

ORDINANCE NUMBER 37

AN ORDINANCE REGULATING MANUFACTURED HOME PARKS AND RECREATIONAL CAMPING AREAS AND THE LICENSING, INSPECTION, OPERATION, CONSTRUCTION AND MAINTENANCE THEREOF AND PRESCRIBING PENALTIES, ALL IN ACCORDANCE WITH MINNESOTA DEPARTMENT OF HEALTH RULES CHAPTER 4630.

TABLE OF CONTENTS

Section	1.	Purpose and Intent
Section	2.	Lodging Establishment Operator, Duties
Section	3.	Guest Registration
Section	4.	Registration Records
Section	5.	Definitions
Section	6.	Licensing
Section	7.	Administration, Application
Section	8.	License: Duration, Expiration, Revocation Suspension: Appeal Process
Section	9.	Exemptions
Section	10.	Local Authority
Section	11.	Unlawful Parking
Section	12.	Fees
Section	13.	Compliance Standards
Section	14.	Waiver of Standards
Section	15.	Compliance With Other Laws
Section	16.	Penalties
Section	17.	Effective Date

ST. LOUIS COUNTY HEALTH DEPARTMENT
AN ORDINANCE RELATING TO MANUFACTURED HOME PARKS AND
RECREATIONAL CAMPING AREAS

SECTION 1 - PURPOSE & INTENT

The purpose and intent of this ordinance is to protect and promote the health, safety and general welfare of manufactured home park residents and guests and the users of recreational camping areas; to minimize the risk of spreading communicable diseases and to prevent and avoid other health and ecologic hazards attributable to bacteriologic and chemical contamination of lands and waters.

SECTION 2 - LODGING ESTABLISHMENT OPERATOR, DUTIES

Every person operating within St. Louis County a recreational camping area, cabin camp, lodging house, tourist rooms, motel, manufactured home park, or resort furnishing sleeping or overnight stopping accommodations for transient guests, shall provide and keep thereat a suitable guest register for the registration of all guests provided with sleeping accommodations or other overnight stopping accommodations thereat; and every such guest shall be registered therein. Upon the arrival of every such guest, the operator of such camp or resort shall require him to enter in such register, or enter for him therein, in separate columns provided in such register, the name and home address of the guest and every person, if any, with him as a member of his party; and if traveling by motor vehicle, the make of such vehicle, registration number, and other identifying letters or characters appearing on the official number plat carried thereon, including the name of the state issuing such official plate. Such registration shall be kept in an accurate and orderly manner and retained for one year so that the same will be always accessible for inspection by the proper authorities.

SECTION 3 - GUEST, REGISTRATION

Every person, upon arriving at any lodging house, manufactured home park, recreational camping area, cabin camp, motel or other resort described in section 2 to 4 and applying for guest accommodations therein of the character described in section 2 shall furnish to the operator or other attendant in charge of such camp or resort the registration information necessary to complete his registration in accordance with the requirements of section 2, and shall not be provided with accommodations unless and until such information shall be so furnished.

SECTION 4 - REGISTRATION RECORDS, INSPECTION

The registration records provided for in sections 2 to 4 shall be open to the inspection of all law enforcement officers of the state and its subdivisions.

SECTION 5 - DEFINITIONS

5.1 Terms.

For the purposes of this ordinance, the terms defined in this section shall have the meanings given them.

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

5.3 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 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.

5.4 Board.

Board shall mean the St. Louis County Board of Health.

5.5 Administrator.

Administrator shall mean the St. Louis County Health Officer or his/her authorized representative.

5.6 Municipality.

Municipality means any city, town or township in this state, however organized.

5.7 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 one location.

5.8 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.

5.9 Recreational camping vehicle.

Recreational camping vehicle when used in this ordinance 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, recreation, and vacation use.

5.10 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 does not include 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.

SECTION 6 - LICENSE FOR MANUFACTURED HOME PARK AND RECREATIONAL CAMPING AREA No person, firm or corporation shall establish, maintain, conduct or operate a manufactured home park or recreational camping area within St. Louis County without first obtaining a license therefor from the Administrator. 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 other, need only obtain one license. A license shall expire and be renewed as prescribed by the Administrator pursuant to section 8. The license shall state the number of manufactured home sites and recreational camping sites allowed according to the Administrator's approval. 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 Administrator. 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 camping areas. The license shall be conspicuously displayed in the office of the manufactured home park or recreational camping area. The license is not transferable as to place or person.

SECTION 7 - ADMINISTRATION, APPLICATION

7.1 Administrator. The St. Louis County Health Officer shall administer the provisions of this ordinance. In addition to the duties set forth herein, the administrator shall maintain adequate files and records relating to all permits issued, inspections made, work approved, and other official actions.

