

# CLAY COUNTY ORDINANCE 2015- 4

The Clay County Board hereby ordains as follows:

**TITLE:** This Section shall be known as the Clay County Youth Camp Ordinance.

**REPEALER:** Clay County Ordinance 2011-3, Part I, Subpart C is hereby repealed in its entirety. The following shall be incorporated in the appropriate chapter of the Clay County Code in its place.

## **Section I: PURPOSE.**

**1.1 Purpose.** This Ordinance is enacted to establish standards for the regulation of youth camp establishments to protect the health, safety, and general welfare of the people and patrons of Clay County pursuant to powers granted under Minnesota Statutes and subsequent recodifications and/or amendments and other applicable legislation, as may be adopted from time to time.

**1.2 Objectives.** The principal objectives of this Ordinance are as follows:

- A. To provide local governance to promote health, safety, and wellness to citizens and patrons of youth camp establishments.
- B. To correct and prevent conditions that may adversely affect persons utilizing youth camp establishments.
- C. To provide education to youth camp workers and operators on risk factors contributing to health and safety issues.
- D. To meet consumer expectations for the health and safety of youth camp establishments.

## **Section II: SCOPE.**

The scope of this ordinance applies to youth camp establishments within the jurisdiction of the Health Authority and as described in Minnesota Statutes Chapter 144.71.

## **Section III: DELEGATED AUTHORITY.**

Promulgated in Minnesota Statutes Chapter 145A.07, the commissioner of health has entered into an agreement with Clay County, a member of the Partnership 4 Health community health board, to delegate all or part of the licensing, inspection, reporting, and enforcement duties authorized under sections 144.71 to 144.74; 145A.04, subdivision 6; Statutes Chapter 157.

## **Section IV: STATE HEALTH DEPARTMENT RULES ADOPTED.**

Pursuant to Minnesota Statutes 144.71-144.74, 145A1.01 – 145A1.11, 375.51 - 375.55 and Minnesota Rules 4630.2300 – 4630.4700 relating to youth camps, including all subsequent amendments thereto, are adopted by Clay County by reference. Reference in 4630.2300 – 4630.4700 to Board or Board of Health shall be to the Clay County Board of Commissioners and their authorized representatives.

## **Section V: DEFINITIONS.**

For the purpose of this ordinance the following words shall have the following meaning:

**Subsection 1:** "County" shall mean Clay County.

**Subsection 2:** "Health Authority" shall mean the Clay County Public Health Department, its and its designated employees, agents, or contractors, as the Clay County Board may designate.

**Subsection 3:** As stated in Minnesota Statutes Chapter 144.71, a youth camp is defined as a parcel or parcels of land with permanent buildings, tents or other structures together with appurtenances thereon, established or maintained as living quarters where both food and beverage service and lodging or the facilities therefor are provided for ten or more people, operated continuously for a period of five days or more each year for educational, recreational or vacation purposes, and the use of the camp is offered to minors free of charge or for payment of a fee.

Subd. 3. This definition does not include cabin and trailer camps, fishing and hunting camps, resorts, penal and correctional camps, industrial and construction camps, nor does it include homes operated for care or treatment of children and for the operation of which a license is required under the provisions of chapter 257.

## **Section VI: ADMINISTRATION.**

**6.1 Administrative Ordinance.** Except where otherwise specified, this Ordinance is subject to all provisions of Clay County Administrative Ordinance 2010-3 Part 2.

**6.2 License Required.** It is unlawful for any person to operate or permit the operation of a youth camp in Clay County, regardless of whether a fee is charged for such use, unless the County has issued a valid license from the Health Authority which is in full force and effect. Licensing of a youth camp shall be done pursuant to Clay County Administrative Ordinance 2010-3 Part 2 and active Resolution. Only a person who complies with the provisions of this ordinance(s) and resolution(s) applicable thereto of the city or cities in which the youth camp is located shall be entitled to receive a license.

**6.3 General Licensing.** The application or renewal for such licenses as described in this Ordinance shall be made on forms furnished by the Health Authority and shall describe the general nature of the business, the location, and any other information deemed necessary by the Health Authority.

**6.4 Fees.** Fees for licenses, late fees, and service fees as shown in the fee schedule, issued hereunder shall be those established by an active resolution of the Clay County Board of Health.

**6.5 License Expiration.** Licenses issued pursuant to this Ordinance shall commence and expire on the dates indicated on the license certificate. All youth camp licenses shall be issued for the applicable license year.

