

LYON COUNTY

**PUBLIC HEALTH
MANUFACTURED HOME PARKS
AND
RECREATIONAL CAMPING AREA
ORDINANCE**

ADOPTED _____

**LYON COUNTY – PUBLIC HEALTH
MANUFACTURED HOME PARKS AND RECREATIONAL CAMPING
AREA ORDINANCE**

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**LYON COUNTY – PUBLIC HEALTH
MANUFACTURED HOME PARKS AND RECREATIONAL CAMPING
AREAS ORDINANCE**

The County Board of Lyon County Ordains:

SECTION I - - PURPOSE

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- 1.1 An Ordinance Providing for the Licensing and Inspection of Manufactured Home Parks and Recreational Camping Areas, Regulating Their Design, Construction, Operation and Maintenance, and Providing for the Enforcement of this Ordinance, and the Fixing of Penalties throughout the entirety of Lyon County, thereof be and thereby is established as follows:
- A. This Ordinance shall be applicable to all Manufactured Home Parks and Recreational Camping Areas as defined in Minnesota Statutes, Chapter 327.
- 1.2 The purpose of this Ordinance is to establish standards for all Manufactured Home Parks and Recreational Camping Areas, and to protect the health, safety, and general welfare of the residents of Lyon County, including the following general objectives:
- A. Correct and prevent conditions that may adversely affect persons utilizing manufactured home parks or recreational camping areas.
 - B. Provide minimum standards for the design, construction, operation, and maintenance of manufactured home parks and recreational camping areas.
 - C. Meet consumer expectations of the quality and safety of manufactured home parks and recreational camping areas.
 - D. Establish inspection requirements and associated procedures involved with administering and enforcing this Ordinance.
 - E. Comply with the delegation agreement that Southwest Health and Human Services has entered into with the Minnesota Department of Health.

SECTION II - - AUTHORITY

- 2.1 This Ordinance is enacted pursuant to Minnesota Statutes 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 the provisions of these sections.

SECTION III - - DEFINITIONS

3.1 Unless specifically defined in this section, words or phrases used in this Ordinance shall have the meaning given in Minnesota Rules, Chapter 4630; or successor rules, and Minnesota Statutes, Section 327.14; or successor statutes.

- A. **COMMUNITY HEALTH BOARD:** Means the Southwest Health and Human Services Board of Health or designee authorized by the County Board to carry out or enforce any provision of a County Public Health Ordinance; acting under the provisions of Minnesota Statute 145A.10, as the Board of Health.
- B. **COUNTY:** Means the County of Lyon.
- C. **COUNTY BOARD:** Means the Lyon County Board of Commissioners and their authorized representatives.
- D. **DEPARTMENT:** Means Southwest Health and Human Services and its Environmental Health Services Staff
- E. **DEPENDENT SITE:** Means recreational camping area sites which do not have sewer connections and are dependent upon a central facility for this utility.
- F. **ENVIRONMENTAL HEALTH SPECIALIST:** Means the Southwest Health and Human Services Community Health Board's Environmental Health Specialist and any related staff acting under the Community Health Board's authority.
- G. **INDEPENDENT SITE:** Means recreational camping area sites which are provided with individual sewer connections.
- H. **LICENSE:** Includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by County Public Health Ordinance or State law administered by the County for the operation of any business, service or facility.
- I. **LICENSEE:** Means the person who has been given the authority by the issuance of a license by the County to establish, operate and/or maintain a facility or activity regulated by County Public Health Ordinances.
- J. **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.
- K. **MUNICIPALITY:** Means any city, town or township, village, in Lyon County, however organized.

- L. 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.
- M. 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.

SECTION IV - - ADMINISTRATION

- 4.1 The Department shall administer and interpret the provisions of this Ordinance. In addition to the duties set forth herein, the Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved, and other official actions.
- 4.2 The Department 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 Department shall be empowered to do the following:
 - A. Prepare reports and recommendations regarding any additional measures that he/she deems necessary to affect the purpose of this Ordinance.
 - B. Obtain assistance and cooperation from other State and Local health, legal, and law enforcement 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 Manufactured 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 Manufactured Home Park and/or Recreational Camping Area at any reasonable time for the purpose of administering and enforcing this Ordinance.
 - F. The Department may impose additional requirements to protect against health hazards related to the conduct of their operation.
 - G. Interpret the provisions and intent of this Ordinance as may be necessary from time to time.

SECTION V - - ADOPTION OF CAMPS AND MOBILE HOME PARKS STANDARDS

- 5.1 The standards for Manufactured Home Parks and Recreational Camping Areas outlined in Minnesota Rules Chapter 4630 are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4630 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated agents.

SECTION VI - - PUBLIC SWIMMING POOL ORDINANCE

- 6.1 The guidelines related to swimming pools and other artificial recreational bathing facilities of the Lyon County Public Health Swimming Pool Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.

