

Cottonwood County

MANUFACTURED HOME PARK AND RECREATIONAL CAMPGROUND ORDINANCE

Ordinance No. 31

An Ordinance Providing for the Licensing and Inspection of Manufactured Home Parks and Recreational Campgrounds; Regulating Their Design, Construction, Operation and Maintenance and Providing for the Enforcement of this Ordinance to prevent the transmission of communicable diseases and to promote the general welfare of the public.

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100.0 Definitions

The following terms used in these regulations shall be defined as follows:

100.01 **Board** means the Cottonwood County Board of Commissioners hereafter referred to as the Cottonwood County Board acting under the provisions of Minn. Stat. 145A.10, as the Board of Health.

100.02 **Environmental Health Department** means the Cottonwood County Board and its Environmental Health Staff.

100.03 **Environmental Health Director** means the Cottonwood County Board's Environmental Health Director, the Cottonwood County Environmental Officer, the Assistant Environmental Officer, or the Cottonwood County Zoning Administrator or designated agents acting under the Board's authority.

100.04 **Manufactured Home Park/Recreational Camping Area** definitions for Manufactured Home Park and Recreational Camping Area as set forth in Minnesota Statute 327 Section 327.14, Subdivision 1-8 as follows:

MN Statutes 327.14

Subdivision 1. Terms. For the purposes of sections 327.10, 327.11, 327.17 to 327.18 the terms defined in this section have the meaning given to them.

Subd. 2. Manufactured home. “Manufactured home” has the meaning specified in section 327.31, subdivision 6. “Manufactured home” means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter.

Subd. 3. Manufactured home park. “Manufactured home park” means any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free or charge or for compensation, and includes any building, structure, tent, vehicle or enclosure for use as part of the equipment of the manufactured home park.

Subd. 4. Municipality. “Municipality” means any city, town or township in this state, however organized.

Subd. 5. Primary license. “Primary license” means the initial license issued to the first person, firm or corporation to establish and maintain, conduct or operate a manufactured home park or recreational camping area at any location.

Subd. 6. Annual license. “Annual license” means a renewal license issued to the person, firm or corporation operating a previously licensed manufactured home park or recreational camping area.

Subd. 7 Recreational camping vehicle. “Recreational camping vehicle” when used in sections 327.14 to 327.18 includes the following:

- a) any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational 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, recreational and vacation uses.

Subd. 8. Recreational camping area. “Recreational camping area” means any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. “Recreational camping area” excludes children’s camps, industrial camps, migrant labor camps, as defined in Minnesota Statutes and state commissioner of health rules, United States forest service camps, state forest service

camps, state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing.

200.0 Adoption of Manufactured Home Park and Recreational Campground Standards

200.1 Standards:

The standards for Manufactured Home Parks and Recreational Campground *Areas* outlined in Minnesota Rules Chapter 4630, Sections 4630.0200-4630.170 and *Minnesota Statue Chapter 327, sections 327.20 and 327.205 through 327.28* are hereby incorporated in and made part of this ordinance. Where Minnesota Rules Chapter 4630 and *Minnesota Statutes Chapter 327* refers to the Commissioner, Commissioner shall mean the Cottonwood County Board and its designated agents. *Where Minnesota Rules Chapter 4630 and Minnesota Chapter 327 refers to Minnesota Department of Health, Minnesota Department of Health shall mean Brown-Nicollet Environmental Health Department and its designated agents.*

300.0 General Provisions

300.1 Application:

The application for license to operate and maintain a manufactured home park or recreational camping area shall be made to the Environmental Health Department, at such office and in such manner as may be prescribed by that Department.

300.2 License Required:

It shall be unlawful for any person to operate a Manufactured Home Park and/or Recreational Campground without being licensed under this ordinance.

300.3 Inspection:

It shall be the duty of the Environmental Health Department to inspect the premises where the park or campground is proposed to operate and if the premises comply with the provisions of the ordinance and conform to the rules and regulations promulgated by this ordinance, the license application for the establishment shall be approved.

300.4 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.

300.5 License Fee Term and Renewal:

A fee for a license to operate a Manufactured Home Park and/or Recreational Campground shall be set by the Board. All licenses issued under the ordinance shall expire on December 31 of each calendar year. License renewal shall be granted to any previously licensed Park or Campground operator in good standing upon application and payment of the annual license fee, set by the Board at its final quarterly meeting each year. Licenses shall not be transferable as to person or location.