**6.6 Transfer and Display of License.** A license shall not be transferable as to person or place. A valid, original license certificate issued from the Health Authority shall be posted in a conspicuous place on the premises occupied by the camp.

## **Section VII: INSPECTION OF YOUTH CAMPS.**

The Health Authority shall inspect every youth camp annually as pursuant to Minnesota Statutes 144.73 subd. 1 or as frequently as deemed necessary to ensure compliance with this ordinance.

**7.1 Access to Premises and Records.** The person in charge of the establishment shall, upon request of the Health Authority and after providing proper Clay County identification, permit access to all parts of the establishment at any reasonable time for the purpose of inspection as often as deemed necessary by the Health Authority.

**7.2 Interference with Health Authority.** No person shall interfere with or hinder the Health Authority in the performance of its duties, or refuse to permit the Health Authority to make inspections of the establishment.

**7.3 Removal and Correction of Violations.** The licensee, owner, or operator of the establishment, upon receipt of a report giving notification of one or more violations of this Ordinance, shall correct or remove each violation in the length of time determined by the Health Authority. The length of time for the correction or removal of each such violation shall be noted on the inspection report provided by the Health Authority to the establishment. Failure to remove or correct each violation within the specified time period may constitute a separate violation of this Ordinance and further action by the Health Authority. The Health Authority may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this Ordinance.

## **Section VIII: CONSTRUCTION AND PLAN REVIEW.**

The youth camp shall be constructed and finished in conformance with requirements set forth by the Health Authority. The Health Authority, in partnership with other State and Local officials,

shall inspect the youth camp as frequently as deemed necessary during construction and conduct a final inspection prior to the start of operations and issuance of an approved license.

## **Section IX: PENALTY.**

**9.1 Penalty.** Any person violating a provision of this ordinance may be guilty of a misdemeanor and upon conviction thereof shall be punished pursuant to Clay County Ordinance 2010-3 Part 2.

**9.2 Citations.** Whenever the Health Authority discovers a violation of this Ordinance, a citation may be issued to the person alleged to have committed the violation. The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or impliedly authorized to accept such issuance.

**9.3 Re-inspection.** If violation(s) found during an establishment inspection are deemed a potential public health or safety risk, a re-inspection of the establishment may be performed by the Health Authority. A re-inspection service fee, as defined in resolution, may be assessed to a licensed establishment after a re-inspection is completed.

## **Section X: GROUNDS FOR EMERGENCY CLOSURE.**

**10.1 Grounds for Emergency Closure.** If any of the following conditions exist, the operator may be ordered to discontinue or close all operations of the youth camp until such time as the Health Authority confirms the correction of the violation:

- A. Failure to possess a current license required by this Ordinance;
- B. Evidence of septic system failure in proximity to or related to operations of the youth camp;
- C. Lack of potable water related to operations of the youth camp;
- D. Acceptable toilet facilities are not present, sanitary, easily accessible, or operational to the youth camp;
- E. Significant damage to the establishment operation, shelters, or site services due to tornado, fire, flood, or other disaster;
- F. Evidence of an infestation of rodents or other vermin within structures or buildings related to the operation of the establishment;
- G. Any violation or combination of violations deemed by the Health Authority to be an immediate or potentially serious health, safety, or security concern to patrons of the youth camp; and
- H. Anytime a public health nuisance, as defined in Minnesota Statutes, Section 145A.02 subdivision 17, exists.

## Section XI: VARIANCES.

**11.1 Determination and Notice.** When a licensee or applicant requests a variance under Minnesota Rules, Chapter 4717.7000, subpart 1(F), on the form provided by the Health Authority, from a provision of this Ordinance or Minnesota Rules, Chapter 4630, the Health Authority will issue a written determination regarding that variance request. The administrative review of the variance will be issued to the licensee or applicant within ten County working days of the completion of the review.

## Section XII: SEPARABILITY

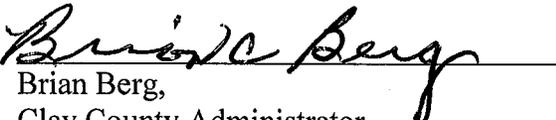
If any provision or application of any provision of this ordinance is held invalid, that invalidity shall not affect other provisions or applications of this ordinance.

**EFFECTIVE DATE:** After passage by the Clay County Board of Commissioners, this Ordinance shall be effective the date of enactment.

Adopted by the Clay County Board of Commissioners this 14 day of July, 2015.

  
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Grant Weyland,  
Chairman, Clay County Board of Commissioners

ATTEST:

  
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Brian Berg,  
Clay County Administrator