

WADENA COUNTY

**ORDINANCE REGULATING
MANUFACTURED HOME PARKS AND RECREATIONAL CAMPING AREAS
IN WADENA COUNTY**

ORDINANCE #11

by and through

WADENA COUNTY PUBLIC HEALTH DEPARTMENT

Revised 7-1-10

**ORDINANCE REGULATING MANUFACTURED HOME PARKS AND RECREATIONAL CAMPING
AREAS**

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ORDINANCE REGULATING MANUFACTURED HOME PARKS AND RECREATIONAL CAMPING AREAS

The County Board of Wadena County ordains:

Section 1. PURPOSE

- A. The purpose of this ordinance is to establish standards for Manufactured Home Parks and Recreational Camping Areas to protect the health, safety and the general welfare of the people of Wadena County pursuant to powers granted under Minnesota Statute 327.14 and Rule 4630.

Section 2. LEGAL AUTHORITY

This ordinance is enacted pursuant to Minnesota Statute Chapter 327 which establishes the authority for the State to license Manufactured Home Parks and Recreational Camping Areas and Chapter 145A, Section 145A.05, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of Section 145A.05 to perform all or part of the licensing, inspection and enforcement duties authorized under provisions of these sections.

Section 3. JURISDICTION

These ordinances shall be applicable to Manufactured Home Parks and Recreational Camping Areas within the legal boundaries of Wadena County.

Section 4. 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 said ordinance shall not be effected.

Section 5. DEFINITIONS

Terms. For the purpose of this section, the terms defined have the meanings given them.

5.1 Renewal License means a renewal license issued to the person, firm or corporation operating a previously licensed manufactured home park or recreational camping area.

5.2 Board ~~shall~~ means the Wadena County Board of Commissioners.

5.3 Dependent Sites ~~shall~~ means recreational camping area sites which do not have sewer connections and area dependent upon a central facility for this utility.

5.4 Public Health Department means the Public Health Director and any related staff acting under the Board's authority.

5.5 Appeals Board shall be appointed by the Board. The members will consist of: two County Commissioners, the Public Health Department Medical Director, a member of the County Public Health Advisory Committee and an owner or operator of a licensed establishment recruited by the Public Health Department. The Appeals Board shall elect its own chair.

5.6 Independent Site shall mean recreational camping area sites which are provided with individual sewer connections.

5.7 Initial License means the initial license issued to the first person, firm, or corporation to establish or maintain, conduct or operate a manufactured home park or recreational camping area at any one location.

5.8 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 a 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 the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter.

5.9 Manufactured Home Park means 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.

5.10 Municipality means any city, town or township, village or county in Minnesota, however organized.

5.11 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.

5.12 Recreational Camping Vehicle 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;
- C. Any portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle;
- D. Any folding structure mounted on wheels and designed for travel, recreation and vacation use.

5.13 Seasonal Establishment shall mean any manufactured home park or recreational camping area which operates for a continuous period of six (6) months, (183 days) or less

during a calendar year.

5.14 Year Round Establishment means any manufactured home park or recreational camping area which operates on a year round basis, in excess of 6 months, 183 days.

Section 6. VARIANCES AND WAIVERS

6.1. Procedure to request a variance or waiver. A licensee may request that the Public Health Department grant a variance or waiver from the provisions in Section 5.3. All requests for a variance or waiver must be submitted to the Public Health Department in writing. Each request shall contain:

- A. The specific language in the ordinance from which the variance or waiver is requested;
- B. The reasons for the request;
- C. The alternative measures that will be taken if a variance or waiver is granted;
- D. The length of time for which the variance or waiver is requested; and
- E. Other relevant information necessary to properly evaluate the request for the variance or waiver.

6.2. Criteria for decision. The decision to grant or deny a variance or waiver shall be based on the Public Health Department's evaluation that:

- A. The variance or waiver will not adversely affect the environment;
- B. The alternative measures to be taken, if any, are equivalent to or superior to those prescribed in the ordinance; and
- C. Compliance with the ordinance would impose an undue burden on the applicant.

6.3. Notification of variance. The Public Health Department shall notify the applicant in writing of the decision to grant or deny a variance or waiver. If a variance or waiver is granted, the notification shall specify the period of time for which the variance or waiver will be effective and the alternative measures or conditions, if any, the applicant must meet.

