

**BIG STONE COUNTY
STATE OF MINNESOTA**



**AN ENVIRONMENTAL HEALTH ORDINANCE PROVIDING
FOR THE REGULATION OF MANUFACTURED HOME PARKS
AND RECREATIONAL CAMPING AREAS WITHIN BIG
STONE COUNTY IN CONSORTIUM WITH CHIPPEWA, LAC
QUI PARLE, SWIFT, AND YELLOW MEDICINE COUNTIES
AS COUNTRYSIDE PUBLIC HEALTH**

EFFECTIVE: July 1, 2022

INDEX

Section I	General Provisions
Section II	Definitions
Section III	Licenses
Section IV	Inspection
Section V	Plan Review
Section VI	Standards for Manufactured Home Parks & Recreational Camping Areas
Section VII	Standards for Special Event Recreational Camping Areas
Section VIII	Variance
Section IX	Local License Prohibited
Section X	Local Law Enforcement
Section XI	Repeal of Previous Ordinance
Section XII	Effective Date

THE COUNTY BOARD OF COMMISSIONERS OF BIG STONE COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I – GENERAL PROVISIONS

- 1.1 Purpose. To protect and provide for the public health, safety, and general welfare of the county of Big Stone by licensing and inspecting manufactured home parks and recreational camping areas; regulating their design, construction, operation and maintenance; and providing for the enforcement of the regulations herein throughout said county.
- 1.2 Legal Authority. Countryside Public Health is a joint powers board of health organized under Minnesota Statute Chapter 145A.03 and Minnesota Statute Chapter 471.59 by Big Stone, Chippewa, Lac Qui Parle, Swift, and Yellow Medicine Counties. This ordinance is enacted pursuant to Minnesota Statute Chapter 145A.05 and Minnesota Statute Chapter 471.59 under which county boards may adopt ordinances to regulate

actual or potential threats to the public health and is related to a delegation of authority by the Minnesota Commissioner of Health to Countryside Public Health under Minnesota Statute Chapter 145A.07, Subd. 1, for the licensing, inspection, reporting, and enforcement duties authorized under Minnesota Statutes, Chapter 327 and Minnesota Rules 4630.0200 to 4630.2210 relating to rules and standards for manufactured home parks and recreational camping areas.

- 1.3 Jurisdiction. This ordinance shall be applicable in Big Stone County to all manufactured home parks and recreational camping areas as defined in Minnesota Statute 327.14, and all amendments or additions thereto.
- 1.4 Compatibility. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance, or any other applicable law, ordinance, rule or regulation, the provision which establishes the higher standards for the promotion of the public health, safety, and general welfare shall prevail.
- 1.5 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 affected thereby.

SECTION II – DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this ordinance:

- 2.1 Board means Countryside Public Health (CPH) Community Health Board acting as the Board of Health under the provisions of Minn. Stat. 145A, and all amendments or additions thereto.
- 2.2 Department means the Countryside Public Health (CPH) Environmental Health Department staff or their designee.
- 2.3 Dependent Site means any recreational camping area sites which do not have sewer connections and are dependent upon a central facility for this utility.
- 2.4 Independent Site means any recreational camping area sites that are provided with individual sewer connections.
- 2.5 Mail means a mailing by United States First Class Mail with return receipt requested directed to the recipient's last known address. A return of such mailing for any purpose shall not void the notice.
- 2.6 Manufactured Home means a structure that meets the definition of a manufactured home as defined in Minnesota Statute, Chapter 327.31, and all amendments or additions thereto.

- 2.7 Manufactured Home Park means any site, lot, field, or tract of land upon which two or more occupied manufactured homes are located that meets the definition of a manufactured home park as defined in Minnesota Statute, Chapter 327.14, and all amendments or additions thereto.
- 2.8 Notice means a written instrument delivered personally, mailed to the last known address of the responsible party entitled to notice, or posting the notice at the entry to the establishment.
- 2.9 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, that meets the definition of a recreational camping area as defined in Minnesota Statute, Chapter 327.14, and all amendments or additions thereto.
- 2.10 Recreational Camping Vehicle means any vehicular, portable structure or temporary dwelling used for travel, recreation, and vacation that meets the definition of a recreational camping vehicle as defined in Minnesota Statute, Chapter 327.14, and all amendments or additions thereto.
- 2.11 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 III – LICENSES

