

**BIG STONE COUNTY
STATE OF MINNESOTA**



**AN ENVIRONMENTAL HEALTH ORDINANCE PROVIDING
FOR THE REGULATION OF YOUTH CAMPS WITHIN BIG
STONE COUNTY IN CONSORTIUM WITH CHIPPEWA, LAC
QUI PARLE, SWIFT, AND YELLOW MEDICINE COUNTIES
AS COUNTRYSIDE PUBLIC HEALTH**

EFFECTIVE: July 1, 2022

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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 Youth Camps; 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 145A.07, Subd. 1, for the licensing, inspection, reporting, and enforcement duties

authorized under Minnesota Statutes, Chapter 144 and Minnesota Rules 4630.2300 to 4630.4700 relating to rules and standards for youth camps.

- 1.3 Jurisdiction. This Ordinance shall be applicable in Big Stone County to all Youth Camps as defined in Minnesota Statutes, Section 144.71, subdivision 2; and all amendments or additions thereto. These regulations do not apply to those camps defined in Minnesota Statutes, Section 144.71, subdivision 3; 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 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 the Countryside Public Health (CPH) Community Health Board acting as the Board of Health under the provisions on Minnesota Statutes 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 **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.
- 2.4 **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.
- 2.5 **YOUTH CAMP:** Means 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 lodging, or the facilities therefore 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. 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 Minnesota Statutes Chapter 257.

SECTION III - YOUTH CAMP STANDARDS

- 3.1 All youth camps within Big Stone County shall comply with the standards for youth camps as set forth in Minnesota Statutes Sections 144.71 to 144.74 and Minnesota Rules Chapter 4630.2300 to 4630.4700 and amendments and additions thereto, are hereby incorporated herein by reference and made a part of this ordinance. Any reference to the Commissioner shall mean the Countryside Public Health (CPH) Community Health Board and its designated agents, as may be delegated.
- 3.2 An adequate supply of water of a safe, sanitary, and potable quality shall be provided in each youth camp. Water supplies must meet the requirements of Minnesota Rules Chapter 4720 for public water supplies, or Minnesota Rules Chapter 4725 for wells.

SECTION IV - VARIANCE

- 4.1 In any case where, upon application of responsible persons, the Department finds that by reason of exceptional circumstances the strict enforcement of Minnesota Rules Chapter 4630.2300 to 4630.4700 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 Chapter 4717.7000 to 4717.7050.

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

SECTION V - FOOD AND BEVERAGE ORDINANCE; LODGING ORDINANCE; MHP/RCA ORDINANCE; PUBLIC POOL ORDINANCE

- 5.1 The guidelines related to food and beverage establishments of the Big Stone County Food and Beverage Ordinance, as amended from time to time, are hereby incorporated in and made part of this ordinance.
- 5.2 The guidelines related to lodging establishments of the Big Stone County Lodging Ordinance, as amended from time to time, are hereby incorporated in and made a part of this ordinance.
- 5.3 The guidelines related to manufactured home parks and recreational camping areas of the Big Stone County MHP/RCA Ordinance, as amended from time to time, are hereby incorporated in and made part of this ordinance.

- 5.4 The guidelines related to public pools and other artificial recreational bathing facilities of the Big Stone County Ordinance Regulating Public Pools, as amended from time to time, are hereby incorporated in and made part of this ordinance.

SECTION VI - EMBARGO, CONDEMNATION AND TAGGING

- 6.1 The Environmental Health Department staff or their designee may condemn and cause to be removed, embargo, and/or tag any item deemed to be in violation of this ordinance.