SECTION VII- - LICENSING AND COMPLIANCE PROCEDURES

- 7.1 Licenses needed: It shall be unlawful for any person, firm or corporation to operate a Manufactured Home Park and/or Recreational Camping Area within Lyon County without possessing a valid license issued to them by the Department, as required by this Ordinance. Only those who comply with the requirements of this Ordinance shall be entitled to receive and retain such a license.

A. License Requirements

1. 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.
2. The license shall state the number of manufactured home sites, independent recreational camping sites and dependent recreational camping sites allowed according to the Department's approval.
3. 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 Department.
4. The license shall be conspicuously displayed in the office of the manufactured home park or recreational camping area.
5. Licenses shall not be transferable from one establishment, person, or location to another establishment, person or location.
6. Each primary license or renewal license for year-round establishments shall expire on the 31st day of December each year.

7.2 OTHER PARKS:

- A. **STATE PARKS:** Nothing in this Ordinance shall be construed to include any of the State operated facilities within parks.
- B. **MANUFACTURE 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.

- C. SPECIAL PARKS: Recreational camping area does not include youth 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.
- D. MUNICIPAL/COUNTY PARKS: Any manufactured home park or recreational camping area owned or operated by any municipality or political subdivision of this State 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 licensee.

7.3 APPLICATION FOR LICENSE:

- A. Any person desiring to operate a manufactured home park or recreational camping area shall make written application for a license on forms provided by the Department. Each application for a license shall be completed in full, and together with the appropriate license fee, as described herein, shall be submitted to the Department not later than January 31st each year, following expiration of the previous year's license, or in the case of a new manufactured home park or recreational camping area, prior to the opening date of such manufactured home park or recreational camping area. Any person who operates a manufactured home park or recreational camping area without submitting a license application and appropriate fee shall be deemed to have violated this Ordinance and shall be subject to prosecution as provided for in this Ordinance.
- B. License renewals shall be obtained on an annual basis. License Renewal applications shall be submitted on forms provided by the Department no later than December 31st of the year preceding the year for which application is made.
- C. Proprietors of any manufactured home park or recreational camping area shall pay an annual license fee, at a rate specified by action of the Community Health Board. This annual license fee may be adjusted from time to time as the Community Health Board shall deem appropriate. A penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee, and paid by the proprietor if the annual license fee has not reached the Department by the dates specified in section 7.3A.
- D. From and after October 1 of each year, the license fee for new manufactured home parks or recreational camping areas, or new operators, shall be one-half of the appropriate annual license fees plus any penalty which may be required.
- E. The fees prescribed by the Community Health Board shall apply to all licenses which become effective on or after January 1st of the licensing year.

SECTION VIII - - INSPECTIONS

The Department shall inspect manufactured home parks and recreational camping areas according to Minnesota Rules, Chapter 4630.

- 8.1 It shall be the duty of the Department to inspect each licensed or permitted manufactured home park and recreational camping area in accordance with Minnesota Department of Health requirements. Re-inspections required due to non-compliance with correction orders may be charged an additional fee. The Department shall maintain a written policy for charging re-inspection fees.
- 8.2 The Department, after proper identification, shall be permitted, at any reasonable time, to enter any manufactured home park and recreational camping area for the purpose of making inspections to determine compliance with this Ordinance. The Department shall be permitted to examine the records of the manufactured home parks and recreational camping areas, to obtain information pertaining to persons employed, and to obtain any other information that may be necessary to determine whether the manufactured home park and recreational camping area is in compliance with this Ordinance. Any interference with the Department in performance of his/her duties shall be grounds for immediate suspension of the license.
- 8.3 Whenever an inspection of a manufactured home park and recreational camping area is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the establishment. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.
- 8.4 The inspection report form shall specify a specific and reasonable period of time for the correction of the violation(s). Correction of the violation(s) shall be accomplished within the period specified.
- 8.5 The frequency of inspections shall be based on the degree of hazard to the public, and to comply with the time frames established in Minnesota Rules 4630.2210.
- 8.6 **EMERGENCY ORDERS:** Whenever the Department finds that an emergency exists which requires immediate action to protect the public health, it may, without notice or hearings, issue an order reciting the existence of such an emergency and require that such action be taken as it deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Department, shall be afforded a hearing before the Appeals Board.

**SECTION IX - - ADOPTION OF THE SAFE DRINKING WATER ACT
AND STANDARDS OF THE PUBLIC WATER SUPPLIES**

- 9.1 The requirements of the Safe Drinking Water Act as outlined in Minnesota Statutes Chapter 144, Sections 144.381 to 144.387 and the standards for Public Water Supplies as outlined in Minnesota Rules Chapter 4720 for carrying out the authority to regulate transient water systems and for carrying out the authority related to wellhead protection are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4720 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.
- 9.2 Every manufactured home park and recreational camping area shall obtain a safe, adequate supply of water from a public community water supply system, a public non-community water supply system, or a source of supply and system which is located, constructed, and operated in accordance with the provisions of Minnesota Rules Chapter 4725.