7.2 Powers. The administrator shall have all powers necessary to administer and enforce the provisions of this ordinance. In addition to the other powers set forth herein, and without limitation, the administrator shall be empowered to do the following:

- A. Prepare reports and recommendations regarding any additional measures which he deems necessary to effect the purpose of this ordinance.
- B. Obtain assistance and cooperation from agency and commission personnel and other state and local health, legal, and police officials in the administration and enforcement of this ordinance.
- C. Cooperate with local and state personnel in the enforcement of this ordinance and state regulations, rules and requirements relating to mobile home parks and recreational camping areas.
- D. Arrange for the enforcement of any and all rules, orders, permits, and other requirements established herein or issued pursuant to this ordinance.
- E. Enter upon the premises of any mobile home park/recreational camping area at any time for the purpose of administering and enforcing this ordinance.

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

7.4 Contents. The applicant for a primary license or annual license shall make application in writing upon a form provided by the Administrator setting forth:

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation. (2) A legal 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. (3) The proposed and/or existing facilities on and about the site, lot field or tract of land for the proposed construction or alteration and maintaining of a sanitary community building for toilets, urinals, sinks and wash basins, slop-sinks and 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. (4) The proposed and/or existing 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. (5) The calendar months of the year which the applicant will operate the manufactured home park or recreational camping area. (6) Plans and drawings for new construction or alteration, including buildings, wells, plumbing and sewage disposal systems.

- 7.5 Fees; approval. The application for the primary license shall be submitted with all plans and specifications enumerated in section 8.2, and payment of a fee in an amount prescribed by the Board pursuant to Section 14 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. The fee submitted for the primary license shall be retained even though the proposed project is not approved and a license is denied.

When construction has been completed in accordance with approved plans and specifications the Administrator shall promptly cause the manufactured home park or recreational camping area and appurtenances thereto to be inspected. When the inspection and report has been made and the Administrator finds that all requirements of this ordinance and such conditions of health and safety as the Administrator may require, have been met by the applicant, the Administrator shall forthwith issue the license.

- 7.6 Sanitary facilities. During the pendency of the application for such primary license any change in the sanitary or safety facilities of the intended manufactured home park or recreational camping area shall be immediately reported in writing to the Administrator through the office through which the application was made. If no objection is made by the Administrator to such change in such sanitary or safety facilities within 60 days of the date such change is reported, it shall be deemed to have the approval of the Administrator.

- 7.7 Permit. When the plans and specifications have been approved, the Administrator shall issue an approval report permitting the applicant to construct or make alterations pertaining to water and sewage disposal upon a manufactured home park or recreational camping area and the appurtenances thereto according to the plans and specifications presented.

Such approval does not relieve the applicant from securing building permits in municipalities having a building code; or from complying with any other municipal ordinance or ordinances, applicable thereto, not in conflict with this ordinance.

- 7.8 Denial of construction. If the application to construct or make alterations upon a manufactured home park or recreational camping area and the appurtenances thereto or a primary license to operate and maintain the same is denied by the Administrator, he shall so state in writing giving the reason or reasons for denying the application. If the objections can be corrected the applicant may amend his application and resubmit it for approval, and if denied the applicant may appeal from the decision of the Administrator as provided in section 9.

SECTION 8 - LICENSES: DURATION, EXPIRATION, REVOCATION. SUSPENSION: APPEAL PROCESS

8.1 Licensing, Duration, Expiration

- (a) Primary 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) Annual license for year-round establishment's annual licenses for manufactured home parks and recreational camping areas which operate on a year-round basis (in excess of 6 months (183 days) a year) shall be issued for the calendar year for which application is made and shall expire on December 31, of such year.
- (c) Annual license for seasonal establishment's annual licenses for manufactured home parks and recreational camping areas which operate for a continuous period of six months (183 days) or less shall be issued effective the first day of the establishment's operation in the calendar year for which the license is issued. Such annual 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.
- (d) License renewals. Annual license renewals shall be obtained on an annual or semi-annual basis. All license renewal applications shall be on forms provided by the Administrator and submitted to it no later than December 31 of the year preceding the year for which application is made for year-round establishments and no later than one month (31 days) prior to opening for seasonal establishments.
- (e) Fee submission. All license applications shall be accompanied by the proper fee.

- 8.2 Procedure for suspension or revocation. Any license granted hereunder shall be subject to revocation or suspension; provided, however, that the Administrator shall first serve or cause to be served upon the licensee a written notice specifying the way or ways in which such licensee has failed to comply with this ordinance, or any compliance standards promulgated by the Board. Said notice shall direct the licensee to remove or abate such nuisance, insanitary or objectionable condition, specified in such notice, within five days, or within such

extended period of time as may be reasonably allowed by the Administrator. If the licensee fails to comply with the terms and conditions of said notice, within the time specified or such extended period of time, the Administrator shall require the licensee to appear for a hearing before the Administrator or the duly authorized employees of the Administrator. The Administrator shall review the facts and make such determination as he deems necessary in the matter. If the licensee fails to comply with such determination, the Administrator shall suspend or call for a hearing before the board at which time the licensee shall show cause why the license should not be revoked. Such hearing shall be considered an appeal hearing and shall be held in accordance with the appeal process as covered by section 8.4.