6.4. Effect of alternative measures or conditions. All alternative measures or conditions attached to a variance or waiver have the force and effect of the applicable ordinance and are subject to the issuance of correction orders and penalties as provided by law.

6.5. Renewal. A request for the renewal of a variance or waiver must be submitted in writing before its expiration date. Renewal requests shall contain the information in 6.1. The Public Health Department shall renew a variance or waiver if the applicant continues to satisfy the criteria in 6.1 and demonstrates compliance with the alternative measures or conditions imposed when the original variance or waiver was granted.

6.6. Denial, revocation, or refusal to renew. The Public Health Department shall deny, revoke, or refuse to renew a variance or waiver if the Public Health Department determines that the criteria in subpart 1 and 2 are not met. The Public Health Department shall notify the applicant in writing of the decision to deny, revoke, or refuse to renew the variance or waiver. The notice must describe the reasons for the denial, revocation, or refusal to renew, and inform

the applicants of the right to appeal the decision.

6.7. Appeal procedure. An applicant may contest the denial, revocation, or refusal to renew a variance or waiver by requesting a contested case hearing under the Administrative Procedure Act, Minnesota Statutes, Chapter 14. The applicant shall submit, within 15 days after receiving the Public Health Department decision, a written request for a hearing. The request for a hearing shall state, in detail, the reasons why the decision of the Public Health Department should be reversed or modified. At the hearing, the applicant bears the burden of proving that the applicant has satisfied the criteria specified 6.1.

Section 7. PLAN REVIEW OF FUTURE CONSTRUCTION

7.1 Whenever a manufactured home park and/or recreational camping area is constructed or extensively remodeled and whenever an existing structure is converted under Minnesota Statutes, Chapter 327, properly prepared plans and specifications for the construction, remodeling, or conversion must be submitted to the Public Health Department for review and approval before construction, remodeling, or conversion is begun. The plans and specifications must indicate the proposed layout, arrangement, construction materials of work areas, and the type and model number of proposed fixed equipment and facilities. The plans and specifications, submitted and drawn to scale, must be legible and complete in all details. Plumbing specifications need to be submitted directly to the Minnesota Department of Labor and Industry.

7.2 The Public Health Department shall approve the plans and specifications if they meet the requirements of Section 5.3 and report the findings within 30 days of the date that the plans are received.

7.3 The facility must be constructed and finished in conformance with the approved plans.

7.4 The Public Health Department shall inspect the manufactured home park or recreational camping area before the start of operation to determine compliance with the approved plans and specifications.

Section 8. LOCATION

No manufactured home park or recreational camping area shall be so located that drainage from the park or camp area will endanger any water supply. All such parks or camps shall be well drained and no portion of the park or camp shall be located in an area subject to flooding.

Section 9. ATTENDANT OR CARETAKER DUTIES

A responsible attendant or caretaker shall be in charge of every manufactured home park or recreational camping area at all times and the duty of said attendant or caretaker shall be to maintain the park, its facilities, and equipment in a clean, orderly and sanitary condition. The caretaker or attendant shall be the owner or operator of the park or camping area, or his
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appointed representative.

Section 10. REGISTRATION

10.1 Establishment Operator Duties: Persons operating a recreational camping area or a manufactured home park with overnight stopping accommodations for transient guests shall provide and keep thereat a suitable guest register. Upon the arrival of such guests, the operator shall require the guest to register the name and address of all members of their party, the make of the party's motor vehicle, the license identification numbers/letters, and the state issuing the license plate shall also be provided in the guest register.

10.2 Guest, Registration. Every person, upon arriving at any manufactured home park or recreational camping area, applying for guest accommodations shall furnish to the operator or other attendant in charge the information necessary to complete registration.

10.3 Registration Records, Inspection. The registration records shall be open to the inspection of all State and local law enforcement officers.