SECTION VII - PLAN REVIEW

- 7.1 When a youth camp in Big Stone County, licensed or to be licensed under the provisions of this ordinance, is hereafter constructed or remodeled, or when an existing structure is converted for use as a youth camp, it shall submit to the Department all required plans, specifications and materials, and comply with the requirements of this ordinance. Plans and the fee specified by the Board shall be submitted at least thirty (30) days prior to beginning construction, remodeling, or conversion of an establishment. The plans and specifications must include, but are not limited to:
- A. Completed plan review applications on forms provided by the Department. All plan review fees must be submitted with the application. The plans and specifications shall be drawn to scale and shall be legible and complete in all details.
 - B. A legal description of the site, lot, field or tract of land upon which the applicant proposes to operate and maintain a youth camp.
 - C. The source of all the following:
 - 1. Water supplies
 - 2. Sewage treatment methods
 - 3. Disposal of garbage and refuse
 - 4. The method of fire and storm protection
 - D. Drawings for new construction or alteration, including food service facilities, lodging facilities, MHP/RCA facilities, buildings, wells, plumbing and sewage treatment systems.
 - E. Drawings must show the layout of sleeping rooms, room size, maximum occupancy, exits to hallways or outdoors, fire escapes, window locations and describing ventilation and heating equipment, and floor and wall finishes, and must receive approval by the Department before such work may begin. A general site plan, drawn to scale, must show all buildings, existing and proposed.

- 7.2 Approval. The Department shall approve the plans and specifications only if they meet the requirements of this ordinance, Minnesota Rules Chapter 4626, Minnesota Rules Chapter 4625, Minnesota Rules Chapter 4630, and any other applicable Federal, State or Local laws and regulations.
- A. The establishment shall be constructed and finished in conformance with the approved plans.
 - B. 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.
 - C. 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 VIII - LICENSES AND INSPECTIONS

- 8.1 Licenses needed. It shall be unlawful for any person to operate a youth camp within Big Stone County without a valid license issued by the Department, as required by this ordinance. Issuance and retention of a license is dependent upon compliance with the requirements of this ordinance, and all other applicable Big Stone County Ordinances. Licenses are specific to each youth camp 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.
- 8.2 Application for License.
- A. Any person desiring to operate a youth camp shall make 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 youth camp, as well as a signature of the applicant or applicants. The Department may require such additional information as it may find necessary.
 - C. Application for a new youth camp 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 youth camp without a license is a violation of this ordinance.

- F. Countryside Community Health 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 Countryside Community Health Board and may be adjusted from time to time as the Board deems appropriate. Fees paid shall be retained by the Countryside Community Health Board regardless of whether there is approval or denial of the license.
- G. If an application is made for a 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.

8.3 Inspection and Correction.

- A. The Department shall inspect youth camps annually to assure compliance with the requirements of this ordinance.
- B. The person or entity operating a youth camp shall, upon request of the Department, and after proper identification, permit access to all areas of the youth camp for inspection. Further, the operator shall provide such documents and records to ensure compliance with the provisions of this ordinance.
- C. Further, operators shall furnish or permit sampling, free of charge, samples which may be needed by the Department for laboratory analysis.
- D. Whenever an inspection of a youth camp is made, the findings shall be recorded on an inspection report form. One copy shall be provided to the operator of the youth camp. 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.
- E. 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 youth camp as public safety may require.

8.4 Suspension of License.

- A. Licenses may be suspended temporarily by the Environmental Health Department staff or their designee, 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 Statute 144.71 to 144.74 and Minnesota Rules 4630.2300 through 4630.4700, 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 timely with the Environmental Health Department.
 - C. Notwithstanding the other provisions of this ordinance, whenever the Environmental Health Department staff or their designee find conditions in the operation of the youth camp 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 youth camp 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 Environmental Health 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 request, the Environmental Health Department staff or their designee shall make a reinspection. If the applicant is in compliance with the requirements of the ordinance and Minnesota Statutes 144.71 to 144.74 and Minnesota Rules 4630.2300 to 4630.4700, and as amended, and any additions thereto; the license shall be reinstated.

8.5 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 Environmental Health Department staff 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 Environmental Health Department.

8.6 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 Countryside Public Health

Board, a County Commissioner, the Countryside Public Health Administrator, and the Environmental Health 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 Countryside Public Health 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 on the appellant. 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 Environmental Health Department within ten (10) days after the date of mailing.

8.7 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 Countryside Public Health Community Health 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 Environmental Health Department staff 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 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 Environmental Health 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 Countryside Public Health may refer the violation 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 IX REPEAL OF PREVIOUS ORDINANCE

- 9.1 This ordinance repeals and replaces in its entirety, all prior youth camp ordinances.

SECTION X EFFECTIVE DATE

- 10.1 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: _____
Pam Rud, Coordinator Date
Big Stone County