and replaces in its entirety the Cottonwood County Ordinance for the Regulation of Manufactured Home Parks, Recreational Camping Areas and Youth Camps of June 22, 2012.

Signature: 
Chairperson, Cottonwood County Board of Commissioners

Attest: 
Cottonwood County, Auditor/Treasurer