10.4 Violation. Every person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

Section 11. MANUFACTURED HOME AND RECREATIONAL CAMPING VEHICLE SPACING

No manufactured home shall be parked closer than three feet to the side lot lines of a manufactured home park if the abutting property is improved property or closer than ten feet to a public street or alley. Each individual mobile home site shall abut or face a driveway or clear unoccupied space of not less than 16 feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet between the sides of adjacent manufactured homes including their attachments, and at least three feet between mobile homes when parked end to end. The space between manufactured homes may be used for parking of motor vehicles or other property provided such vehicle or other property be parked at least ten feet from the nearest adjacent mobile home position.

All new manufactured home parks constructed after July 1, 1970, and additions to existing manufactured home parks constructed after July 1, 1970, shall allot the following minimum site sizes for each manufactured home: 4,000 square feet if sewage from the park is discharged into a soil absorption system; 2,800 square feet if any other acceptable method of sewage disposal is used.

In recreational camping areas, recreational camping vehicles shall be separated from each other and from other structures by at least ten feet. Any accessory structure such as attached awnings, car ports, or individual storage facilities, shall, for the purpose of this separation requirement, be considered to be part of the recreational camping vehicle. A minimum site size of 2,000 square feet shall be provided for each recreational camping vehicle in camping areas constructed after July 1, 1970. All recreational camping vehicles shall be located at least 25 feet from any camping area property boundary line abutting upon a public street or highway and at least ten feet from other park property boundary lines.

Section 12. DOMESTIC ANIMALS

No domestic animals or house pets shall be allowed to run at large or commit any nuisances within the limits of a manufactured home park or recreational camping area. Any kennels, pens or other facilities provided for such pets shall be maintained in a sanitary condition at all times.

Unless a different number is prescribed by local ordinance or park rule, the maximum number of dogs and cats allowed per manufactured home is two. In the case of new litters, the above numbers may be exceeded for 10 weeks.

Section 13. WATER SUPPLY

13.1 Requirement. An adequate supply of water of safe, sanitary, and potable quality shall be provided in each manufactured home park and recreational camping area. When a satisfactory public water supply is not available, an individual water supply may be developed and used, but such source of supply shall first be approved by the Public Health Department.

13.2 Minimum Supply. In manufactured home parks, the water supply shall be capable of supplying a minimum of 150 gallons per day per manufactured home, and in recreational camping areas, the water supply shall be capable of supplying 50 gallons per site per day for all sites lacking individual water connections, and 100 gallons per site per day for all spaces provided with individual water connections.

13.3 Location. In recreational camping areas, water from the drinking water supply shall be available within at least 400 feet of every campsite. Every well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination shall reach the water supply from any source. The following minimum distances between wells and various sources of contamination shall be required:

Contamination Source	Distance in Feet Separating Well or Suction Line from Contamination Source
Building Sewer	50
Septic Tank	50
Disposal Field	50
Seepage or Leaching Pit	75

13.4 Design. No well casings, pumps, pumping machinery, or suction pipes shall be placed in any pit, room, or space extending below ground level. All water storage reservoirs shall be covered, watertight, and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with covers which will prevent the entrance of foreign material. The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow and back siphonage. The system shall be so designed and maintained as to provide a

pressure of not less than 20 pounds per square inch under normal operating conditions at service buildings and other locations requiring a potable water supply. In manufactured home parks and on recreational camping sites provided with individual water service connections, riser pipes shall be so located and constructed that they will not be damaged by the parking of mobile homes or recreational camping vehicles. Water riser pipes shall extend at least four inches above the ground elevation and the minimum pipe size shall be three-fourths inch. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes. If underground stop and waste valves are installed, they shall be at least ten feet from the nearest buried portion of the sewage system. Water risers on unoccupied sites shall be valved off. There shall be a horizontal distance of at least ten feet between water and sewer riser pipes; provided, that where the sewer riser is constructed of cast iron pipe and the water riser is constructed of copper pipe, the distance between may be less than ten feet. When strict compliance with the provisions specified in this part is impractical, the board may waive any of the requirements subject to such conditions as may be deemed desirable in the individual case.

Section 14. PLUMBING

All systems of plumbing in manufactured home parks and recreational camping areas shall be installed in accordance with the rules and provisions of Chapter 4715, the Minnesota Plumbing Code.