**SECTION X - - MANUFACTURED HOME PARK AND RECREATIONAL CAMPING
AREAS RULE AND STATUTE**

- 10.1 The Manufactured Home Parks and Recreational Camping Areas Rule and Statutes, found in Minnesota Rules 4630, as amended from time to time, contains regulations for the following that must be adhered to:
- A. LOCATION
 - B. SPACING
 - C. LOT SIZE
 - D. WATER SUPPLY
 - E. TOILET, BATHING AND LAUNDRY FACILITIES:
 - F. PLUMBING
 - G SEWAGE TREATMENT AND DISPOSAL
 - H INSECT AND RODENT HARBORAGE, INFESTATION CONTROL
 - I GARBAGE AND REFUSE – HANDLING AND DISPOSAL
 - J NIGHT LIGHTING
 - K COMMUNITY KITCHEN AND DINING ROOMS
 - L BARBEQUE PITS, FIREPLACES, STOVES AND INCINERATORS

M DOMESTIC ANIMALS

N FIRE PROTECTION AND FIRE EXTINGUISHERS

O BOTTLED GAS

P FUEL OIL SUPPLY SYSTEMS

Q SPEED LIMIT

R PARK SHELTER

S CARETAKER

SECTION XI -- PLAN REVIEW OF FUTURE CONSTRUCTION

11.1 Primary License. Whenever a mobile home park or recreational camping area is constructed or expanded, or whenever an existing area is converted for use as a mobile home park or recreational camping area, properly prepared plans and specifications for such construction, expansion, or conversion shall be submitted to the Department with applicable fees for review and approval before construction, expansion, or conversion is begun. The plans and specifications shall include a land use permit or statement from the local unit of government granting zoning approval for the use of the land as a mobile home park or recreational camping area, a plot plan showing the boundaries of the entire tract of land upon which the mobile home park or recreational camping area is to be located, and showing land area/acreage, locations of proposed and existing facilities on the site for sanitary community buildings or laundry facilities, location of landforms on the property (lakes, streams, ponds, wetlands, etc), the location of all water and sewer lines and electrical hook-ups, the location of all wells, the location of all on site sewage treatment facilities and distances from all wells and water lines, location and dimensions of all roads and driveways, location of vehicle parking areas, location and type of night lights and any other pertinent information. The plans and specifications shall be drawn to scale and shall be legible and complete in all details, and must be submitted to the Department for review and approval prior to the start of construction.

- A. The Department shall approve the plans and specifications only if they meet the requirements of this Ordinance, Minnesota Rules, Chapter 4630 and any other applicable Federal, State or Local laws and regulations.
- B. The establishment shall be constructed and finished in conformance with the approved plans.
- C. Sewage treatment systems must comply with applicable state rules and be designed by a licensed sewage system designer and installed by a licensed installer.

- D. The licensee must obtain an inspection from the Department prior to the start of the operation. Construction must be completed and approved before operation can begin.
- E. The licensee is responsible for obtaining written approval for the proposed construction from any other agency or official that may have authority over elements of such proposed construction, including, but not limited to; the Minnesota State Fire Marshall, the Minnesota Department of Labor and Industry Plumbing Division, or the appropriate county, city or township officials.

SECTION IXII - - LOCAL LICENSES

- 12.1 **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 or recreational camping area.
- 12.2 **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 XIII - - ADMINISTRATIVE ORDINANCE

- 13.1 The guidelines related to licensing, fees, and enforcement of licensed establishments of the Lyon County Public Health Administrative Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.

SECTION XIV - - MINNESOTA DEPARTMENT OF HEALTH

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

SECTION XV - - PENALTIES

- 15.1 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 not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.

- 15.2 In the event of a violation or a threat of violation of this Ordinance, the County Attorney may take appropriate action to enforce this Ordinance, including application of injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations, or threatened violations.

SECTION XVI - - SEVERABILITY

- 16.1 If any provision of this Ordinance or the application thereof, to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and for this purpose, the provisions of this Ordinance are severable.

SECTION XVII - - REPEAL OF PREVIOUS ORDINANCE

- 17.1 This Ordinance, adopted _____, hereby repeals and replaces in its entirety, the Lyon County Environmental Health Licensing Ordinance of July 6, 2010.

SECTION XVIII EFFECTIVE DATE

- 18.1 This Ordinance shall be effective upon passage by the County Board and publication according to law.

Adopted this _____ day of _____, _____.

**Chairman
Lyon County Board of Commissioners**

Attest:

Lyon County Administrator