- 3.1 Licenses Required It shall be unlawful for any person to operate a manufactured home park, recreational camping area, or special event recreational camping area within Big Stone County without a valid license issued by the Countryside Public Health Environmental Health Department. Issuance and retention of a license is dependent upon compliance with the requirements of this ordinance. Licenses are specific to each manufactured home park, recreational camping area, or special event recreational camping area and are not transferable between establishments, persons or locations. The license must be conspicuously displayed at the establishment. The regular license shall run on a calendar year from January 1st to the next December 31st. The seasonal license shall run from May 1st to the next April 30th. Licenses expire at 11:59 p.m. on the last day the license is in effect. Licenses for special event recreational camping areas are specific to the special event time period.
- 3.2 Application for License.
- A. Any person desiring to operate a manufactured home park, recreational camping area or special event recreational camping area shall make a written application on forms provided by the Department.

- B. Such application shall include: the applicant's full name and address and whether such applicant is an individual, firm, partnership or corporation; the location and description of the manufactured home park, recreational camping area, or special event recreational camping area and a signature of the applicant or applicants. The Department may require such additional information as it may find necessary.
- C. Application for a new manufactured home park, recreational camping area, or special event recreational camping area and the appropriate license fee shall be submitted to the Department at least ten (10) days prior to the desired date of operation.
- D. Renewal applications and the license fee shall be submitted to the Department on or before the expiration date of the current year's license. Penalties shall not accrue until after expiration of the current year's license.
- E. Operation of a manufactured home park, recreational camping area, or special event recreational camping area without a license is a violation of this ordinance.
- F. The Board is authorized to collect annual license fees and all other related fees. The amount of the annual license fee, any penalties or other fees required shall be specified by resolution of the Board and may be adjusted from time to time as the Board deems appropriate. Fees paid shall be retained by the Board regardless of whether there is approval or denial of the license.
- G. If an application for a manufactured home park or recreational camping area is made for the calendar year whereby the license begins on or after October 1st of that year, the license fee for new applicants or new operators shall be one-half of the appropriate annual license fees, plus any penalty which may be required. The provision for one-half of the license fee shall apply to any new applicant or licensee applying on or after February 1st for seasonal licenses.

3.3 License Categories are as follows:

- A. Category A site means any manufactured home park or recreational camping area that meets one or more of the following conditions:
 - 1. has a public swimming pool;
 - 2. draws its drinking water from a surface water supply; or
 - 3. has 50 or more sites.
- B. Category B site means any manufactured home park or recreational camping area that is not a category A site.

SECTION IV – INSPECTION

4.1 Inspection and Correction.

- A. The Department shall classify establishments by license category and inspect all manufactured home parks and recreational camping areas to assure compliance with

the requirements of this ordinance and at a frequency established in Minnesota Rule 4630.2210 and as amended, and any additions thereto.

- B. The person or entity operating a manufactured home park or recreational camping area shall, upon request of the Department, and after proper identification, permit access to all areas of the facility for inspection. Further, the operator shall provide such documents and records required to ensure compliance with the provisions of this ordinance.
- C. Whenever an inspection of a manufactured home park or recreational camping area is made, the findings shall be recorded on an inspection report form. One copy shall be provided to the operator of the facility. The inspection report is a public document and shall be available to the public unless the report is a part of a pending litigation, or unless there are scheduled follow up inspections.
- D. The inspection report form shall specify a specific and reasonable period of time for correction of the violation, except certain violations may require immediate action or suspension of operations of the manufactured home park or recreational camping area as public safety may require.

4.2 Suspension of License.

- A. Licenses may be suspended temporarily by the Department, at any time for:
 - 1. Failure by the holder to comply with the requirements of the ordinance.
 - 2. Failure to timely comply with any notice requiring corrective action.
 - 3. Failure to comply with Minnesota Statutes 327.14 to 327.28 and Minnesota Rules 4630.0200 to 4630.2210, and as amended, and any additions thereto.
- B. A license holder or operator shall be provided notice that the license has been suspended and that an opportunity for a hearing before the Appeals Board will be provided if a written request for an appeal is filed with the Department.
- C. Notwithstanding the other provisions of this ordinance, whenever the Department finds conditions in the operation of the manufactured home park or recreational camping area which in their judgment may constitute a substantial hazard to the public health, a written notice to the license holder/operator may be issued citing such condition(s), specifying corrective action to be taken, and specifying a time period within which such action must be completed. If deemed necessary, such order shall state that the license is immediately suspended and may require that the manufactured home park or recreational camping area operations be immediately discontinued and persons affected by such action may obtain review of this action by filing a written petition for appeal with the Department.