Section 15. SEWAGE AND WASTE DISPOSAL

15.1 Discharge. All sewage and other water carried wastes shall be discharged into a municipal sewage system which is being operated under a permit issued by the Minnesota Pollution Control Agency whenever such a system is available. When such a system is not available, a sewage disposal system acceptable to the Public Health Department and the Minnesota Pollution Control Agency shall be provided. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system by at least ten feet, unless special acceptable construction of sewer lines is provided.

15.2 Location and construction of sewer lines. All sewer lines shall be constructed of materials approved by the Public Health Department, shall be adequately vented, and shall have water tight joints. Individual site sewer connections shall be at least a four-inch diameter sewer riser pipe. The sewer connections shall consist of one pipe line only without any branch fittings. All joints shall be water tight. All materials used for sewer connections shall be corrosive resistant, nonabsorbent, and durable. The inner surface shall be smooth. Provisions shall be made for capping the sewer riser pipe when a manufactured or recreational camping vehicle does not occupy the site. Surface drainage shall be directed away from the riser; the rim of the riser pipe shall extend at least 4 inches above ground elevation.

15.3 Garbage and Refuse Disposal.

- A. Before disposal, all garbage and refuse must be kept in tight, nonabsorbent, insect proof, rodent proof, and fireproof containers.

- B. Containers must be kept covered with tight-fitting lids when filled, in storage, or not in continuous use. Containers need not be covered when stored in a special insect and rodent-proofed room or enclosure. All other refuse must be stored in containers, rooms, or areas in an approved manner. The rooms, enclosures, areas and containers used must be adequate for the storage of all garbage and refuse accumulating on the premises between collections.
- C. Adequate cleaning facilities must be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and refuse. Containers designed with drains must have drain plugs maintained in place at all times except during cleaning. All garbage and refuse must be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

Section 16. TOILET, BATHING AND LAUNDRY FACILITIES

Dependent Recreational Camping Areas and Manufactured Home Parks which do not have self contained units shall have one or more central buildings equipped for toilet and bathing facilities. The number of fixtures shall be in accordance with the following schedule:

Number of Dependent Sites	Toilets		Urinals	Lavatories		Showers	
	Men	Women	Men	Men	Women	Men	Women
1-15	1	1	1	1	1	1	1
16-30	1	2	1	2	2	1	1
31-45	2	2	1	3	3	1	1
46-60	2	3	2	3	3	2	2
61-80	3	4	2	4	4	2	2
81-100	3	4	2	4	4	2	2
101-130	4	5	3	5	5	3	3
131-160	5	6	3	6	6	4	4
161-190	6	7	3	7	7	4	4
191-220	7	8	4	8	8	5	5
221-250	8	9	4	9	9	5	5
251-280	9	10	4	10	10	6	6
281-310	10	11	5	11	11	6	6
311-340	11	12	5	12	12	7	7
341-370	12	13	5	13	13	7	7
371-400	13	14	6	14	14	8	8

Provided, that in primitive recreational camping areas, only the toilet facilities shall be required in the above ratio. These camps must be advertised as “Primitive”.

Privies and other toilets not connected to water-carried systems may be used in recreational camping areas when approved by the Public Health Department.

In dependent recreational camping areas or manufactured home parks when laundry and bathing facilities are provided, such facilities shall be in buildings which are well constructed with adequate heating and ventilation, good lighting, and floors of impervious

material sloped to drain. Walls shall be of washable material. There shall be no exposed studs or rafters.

Toilet facilities shall not be more than 400 feet from the furthest site to be served, and shall be plainly marked according to sex. In conjunction with bathing facilities, there shall be provided a dressing area or dressing compartment, the floor of which shall be impervious and well-drained. Mats, grids, and walkways made of cloth or other absorbent material shall not be used, provided that a single-service mats may be used. Where clothes drying lines are provided, they shall be located in areas out of regular pedestrian traffic patterns and where they will generally not be a hazard to the safety of the occupants of the camping area. No laundry trays, washing machines, dryers, or extractors shall be located in any toilet, bath or dressing room.

