

Ordinance 442 – Manufactured Home Parks and Recreational Camping Areas

Section 442:00. Regulation of Manufactured Home Parks and Recreational Camping Areas.

Subd. 1. Purpose. The purpose of this ordinance is to establish rules, regulations and standards to:

- (a) Protect and promote the health, safety and general welfare of the people of the City of St. Cloud;
- (b) Correct and prevent conditions that may adversely affect persons living in or near manufactured home parks or recreations camping areas;
- (c) Provide minimum standards, as defined in Minnesota Statutes, Chapter 327, Minnesota Rules, Chapter 4630, this Ordinance and other City Ordinances, for the design, construction, operation, maintenance of manufactured home parks and recreational camping areas in the City of St. Cloud.

Subd. 2. Authority. This ordinance is adopted pursuant to powers granted under Minnesota Statute Chapters 145A, 145A.07, as it may be amended from time to time, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of Minnesota Statute Chapters 145A.03 to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of these sections.

Subd. 3. Jurisdiction. These ordinances are applicable to all manufactured home parks and recreational camping areas, as defined in Minnesota State Statute 327, within the legal boundaries of the City of St. Cloud.

Section 442:01. Adoption of Standards. 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 chapter. Wherein Rules Chapter 4630 refers to the Commissioner, Commissioner shall mean the Health Director for the City of St. Cloud and their designated agents.

Section 442:02. Definitions. Unless specifically defined in this section, words or phrases used in this chapter shall have the meaning given in Minnesota Rules Chapter 4630, or successor rules, and Minnesota Statute 327.14, or successor statutes, as they may be amended from time to time.

Subd. 1. *Department.* The City of St. Cloud Health & Inspections Department.

Subd. 2. *Dependent Recreational Camping Sites.* Recreational camping area sites which do not have sewer connections and are dependent upon a central facility for this utility.

Subd. 3. *Independent Recreational Camping Sites.* Recreational camping area sites which are provided with individual sewer connections.

Subd. 4. *Manufactured Home Park.* 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.

Subd. 5. *Recreational Camping Area*. 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 442:03. License Required. It shall be unlawful for any person, firm or corporation to operate a manufactured home park and/or recreational camping area within the City of St. Cloud without possessing a valid license issued to them by the Department, as required by this ordinance. The City Council grants authority to issue and renew licenses pursuant to this section to the Health Director.

Subd. 1. Application for license. Application for a manufactured home park or recreational camping area shall be made annually 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 in ordinance 512 and submitted to the Department not later than December 1 each year preceding the expiration of the current year's license. In the case of a new manufactured home park or recreational camping area, a minimum of 30-days prior to the opening date of the manufactured home park or recreational camping area.

Subd. 2. Late penalty. The penalty for late payment of license application will be set forth in ordinance 500 of this code.

Subd. 3. Licenses are valid from January 1 to December 31 for each year.

Subd. 4. The license shall state the number of manufactured home sites, independent recreational camping sites and dependent recreational camping sites. No additional sites may be added without approval from the Department.

Subd. 5. The license shall be conspicuously displayed in the office of the manufactured home park or recreational camping area.

Subd. 6. The license shall not be transferable from one establishment, person, entity or location to another establishment, person, entity or location.

Section 442:05. Plan review of construction.

Subd. 1. Plan Review. Whenever a manufactured 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 the 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 evidence of 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 land forms on the property (lakes, streams, ponds, wetlands and the like), 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.

Subd. 2. The Department shall approve the plans and specifications only if they meet the requirements of this chapter, Minn. Rules Ch. 4630 and any other applicable federal state or local laws and regulations.

Subd. 3. The manufactured home park or recreational camping area shall be constructed and finished in conformance with the approved plans.

Subd. 4. Sewage treatment systems must comply with applicable state rules and be designed by a licensed sewage system designer and installed by a licensed installer.

Subd. 5. 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.