8.3 Summary proceeding. Notwithstanding any other provision of this section the department upon finding that there is a clear and present danger to the public health may order the immediate removal of one or more manufactured homes or recreational camping vehicles, and may also order closing of the central building for the purpose of reducing the amount of liquid waste being discharged to the sewerage system. The order shall be complied with immediately. The licensee may appeal such order to the district court and shall be entitled to immediate trial de novo on the validity of said order. Failure of the licensee to comply with such order, or failure of manufactured home or recreational camping vehicle occupant to vacate under such order, shall be a misdemeanor.

8.4 Appeal. An appeal may be taken by any person aggrieved by the issuance or denial of any license, order, interpretation, or other official action made pursuant to the provisions of this ordinance. All appeals shall be to the Board within 45 days of receipt of notice by appellant from the administrator of any order, requirement, decision, or determination made by the Administrator. An appeal stays all proceedings in furtherance of the action appealed from unless the Board certifies that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. On appeal, the Board shall conduct a public hearing at which all interested parties shall be given opportunities to present relevant information and to examine personnel of the Department in order to determine the basis for any action taken. Notice of said hearing, unless otherwise provided herein, shall be submitted to the affected owner and other interested persons at least 15 days in advance of said hearing. At the conclusion of said hearing, the Board shall, as appropriate, make a determination respecting the appeal and prepare written findings of fact and recommendations in respect thereto.

Such
hearings
shall
be
conducted
according
to
applicable

able
Minne
sota
Statut
es and
to the
rules
of
proce
dure
of the
Board.

- 8.5 Decisions. Decisions by the Board shall be made within 15 days of the date a public hearing is closed. The Board shall keep a written record of its proceedings showing the vote, absence, or failure of each member to vote on each question. The Board shall render its decisions in writing, stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing, and according to the criteria contained in this ordinance.

SECTION 9 - EXEMPTIONS, PUBLIC PARKS

- 9.1 Manufactured home park. The term "manufactured home park" shall not be construed to include manufactured homes, buildings, tents or other structures temporarily maintained by any individual or company on premises associated with a work project and used exclusively to house labor or other personnel occupied in such work project.
- 9.2 Municipal and state parks. Any manufactured home park or recreational camping area owned or operated by an municipality or political subdivision of this county shall meet all sanitary and safety provisions of this ordinance, shall be inspected as herein provided, and make all reports, as herein required of a license. Nothing in this ordinance should be construed to include any of the state parks in Minnesota.

SECTION 10 - LOCAL AUTHORITY OVER PARKS AND CAMPING AREAS

- 10.1 Local licenses prohibited. No municipality may impose any license (1) upon any licensed manufactured home park or recreational camping area complying with the provisions of this ordinance or (2) upon any occupant of a licensed manufactured home park, on or after the effective date of this ordinance.
- 10.2 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 11 - UNLAWFUL PARKING OF MANUFACTURED HOMES

Where a licensed manufactured home park is reasonably available in the general area it shall be unlawful for any person to occupy any manufactured home located elsewhere than in a licensed manufactured home park unless adequate sanitary and water facilities are provided for occupants' use 24 hours each day. This section shall not apply to manufactured homes parked under section 10.

SECTION 12 - FEES

The Board shall be empowered to set, revise or rescind and collect such fees as it deems necessary for the administration of this ordinance. Fees may include, but are not limited to, those charged for permits and licenses. The Board may establish a late fee for any or all categories.

SECTION 13 - COMPLIANCE STANDARDS

The St. Louis County Board of Health is authorized to adopt and enforce such reasonable compliance standards as it determines necessary to protect the health and safety of those in attendance at manufactured home parks or recreational camping areas. Such compliance standards may be altered, revised or rescinded from time to time as the Board deems necessary.

SECTION 14 - WAIVER OF STANDARDS

A temporary waiver of certain specific requirements of the compliance standards may be granted if the Health Officer believes such waiver will not compromise the health and safety of those in attendance at manufactured home parks or recreational camping areas and will comply with the intent of this ordinance.

SECTION 15 - COMPLIANCE WITH OTHER LAWS, ORDINANCES, AND REGULATIONS

Any manufactured home park or recreational camping area in St. Louis County must be in compliance with all other federal, state and local laws, ordinances and regulations as they pertain to such facility.

SECTION 16 - PENALTY

Any person violating any of the provisions of this act or of the regulations or standards promulgated hereunder shall be guilty of a misdemeanor.

SECTION 17 - EFFECTIVE DATE

Public hearing held by the St. Louis County Board of Commissioners on July 8, July 22 and August 26, 1985.

Commissioner Kron moved the adoption of this ordinance and Commissioner Shannon duly seconded the motion and it was declared adopted upon the following vote:

Yeas - Commissioners Doty, Cerkvenik, Kron, Lamppa, Shannon, Janezich and Chairman Krueger.

Nays - None

Absent - None

this ordinance was declared adopted by the St. Louis County Board of Commissioners on the 26th day of August, 1985 with the effective date being the same.

MARILYN KRUEGER, Chairman
St. Louis County Board of Commissioners

ATTEST: Certified as a complete and accurate
copy of Ordinance No. 37

KAREN ERICKSON RUSSELL PETERSEN, County Auditor
Clerk of the County Board

Published in the News-Tribune and Herald, Duluth, Minnesota, on the 12th day of September 1985.

10/24/85