Recreational camping areas accommodating recreational camping vehicles having a self contained liquid waste system with a waste reservoir shall provide a sanitary station for the disposal of waste water. Such sanitary stations shall be equipped with a four-inch sewer riser pipe, surrounded at the inlet by a concrete apron sloped towards the inlet drain, and provided with a suitable hinged cover. A water outlet, with the necessary means to prevent backflow of contamination into the camp water supply system, shall be provided to permit periodic wash-down of the immediate adjacent areas. A sign shall be posted at this water outlet which states that this water outlet is not for drinking purposes. Each recreational camping area accommodating self-contained recreational camping vehicles shall provide sanitary stations in the ratio of one for every 100 recreational camping vehicle sites or fraction thereof. Sanitary dumping stations shall be screened from other activities by visual barriers such as fences, walls, or natural growth and shall be separated from any recreational camping vehicle site by a distance of at least 50 feet. Final disposal of sewage from such dumping stations shall be by a method acceptable to the State Board of Health and Minnesota Pollution Control Agency.

Section 17. BARBEQUE PITS, FIREPLACES, STOVES, AND INCINERATORS

In manufactured home parks and recreational camping areas, cooking shelters, barbeque pits, fireplaces, wood-burning stoves, and incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisances both on the property on which used and on neighboring property. Incinerators shall be of a type acceptable to the Minnesota Pollution Control Agency. No open fire shall be left unattended. No fuel shall be used or no material burned which emits dense smoke or objectionable odors.

Section 18. INSECT AND RODENT HARBORAGE AND INFESTATION CONTROL

Manufactured home parks and recreational camping areas shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests. Storage areas shall be so maintained as to prevent rodent harborage. Any firewood piles shall be neatly stacked in a manner which does not provide for rodent harborage. Lumber, pipe, and other building materials shall be stored at least one foot above the ground. Areas shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health.

Section 19. NIGHT LIGHTING

The walkways, drives, and other used portions of manufactured home parks shall be lighted during the hours of darkness.

Section 20. COMMUNITY KITCHEN AND DINING ROOMS

When community kitchens and dining rooms are provided, such facilities and equipment shall be maintained in a clean and sanitary condition at all times, and shall be constructed and equipped in compliance with local ordinances and rules applicable to food-handling establishments.

Section 21. MINNESOTA CLEAN INDOOR AIR ACT

The person in charge of Manufactured Home Parks and Recreational Camping Areas shall make adequate provisions to meet the requirements of the Minnesota Clean Indoor Air Act, Minnesota Statutes, Sections 144.411 to 144.417, and Chapter 4620. This section applies if the establishment has a common dining room.

Section 22. BOTTLED GAS

Where bottled gas is used, the container shall be firmly connected to the appliance by tubing of copper or other suitable metallic material. Cylinders containing bottled gas shall not be located within 5 feet of any mobile home or recreational camping vehicle door. The container shall not be installed or stored even temporarily inside any mobile home or recreational camping vehicle. No container may be permitted to stand free, but must be firmly mounted in an upright position.

Section 23. FUEL OIL SUPPLY SYSTEMS

All piping from outside fuel storage tanks or cylinders to manufactured homes or recreational camping vehicles shall be permanently installed and securely fastened in place. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or recreational camping vehicle or less than five feet from any mobile home or recreational camping vehicle exit. All fuel oil containers shall be mounted upon a stand or rack constructed of a noncombustible material.

Section 24. FIRE PROTECTION AND FIRE EXTINGUISHERS

Fire protection shall be provided in accordance with the requirements of the State Fire Marshall. Each manufactured home owner shall provide each manufactured home with a Fire Marshal approved type extinguisher, kept in constant usable condition. No manufactured home may be parked more than three days without a usable fire extinguisher in the manufactured home.

Section 25. PROHIBITED PRACTICES

No animal washing, car washing, or other slop creating practices shall be carried on in any building, structure or other place not designated for such purposes. No pets or domesticated animals shall be allowed to enter the buildings containing the sanitary or washing facilities for the manufactured home park or recreational camping area.

Section 26. SKIRTING

The use of baled hay or straw as a skirting insulation shall be prohibited.

Section 27. STREETS AND ROADWAYS

A manufactured home park owner shall maintain streets and roadways in the park so as to permit passage of emergency vehicles and normal resident travel.