D. Any person whose license has been suspended may at any time make a request for reinspection for the purpose of reinstatement of the license. The request for reinspection shall be in writing and include a summary of the applicant's remedial action and a statement that the condition(s) causing suspension of the license have been corrected. Within ten (10) days of receiving the application, the Department staff shall make a re-inspection. If the applicant is in compliance with the requirements of the ordinance and Minnesota Statutes 327.14 to 327.28 and Minnesota Rules 4630.0200 to 4630.2210, and as amended, and any additions thereto; the license shall be reinstated.

4.3 Revocation of License. For serious or repeated violations of any of the requirements of this ordinance, the license may be permanently revoked. Prior to such action, the Department shall notify the license holder in writing, advising that the license shall be permanently revoked five (5) days after the issuance of said notice. The license holder shall be advised at the same time that a hearing before the Appeals Board will be provided if a written request for appeal is filed with the Department.

4.4 Appeals.

A. An appeal may be brought under the provisions of this section to address any objection to the enforcement of this ordinance. Any affected person may pursue an appeal where the enforcement of a provision of this ordinance causes undue hardship or is believed to be unreasonable, impractical or not feasible.

B. Appeals shall be presided over by an Appeals Board. The membership of the Appeals Board shall consist of the Chairperson of the Board, a County Commissioner, the Countryside Public Health Administrator, and the Department staff. Any of these members may designate an alternate to serve on the Appeals Board. The Appeals Board shall be chaired by the Chairperson of the Board.

C. The Appeals Board shall have the power to affirm, reverse, or modify the enforcement action of Countryside Public Health, its departments, and its agents.

D. An Appeal shall be commenced by a request to the Appeals Board for a hearing. Such requests shall be filed with the Countryside Public Health Office in Benson, Minnesota. The request shall be in the form of a written petition and shall set forth a statement of the issues. Said petition shall be filed within thirty (30) days after the enforcement issue arises.

E. A hearing shall be held within ten (10) days after the date on which the appeal was filed. The Chairperson of the Appeals Board may postpone the date of the hearing for a reasonable time if, in the chairperson's judgment, a good and sufficient reason exists for such postponement.

F. Countryside Public Health shall provide five (5) days written notice of the hearing to the appellant.

- G. At the hearing, Countryside Public Health shall present a detailed, written statement of findings supporting the decision of Countryside Public Health. The appellant, their agent, or attorney shall then be given an opportunity to show cause why the enforcement action taken by Countryside Public Health should be reversed or modified. The hearing may be continued if, in the chairperson's judgment, due process requires or other good and sufficient reason exists for such continuance.
- H. The Appeals Board shall render its decision in the form of findings and conclusions set forth in writing within three (3) days after the close of the hearing. A copy of the decision of the Appeals Board shall be served by mail or in person on the appellant/designee. Any person aggrieved by the decision of the Appeals Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this State.
- I. A recording may be made of any hearing before the Appeals Board and if so, it shall be retained in the office of Countryside Public Health for a period of not less than one (1) year after the close of the hearing. All written records relating to an appeal shall likewise be retained in the office of Countryside Public Health for a period of not less than one (1) year after the close of the hearing.
- J. The terms of any notice served pursuant to the provisions of this ordinance shall become final if a written petition for a hearing is not filed with the Department within ten (10) days after the date of mailing.

4.5 Enforcement.

- A. Nothing herein shall limit the ability to seek release in district court in an action to enjoin violations of this ordinance.
- B. Injunctive actions shall be conducted by the county attorney for the county where the enforcement is to take place.
- C. No person shall make a false statement in a document required to be submitted under the provisions hereof.
- D. Each day that a violation exists shall constitute a separate offense.
- E. Administrative Enforcement.
 - 1. The use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for ordinance violations.
 - 2. A violation of a provision of this ordinance may be subject to an administrative citation and civil penalties.

