

# CLAY COUNTY ORDINANCE 2015- 6

The Clay County Board hereby ordains as follows:

**TITLE:** This Section shall be known as the Clay County Manufactured Home Park and Recreational Camping Area Ordinance.

**REPEALER:** Clay County Ordinance 2011-3, Part I, Subpart E is hereby repealed in its entirety.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 manufactured home parks, recreational camping, and special event recreational camping 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 manufactured home parks, recreational camping, and special event recreational camping establishments.
- B. To correct and prevent conditions that may adversely affect persons utilizing manufactured home parks, recreational camping, and special event recreational camping establishments.
- C. To provide and enforce standards for the design, construction, operation, and maintenance of manufactured home parks, recreational camping, and special event recreational camping establishments following requirements set forth by adopted legislation.
- D. To provide education to manufactured home parks, recreational camping, and special event recreational camping establishment workers and operators on risk factors contributing to health and safety issues.
- E. To meet consumer expectations of the health and safety of manufactured home parks, recreational camping, and special event recreational camping establishments.

## **Section II: SCOPE.**

The scope of this ordinance applies to manufactured home parks, recreational camping, and special event recreational camping establishments within the jurisdiction of the Health Authority and as described in Minnesota Statutes Chapter 327.14.

## **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 145A.04, subdivision 6 and MN Statutes Chapter 157.

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

Pursuant to Minnesota Statutes 145A1.01 – 145A1.11, Chapter 327.14 – 327.28 inclusive, and Minnesota Rules 4630.0200 – 4630.2210 relating to Manufactured Home Parks, Recreational Camping Areas, and Special Event Recreational Camping Areas including all subsequent amendments thereto, are hereby adopted by Clay County by reference. Reference in 4630.0200 – 4630.2210 to Board, Commissioner of Health, or Board of Health shall be to the Clay County Board of Commissioners and their authorized representatives.

## **Section V: STANDARDS FOR HEALTH, SAFETY, AND NUISANCE PREVENTION.**

In addition to language disclosed herein Section III of this ordinance, the following provisions are set forth with the full force and effect of this ordinance.

**5.1 Skirting:** Manufactured home shall be skirted between the bottom of the manufactured home and the ground with a fireproof material harmonious with the appearance of the manufactured home within three months of the site placement of the manufactured home. Fibrous, organic, or absorbent materials, such as Plywood, hardboard, cardboard or baled hay or straw shall be prohibited.

## **Section VI: 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 defined in Minnesota Statutes Chapter 327.14, "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.

**Subsection 4:** As defined in Minnesota Statutes Chapter 327.14, "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:

- (1) children's camps;
- (2) industrial camps;
- (3) migrant labor camps, as defined in Minnesota Statutes and state commissioner of health rules;
- (4) United States Forest Service camps;
- (5) state forest service camps;
- (6) state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing; and
- (7) temporary holding areas for self-contained recreational camping vehicles created by and adjacent to motor sports facilities, if the chief law enforcement officer of an affected jurisdiction determines that it is in the interest of public safety to provide a temporary holding area.

**Subsection 5:** As defined in Minnesota Statutes Chapter 327.14, "special event recreational camping area" means a recreational camping area which operates no more than two times annually and for no more than 14 consecutive days.

## **Section VII: ADMINISTRATION.**

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

**7.2 License Required.** It is unlawful for any person to operate or permit the operation of a manufactured home park, recreational camping area, or special event recreational camping area, regardless of whether a fee is charged for such use, unless Clay County has issued a valid license from the Health Authority which is in full force and effect. Licensing of a manufactured home park, recreational camping area, or special event recreational camping shall be done pursuant to Clay County Administrative Ordinance 2010-3 Part 2 and active Resolution. Only a person who complies with the requirements of this Ordinance shall be entitled to hold a license.

**7.3 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.

**7.4 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.

**7.5 License Expiration.** Licenses issued pursuant to this Ordinance shall commence and expire on the dates indicated on the license certificate. With the exemption of special event recreational camping areas, all manufactured home parks and recreational camping areas licenses shall be issued for the applicable license year.

**7.6 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 available upon request to the establishment by the Health Authority.

## **Section VIII: INSPECTION OF MANUFACTURED HOME PARKS AND RECREATIONAL CAMPING AREAS.**

The Health Authority shall inspect every manufactured home park, recreational camping area, or special event recreational camping area as frequently as deemed necessary or pursuant to Minnesota Rules Chapter 4630.2210 to ensure compliance with this ordinance.

**8.1 Access to Premises and Records.** After providing proper Clay County identification, the person in charge of the establishment shall, upon request of the Health Authority, 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.

**8.2 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.

**8.3 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 IX: CONSTRUCTION AND PLAN REVIEW.**

All persons who hereafter construct, remodel or convert buildings or facilities for use on a parcel of land meeting the definition of a manufactured home park, recreational camping area, or special event recreational camping area shall conform and comply in their construction or alteration with the requirements of this ordinance. Plans and specifications for such construction, remodeling or alteration which shall show layout; mechanical, plumbing, and electrical specifications; construction materials; and location and type of equipment and facilities shall be filed by its owner in the Office of the Health Authority. The Health Authority, in partnership with other State and Local officials, shall inspect the grounds including buildings and facilities related to the operation or functionality of the establishment as frequently as deemed necessary during construction to ensure that construction occurs in conformance with the approved plans.

**9.1 Plan Submission.** The license applicant or licensee shall submit properly prepared plans to the Health Authority under the provisions of Minnesota Rules, Chapter 327.16. The plans, specifications, application, and plan review fee shall be submitted to the Health Authority at least 30 days before beginning construction or remodeling.

**9.2 Approval Required.** The establishment shall be constructed in conformance with plans approved by the Health Authority. The jurisdiction shall not issue a building permit for the establishment or remodeling or alteration permit as required for such establishment until the Health Authority has approved such plans.

**9.3 Construction Inspections.** The licensee shall not begin operations until the Health Authority has conducted a final inspection and approved issuance of the license.

## **Section X: PENALTY.**

**10.1 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.

**10.2 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.

**10.3 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 XI: GROUNDS FOR EMERGENCY CLOSURE.**

**11.1 Grounds for Emergency Closure.** If any of the following conditions exist, the operator may be ordered to discontinue or close all operations of the manufactured home park, recreational camping area, or special event recreational camping area 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 establishment;
- C. Lack of potable water related to operations of the establishment;
- D. Acceptable toilet facilities are not present, sanitary, easily accessible, or operational to the recreational camping area or special event recreational camping area;
- 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 park or camp;
- 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 park or camp; and
- H. Anytime a public health nuisance, as defined in Minnesota Statutes, Section 145A.02 subdivision 17, exists.

## **Section XII: VARIANCES.**


**12.1 Determination and Notice.** When a licensee or applicant requests a variance under Minnesota Rules, Chapter 4717.7000, subpart 1(E), 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 XIII: SEPARABILITY**

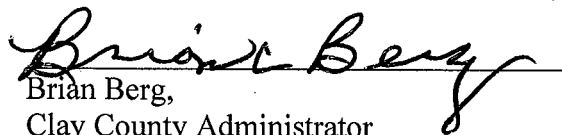
If any provision or application of any provision of this ordinance is held invalid, that invalidity shall not affect other provisions or applications of this ordinance.

**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