Section 28. SPEED LIMIT

It shall be unlawful for any type of vehicle to travel at a rate in excess of 10 miles per hour within the limits of a manufactured home park or recreational camping area. The ten miles per hour limit shall be clearly posted throughout the manufactured home park or recreational camping area, and may be enforced by the municipality in which the park or area is located. A municipality may, by ordinance, set and enforce in a manufactured home park a speed limit which is higher than ten miles per hour, but which is not higher than 30 miles per hour. The local speed limit shall be clearly posted throughout the manufactured home park.

Section 29. PARK SHELTER

29.1 In the case of a manufactured home park with less than ten manufactured homes, a plan shall be provided for the sheltering or the safe evacuation to a safe place of shelter of the residents of the park in times of severe weather conditions, such as tornadoes, high winds, and floods. The shelter or evacuation plan shall be developed with the assistance and approval of the municipality where the park is located and shall be posted at conspicuous locations throughout the park. Nothing in this paragraph requires the Public Health Department to review or approve any shelter or evacuation plan developed by a park. Failure of a municipality to approve a plan submitted by a park shall not be grounds for action against the park by the Public Health Department if the park has made a good faith effort to develop the plan and obtain municipal approval.

29.2 A manufactured home park with ten or more manufactured homes, licensed prior to March 1, 1988, shall provide a safe place of shelter for park residents or a plan for the evacuation of park residents to a safe place of shelter within a reasonable distance of the park for use by the park residents in times of severe weather, including tornadoes and high winds. The shelter or evacuation plan must be approved by the municipality by March 1, 1989. The municipality may require the park owner to construct a shelter if it determines that a safe place of shelter is not available within a reasonable distance from the park. A copy of the municipal approval and the plan shall be submitted by the park owner to the Public Health Department.

29.3 A manufactured home park with ten or more manufactured homes, receiving a primary license after March 1, 1988, must provide the type of shelter required.

Section 30. PRIVATE REMEDIES

Any person injured or threatened with injury by a violation of this Ordinance may bring a private action in any court of competent jurisdiction.

Section 31. HEALTH AND SAFETY

The Public Health Department may prescribe such rules for the operation and maintenance of manufactured home parks or recreational camping areas and for safeguarding the health and safety of persons occupying licensed manufactured home parks and recreational camping areas as the department shall deem to be necessary and expedient. Such rules pertaining to health and safety shall have the force and effect of law, and any violation thereof shall constitute a misdemeanor; and upon conviction therefore the offender may be punished as otherwise provided by law.

Section 32. LOCAL AUTHORITY OVER PARKS AND CAMPING AREAS

No municipality may impose any license:

1. upon any licensed manufactured home park or recreational camping area complying with the provisions of this Ordinance.
2. upon any occupant of a licensed manufactured home park or recreational camping area.

Section 33. LOCAL LAW ENFORCEMENT

Any municipality which enacts or has enacted laws or ordinances relating to the safety and protection of persons and property is empowered to enforce the laws or ordinances within any manufactured home park or recreational camping area located in the municipality, notwithstanding the fact that the park or area may constitute private property

Section 34. INITIAL AND RENEWAL LICENSE FEES, LICENSE EXPIRATION DATES

34.1 General. It shall be unlawful for any person, firm, corporation or partnership to establish, maintain, conduct or operate a manufactured home park or recreational camping area within the County who does not possess a valid license issued to him by the Public Health Department as required by this ordinance. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment to or person to another establishment or person. The license shall be conspicuously displayed in the office of the manufactured home park or camping area.

34.2 Application. Any person, firm, or corporation desiring to operate either a manufactured home park or recreational camping area on the same site in connection with the

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other, need only obtain one license and shall make written application for a license on forms provided by the Public Health Department. Such application shall include: the applicant's full name and address and whether such applicant is an individual, firm or corporation, and if a partnership, the names of the partners, together with their addresses shall be included and the signature of the applicant or applicants. The license shall state the number of manufactured home sites, independent recreational camping sites and dependent recreational camping sites allowed according to Public Health Department approval. Any manufactured home park or recreational camping area located in more than one municipality shall be dealt with as two separate manufactured home parks or recreational camping areas. Each application for a license, together with the appropriate license fee shall be submitted to the Public Health Department not later than December 31 of the year preceding the year for which the application is made; or in the case of a new or seasonal business, not later than the opening date of such a business.