3. The Board may adopt by resolution a schedule of fines for offenses initiated by administrative citation. Said schedule shall be modified by said Board as it deems appropriate.
4. The Department may issue a written administrative citation upon belief that a violation of this ordinance has occurred. The citation must be delivered in person or by mail to the person responsible for the violation. The citation must state the nature of the offense, the name of the issuing officer, the amount of the fine, and the manner of paying the fine.
5. The person responsible for the violation shall pay the fine within thirty (30) days after issuance of the citation. Payment of the fine constitutes admission of the violation. A late payment of ten percent (10%) of the fine amount may be imposed.
6. Administrative enforcement shall be conducted by the Department or its designee.
7. Appeal from a citation shall be made in accordance with the appeal provisions provided hereinabove.
8. Upon a failure to pay an administrative fine noted above within the above said 30 days, the citation may be dismissed and the violation may be referred to the prosecuting attorney for criminal prosecution.

F. Criminal Enforcement.

1. Criminal prosecution shall be conducted by the county attorney for the county where the enforcement is to take place.
2. Whoever fails to comply with any of the provisions hereof shall be guilty of a misdemeanor.
3. Upon conviction of any violation of this ordinance, a person shall be subject to the statutory penalties for misdemeanors.

SECTION V – PLAN REVIEW

- 5.1 When a manufactured home park or recreational camping area in Big Stone County, licensed or to be licensed under the provisions of this ordinance, is hereafter constructed or remodeled or conversion for use as a licensed establishment, it shall submit to the Department a complete set of plans, specifications and materials, and comply with the

requirements of this ordinance. The plans and specifications shall show the layout; arrangement; mechanical, plumbing and electrical specifications; construction materials of work areas; and location, size and type of equipment and facilities. The plans must be drawn to scale and must be complete and legible in all details. Plans and the fee specified by the Board shall be submitted at least thirty (30) days before beginning construction, extensive remodeling, or conversion of a manufactured home park or recreational camping area. Plumbing plans and specifications must be submitted to the Minnesota Department of Labor and Industry for approval before beginning construction.

- 5.2 If an existing structure that is on an individual sewage treatment system is to be converted or expanded for use as a manufactured home park or recreational camping area, the individual sewage treatment system must have a compliance inspection and the change of use must be approved by the County of residence Zoning Department. Submit the required compliance inspection report and letter of approval from the Zoning Department with the construction plans.

SECTION VI – STANDARDS

- 6.1 All manufactured home parks and recreational camping areas within Big Stone County shall comply with the standards for manufactured home parks and recreational camping areas as set forth in Minnesota Statutes, Chapter 327 and Minnesota Rules 4630.0200 to 4630.2210 and all amendments or additions thereto. Specifically, Minnesota Statutes Chapter 327 and Minnesota Rules 4630.0200 to 4630.2210, inclusive, and amendments or additions, are hereby incorporated herein by reference and made a part of this ordinance.

SECTION VII – STANDARDS FOR SPECIAL EVENT RECREATIONAL CAMPING AREAS

- 7.1 All special event recreational camping areas within Big Stone County shall comply with the standards for special event recreational camping areas as set forth in Minnesota Statutes, Chapter 327.20 and all amendments or additions thereto, are hereby incorporated herein by reference and made a part of this ordinance.

SECTION VIII – VARIANCE

- 8.1 In any case where, upon application of responsible persons, the Department finds that by reason of exceptional circumstances the strict enforcement of Minnesota Rules 4630.0400; 4630.0600 subparts 2 to 4; and 4630.0900 to 4630.1700 would cause undue hardship and would be unreasonable, impractical or not feasible, the Department in its discretion may permit a variance therefrom. The Department shall grant a variance only to these sections according to the procedures set forth in Minnesota Rules, Section 4717.7000 to 4717.7050.

Such variances may be reviewed periodically and rescinded or altered as necessary to protect the public health or eliminate nuisance conditions.

SECTION IX – LOCAL LICENSES PROHIBITED

- 9.1 No municipality may impose any license upon any manufactured home park or recreational camping area, or upon any occupant of a licensed manufactured home park.

SECTION X – LOCAL LAW ENFORCEMENT

- 10.1 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 and 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 XI - REPEAL OF PREVIOUS ORDINANCE

- 11.1 This ordinance repeals and replaces in its entirety all prior manufactured home park or recreational camping area ordinances adopted by these counties.

SECTION XII – EFFECTIVE DATE

- 12.1 This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the Board of Commissioners of Big Stone County, Minnesota the

_____ day of _____, 2022.

Jeff Klages, Chairman Date
Big Stone County Board of Commissioners

Attest: _____ Date
Pam Rud, Coordinator
Big Stone County