Subd. 6. 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 the proposed construction, including, but not limited to: the state's Fire Marshal; the state's Department of Labor and Industry Plumbing Division; or the appropriate county, city or township officials.

Section 442:06. Inspections.

Subd. 1. The Department shall inspect manufactured home parks and recreational camping areas in accordance with the Minnesota Department of Health Requirements and applicable City Ordinances.

Subd. 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 chapter and other applicable codes. 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 chapter. Any interference with the Department in performance of his or her duties shall be grounds for immediate suspension of the license.

Subd. 3. Whenever an inspection of a manufactured home park and recreational camping area is made, the findings will 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.

Subd. 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. A reinspection will be conducted to verify compliance following the specified correcting time.

Subd. 5. The frequency of inspections shall be based on time frames established in Minnesota Rule 4630.2210, or sooner as determined by the Health Director, when necessary.

Section 442:08. Emergency Orders.

Subd. 1. Whenever the Department finds an emergency exists which requires immediate action to protect the public health and or safety, it may, without notice or hearings, issue an order reciting the existence of such an emergency and require that the action be taken as it deems necessary to meet the emergency.

Subd. 2. Notwithstanding the other provisions of this chapter, the order shall be effective immediately. Any person to whom the order is directed shall comply therewith immediately, but upon appeal to the Department, shall be afforded a hearing before an independent hearing officer.

Section 442:09. Suspension of license.

Subd. 1. Licenses, in whole or in part, may be suspended temporarily by the Health Director or their designee at any time for failure by the holder to comply with the requirements of this ordinance or whenever the Health Director or their designee finds unsanitary or other conditions in the operation of a manufactured home park and recreational camping area which in their judgment constitutes a substantial hazard to the public health. The licensee will be given notice of the immediate suspension on site, which will provide conditions which need to be completed prior to license reinstatement. The suspension will take place immediately. The licensee can request a hearing within 10 days of notice of the suspension and the hearing procedure will be the same as set forth in 442:12.

Subd. 2. Any license that has been suspended may at any time make application to the Department for a reinspection for the purpose of reinstatement of the license. Within five days following receipt of a written request, including a statement signed by the applicant that the conditions causing the suspension of the license have been corrected, the Health and Inspections Department will make a reinspection. If the applicant is complying with the requirements of this ordinance, the license will be reinstated.

Section 442:10. Revocation of license. For serious or repeated violations of any of the requirements of this ordinance, the license in whole or in part, may be revoked after an opportunity for a hearing before the City Council has been provided. Prior to such action, the Health Director will notify the license holder in writing and advising that the license will be revoked at the end of a ten day period. A license may be suspended for cause pending its revocation.

Section 442:11. Appeal and Hearing Procedure. Before the Department may revoke, suspend, deny or not renew a license, written notice must be sent to the applicant or owner/licensee setting forth the alleged grounds for the potential action. To appeal the revocation or suspension, the applicant or owner/licensee must submit a request for appeal in writing within 10 days of receiving the notice. The appeal will be before an independent hearing officer selected from the list of independent hearing officers maintained

by the City of St. Cloud. At the hearing, the applicant/licensee may speak on his or her behalf and may present witnesses and other evidence he or she deems necessary. Upon the conclusion of the hearing, the hearing officer, on behalf of the City Council, shall issue a written decision that includes findings of fact. The applicant/licensee may appeal the hearing officer's decision to the Minnesota Court of Appeals by writ of certiorari.

Section 442:12. Enforcement. This ordinance will be enforced by the Health Director of the City of St. Cloud or their designee.

Section 443:13. Penalty for Non-Compliance. Manufactured Home Parks and Recreational Camping Areas in violation this of this ordinance will be subject to the enforcement process and fees outlined in Section 1100 of the St. Cloud City Ordinances and the penalty provisions of Section 100 of the St. Cloud City Ordinances.

Section 443:14. Severability. If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

History: Ord. 2853 11-22-2021