34.3 License Renewals. License renewals shall be obtained on an annual basis. License renewal applications shall be submitted to the Public Health Department on forms provided by it no later than December 31 if the year preceding the year for which application is made; or in the case of a seasonal business, not later than the opening date of such business. No renewal license shall be issued if the number of sites specified in the application exceeds those of the original application unless the plans for expansion or the construction for expansion are first approved by the Public Health Department.

34.4 Expiration Date.

- A. Initial License. Primary manufactured home park and recreational camping area licenses shall be issued for the calendar year for which application is made and shall expire on December 31 of such year.
- B. Renewal License for year-round establishments. Manufactured home parks and recreational camping areas which operate on a year-round basis, in excess of six months (183 days a year), shall be issued a renewal license for the calendar year for which application is made and shall expire on December 31 of such year.
- C. Renewal license for seasonal establishments. Manufactured home parks and recreational camping areas which operate for a continuous period of six months (183 days) or less shall be issued a renewal license effective the first day of the establishment's operation in the calendar year for which the license is issued. Such renewal license shall expire after the 183rd day from the effective date of the license or on December 31 of the year in which the license was issued, whichever occurs first.

34.5 Initial and Renewal License Fee Schedule. Initial and renewal license applications shall be accompanied by the applicable fee as determined by the Board. The license fee may be changed as they deem appropriate. All manufactured home parks and/or recreational camping areas shall pay an annual license fee based on the number of sites at a per-site rate.

- A. Initial or renewal license fees must accompany all applications for sites or when sites are added. The license fees shall be specified by resolution of the Board and may be changed by such resolution from time to time as they deem appropriate.

- B. All manufactured home parks and/or recreational camping areas shall pay an annual license fee based on the number of sites at a per-site rate. Such rates may be changed by resolution of the Board from time to time as they deem appropriate.

34.6 Late License Penalty Fee. A penalty specified by resolution of the Board shall be added to the amount of the license fee and paid by the proprietor if the application has not reached the Public Health Department as specified in Section 34.2 or 34.3. For seasonal operations, a penalty fee will be added if the renewal application and fee are not submitted within 30 calendar days after the establishment opens. Any person who operates any manufactured home park or recreational camping area without submitting an application and appropriate fee shall be deemed to have violated this ordinance and shall be subject to prosecution as provided in this ordinance.

34.7 Reduced License Fee. From and after October 1 of each year, the license fee for new establishments or operators shall be one-half of the appropriate annual license fee plus any penalty which may be required.

Section 35. INSPECTIONS

35.1 General. The person operating a manufactured home park or recreational camping area shall, upon request of the Public Health Department and after proper identification, permit access to all parts of the establishment at a reasonable time for the purposes of inspection and shall exhibit and allow copying of any records necessary to ascertain compliance with this ordinance.

35.2 Whenever an inspection is made of a manufactured home park or recreational camping area, the findings shall be recorded. One copy of the form shall be furnished to the person in charge of the establishment. The completed form is a public document that shall be made available for public disclosure to any person who requests it.

35.3 Whenever the Public Health Department finds that conditions or practices exist which are in violation of any provision of this ordinance, the Public Health Department shall give notice in writing to the operator of the establishment. All conditions shall be corrected within a reasonable period of time, to be determined by the Public Health Department. At the end of such time, another inspection shall be conducted.

35.4 Frequency. It shall be the duty of the Public Health Department to inspect every manufactured home park and ever recreational camping area according to the establishment's risk category. The frequency of inspections shall be made based on the degree of hazard to the public. A high-risk establishment is required to be inspected at least once a year. A low-risk establishment must be inspected at least once every two years.

"High-Risk Establishment" - means 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 50 or more sites.

“Low-Risk Establishment” - means any manufactured home park or recreational camping area that is not a high-risk establishment.

Section 36. SUSPENSION OF LICENSE

36.1 Whenever a license holder or operator has failed to comply with any notice requiring corrective action, issued under the provisions of this ordinance, the license holder or operator will be notified in writing that the license will be suspended within 10 days unless either of the following conditions are met:

- A. A written request for a hearing before the Appeals Board, or
- B. Written request for a re-inspection including a statement by the applicant that in their opinion the conditions causing possible suspension of the license have been corrected. The Public Health Department upon receipt of the request shall make a re-inspection within 10 days.