300.6 Plan Review of Future Construction:

When a *Manufactured Home Park (MHP) or Recreational Campground Area (RCA)* of the county to be licensed under the provisions of this ordinance is hereafter constructed, or when an existing *MHP or RCA* 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 will be charged, equal to the annual license fee, and must be submitted along with the plans at least 30 days before beginning construction, remodeling, or conversion of an establishment. Plans must include:

- A. The full name and address of the applicant or applicants, or firm, 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 a manufactured home park or recreational camping area: 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 maintaining 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; and method of fire and storm protection.
- 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 areas is to be located.

300.7 Approval:

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 park is to be located, or a statement from the municipality or county that it does not require an approved zoning permit.

When construction has been completed in accordance with approved plans and specification the Environmental Health Department shall promptly cause the manufactured home park or recreational camping area and appurtenances there to be inspected. When the inspection and report has been made and the Environmental Health Department finds that all requirements/conditions of health and safety have been met by the applicant, the Environmental Health Department shall issue the primary license.

300.8 General:

All establishments shall be required to keep posted and current all licenses, materials, logs, and charts, as directed by the Environmental Health Department.

400.0 Compliance Procedures

400.1 Inspection and Correction

- A. The Environmental Health Department shall inspect parks and campgrounds according to Minn. Statute Chapter 145A.
- B. The person operating a Manufactured Home Park or Recreational Campground 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.
- C. Whenever an inspection is made, the findings shall be recorded on an inspection/review 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.
- D. 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 time period specified shall result in one or more of the following enforcement options being taken by the Environmental Health Department *or possible closure*:
 1. Re-inspection of the *MHP or RCA* and require payment of a Re-inspection Fee as set by resolution of the Cottonwood County Board. Failure to pay the Re-inspection Fee within 30 days of notification will result in an additional late payment fee.
 2. 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 resolution of the Cottonwood County Board. Failure to pay the In-office Hearing Fee within 30 days of notification will result in an additional late payment fee and possible closure.

400.2 Suspension of License

- A. Licenses may be suspended temporarily by the Environmental Health Director at any time for failure by the license 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 upon service of notice that the license is immediately suspended and that an opportunity for a hearing before the Cottonwood County Board will be provided if a written request for appeal is filed within five (5) days with the Environmental Health Director by the license holder.

- B. 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 or Recreational Campground Area* 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 therewith, but upon written petition to the Environmental Health Director, shall be afforded an appeal before the Cottonwood County Board as soon as the Board may be convened.
- C. 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) 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 MN Rules Chapter 4630, the license shall be reinstated.

400.3 Revocation of License.

For serious or repeated violations of any of the requirements of this ordinance or MN Rules Chapter 4630, the license may be permanently revoked after an opportunity for a hearing before the Cottonwood County 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.

400.4 Severability.

The provisions of this license 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.

400.5 Minnesota Department of Health Requirements.

The requirements contained in this ordinance are intended to be comparable to the Minnesota Department of Health Rules and are intended to meet the minimum requirements set forth by the Minnesota Department of Health. Whenever the Minnesota Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this ordinance, the rules set by the Minnesota Department of Health shall govern and will be considered in the enforcement procedure as part of this ordinance.

400.6 Penalties.

Any person, firm, or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make 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 exceeding 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.

400.7 Variance:

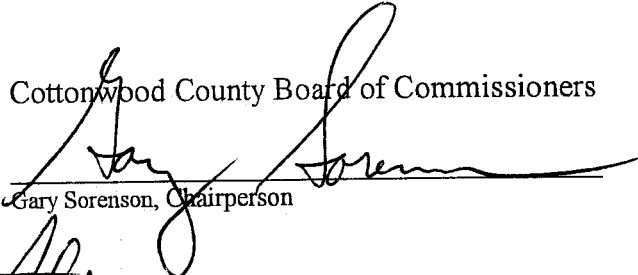
A variance considered by the Environmental Health Department shall be consistent with Minnesota Rules, parts 4717.7000-4717.7050.

500.0 Effective Date.

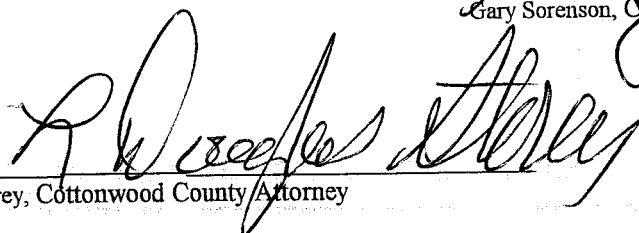
This ordinance shall be in full force and effect upon adoption pursuant to Minnesota law.

Dated this 27th day of April, 2004.

Cottonwood County Board of Commissioners


Gary Sorenson, Chairperson

Attest:


Doug Storey, Cottonwood County Attorney