Section 37. IMMEDIATE SUSPENSION

Notwithstanding the other provisions of this ordinance, whenever the Public Health Department finds conditions in the operation of a manufactured home park or recreational camping area which in its judgment, constitute a substantial hazard to the public health, it may without warning, notice, or hearing, issue a written notice to the license holder or operator citing such condition, 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 to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith.

Section 38. REVOCAION OF LICENSE

For serious or repeated violations of any of the requirements of this ordinance or Board compliance standards, the license may be permanently revoked after an opportunity for a hearing before an Appeals Board. Prior to such action, the Public Health Department shall notify the license holder in writing and advising that the license shall be permanently revoked at the end of five a (5) day period. A license may be suspended for cause pending this revocation or a hearing relative thereto.

Section 39. APPEAL FROM –SUSPENSION OR REVOCATION OF LICENSE

Any person whose license to operate a manufactured home park or recreational camping area has been suspended or revoked, or has received notice from the Public Health Department that his license is to be suspended or revoked unless existing conditions or practices are corrected may request and shall be granted a hearing on the matter before the Appeals Board by the procedure provided in this ordinance. If no petition for such hearing is filed within ten days following the day on which such license was suspended, such license shall

be deemed to have been suspended. If no petition for such hearing is filed within ten days following the day on which such license was revoked, such license shall be deemed to have been revoked.

Section 40. APPEALS BOARD

40.1 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 Public Health Department written petition requesting such a hearing and setting forth a brief statement on the ground therefore. Said petition shall be filed within ten (10) days after the notice was served.

40.2 Date of Hearing. The hearing requested shall be held not more than ten (10) days after the date on which the petition was filed. The Chairman of the Appeals Board may postpone the date of the hearing for a reasonable time beyond such ten day period, if in his judgment a good and sufficient reason exists for such postponement.

40.3 Notice of Hearing. The Public Health Department shall cause five (5) days written notice of the hearing to be given to the petitioner or petitioners by personal service or by mailing to the petitioner or petitioner's last known address.

40.4 Proceedings. At such hearing petitioner, his 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 Public Health Department should be modified or withdrawn. The Public Health Department shall present a detailed written statement of its findings and decision to the Appeals Board at the time of the hearing.

40.5 Decisions of the Appeals Board. The Appeals Board, after such hearing, shall sustain, modify or withdraw the notice of embargo, suspension or revocation depending upon its findings as to whether the provisions of this ordinance have been complied with. A copy of the decision of the Appeals Board shall be served by mail to the petitioner or petitioners. Any person aggrieved by the decision of the Appeals Board may seek relief there from in any court of competent jurisdiction as provided by the laws of the state.

40.6 Record of Proceedings. The proceedings of each hearing held before the Appeals Board pursuant to petition, including the findings and the decision of the Public Health Department shall be recorded and reduced to writing and entered as a public record in the office of the Public Health Department. Such record shall include a copy of every notice or order, or writing issued in connection with the matter.

40.7 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 Public Health Department within ten days after the notice is served.

Section 41. MINNESOTA DEPARTMENT OF HEALTH

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

Section 42. OTHER AGENCIES

Other state and/or local agencies should be contacted in order to comply with other environmental related laws and/or rules not included in this ordinance.

Section 43. PENALTY (make this the same penalty language as all FBL ordinances)

43.1 **Administrative Penalties** Administrative penalties are used as a tool for orders compliance enforcement. See Administrative Penalties Policy and Fees.

43.2 **Criminal 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 punished by a fine of up to one thousand dollars (\$1,000.) and/or by imprisonment of ninety (90) days in jail. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.

Section 44. EFFECTIVE DATE

44.1 **Repeal** This ordinance, effective July 1, 2010, hereby repeals and replaces in its entirety the Wadena County Manufactured Home Parks and Recreational Camping Areas Ordinance of 1-1-1993.

44.2 **Effective date** This ordinance shall be in full force and effect effective July 1, 2010.

Attest:

By:

Charlene (Char) West Date
Wadena County Auditor/Treasurer

Bill Stearns, Chair Date
Wadena County Board of Commissioners

Board of Commissioners
Resolution Dated _____