

**LE SUEUR COUNTY
YOUTH CAMP ORDINANCE**

Adopted May 18, 2010

LE SUEUR COUNTY ORDINANCE NO. 2010-5

THE COUNTY BOARD OF LE SUEUR COUNTY ORDAINS:

YOUTH CAMP ORDINANCE

SECTION I. PURPOSE:

The purpose of this Ordinance is to establish standards to protect the health, safety and general welfare of the people of Le Sueur County pursuant to the powers granted under Minnesota Statutes 145A.07 and 144.71 -144.74.

The general objectives include the following:

1. Protect the public from unhealthy and unsanitary youth camps.
2. Correct and prevent conditions that may adversely affect children attending camps.
3. Provide minimum standards for the design, construction, operation and maintenance of youth camps.
4. Meet consumer expectations of the quality and safety of youth camps.
5. Protect the health and safety of persons in attendance at youth camps.

SECTION II. SCOPE:

To achieve these purposes this Ordinance incorporates the substance of existing Minnesota Health Statutes and Rules, and any subsequent amendments thereto.

- 2.1 This Ordinance shall be applicable to all youth camps as defined herein.

The Le Sueur – Waseca Community Health Board and their duly authorized agents are empowered to enforce the provisions of this Ordinance. For this purpose and in this County they shall also have the duties, responsibilities and powers delegated, under Minnesota Rules Sections 4630.2300 — 4630.4700, to the Commissioners of Health, the Minnesota State Board of Health and Minnesota Department of Health, the Minnesota State existing regulations promulgated by the Minnesota Commissioner of Health and contained in Minnesota Rules 4630.2300 — 4630.4700, to the extent that they do not contradict the express terms of this Ordinance, and to the extent that they are more restrictive than the express terms of this Ordinance, are incorporated by reference in this Ordinance and may be enforced according to the terms and procedures of this Ordinance.

- 2.2 Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by any other provision of the 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.

SECTION III. AUTHORITY

This ordinance is enacted pursuant to Minnesota Statute Chapter 145A, Section 145A.05, which authorizes the County Board to adopt Ordinances and 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 by Minnesota Statutes and Administrative Rules.

SECTION IV. DEFINITIONS

For the purpose of this ordinance the following words shall have the following meanings:

- 4.1 Administrator: means the Le Sueur - Waseca Community Health Services Administrator and any related staff acting under the Board's authority.
- 4.2 Annual License: shall mean a renewal license issued to the person, firm or corporation operating a previously licensed youth camp.
- 4.3 Board: shall mean the Le Sueur – Waseca Community Health Board and its Public Health staff.
- 4.4 County: shall mean Le Sueur County and County Board shall mean the Le Sueur County Board of Commissioners.
- 4.5 Youth camp for the purpose of such sections a youth camp is defined as 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.
- 4.6 Person shall mean any individual, firm, partnership, corporation, trustee, or association and with respect to acts prohibited or required herein, shall include employees and licensees.

- 4.7 Public Health Department shall mean the Le Sueur – Waseca Community Health Board and its Public Health Staff.
- 4.8 Primary License shall mean the initial license issued to the first person, firm or corporation to establish and maintain, conduct or operate a youth camp area at any one location.

SECTION V. CAMP SITE

The campsite shall be reasonably distant from any environment detrimental to the health and safety of the children in attendance at the camp. Adequate area shall be available for the development of satisfactory water supply and waste disposal systems. In order to protect against all hazards which cannot be eliminated, suitable guards shall be installed and maintained.

SECTION VI. BUILDINGS

All buildings used for food preparation and storage, sleeping, and other occupancy shall have roofs which do not leak, tight floors and walls free of holes. They shall be so constructed as to provide broad and easy exit in case of fire or other emergency, and shall be adequately equipped with fire extinguishers and other fire-fighting equipment. Doors shall be tight-fitting, and both door and window openings shall be sufficiently screened with a screen of not less than 16 meshes to the inch. All windows shall be so constructed as to be easily opened and closed or shall be equipped with storm shields.

SECTION VII. SLEEPING QUARTERS

- 7.1 Individual Beds: Each camper shall have an individual bed. There shall be at least three feet between beds when placed side by side and at least one foot when placed end to end. The beds shall be arranged for head-to-foot or foot-to-foot sleeping in such a manner as to provide a seven-foot horizontal separation between the heads of the sleepers.
- 7.2 Bunk Beds: Any room containing a double-deck bunk shall have at least one window which can be easily opened. The top of the window shall be higher than the top rail of the upper bunk. The minimum space between the floor and the lower bunk rail shall be 12 inches and the minimum space between the lower and upper bunk rails shall be 36 inches. No bunk shall be more than six feet above the floor. There shall be at least 36 inches between the upper bunk and the ceiling.
- 7.3 Ventilation: Every sleeping room shall be ventilated. The area of direct opening to the outside shall be equivalent to at least five per cent of the floor area. Where this condition cannot be met, adequate mechanical ventilation shall be provided.

SECTION VIII. KITCHEN

Facility kitchen areas shall meet and operate in accordance with the requirements of the Minnesota Food Code, Chapter 4626.

SECTION IX. FOOD PROCUREMENT AND STORAGE

All food shall be obtained and stored in accordance with the provisions of the Minnesota Food Code Chapter 4626.

SECTION X. WATER SUPPLY

Every Youth Camp shall obtain a safe supply of water adequate to supply all needs of the occupants for culinary, drinking and bathing purposes from a community public water supply system, a non—community public water supply system or a source of supply and system which is located, constructed and operated in accordance with all applicable State and Federal laws governing public water supplies including but not limited to Minnesota Rules, Chapter 4715 (Minnesota Plumbing Code) and Minnesota Rules, Chapter 4725 (Minnesota Wells & Borings Code), and Minnesota Rules, Chapter 4720 (Minnesota Public Water Supplies). The Public Health Department shall first approve the source of the water supply. Water, except that served at meals, shall be dispensed either by means of satisfactorily designed drinking fountains or individual paper cups.

SECTION XI. BATHING AND HANDWASHING FACILITIES

Suitable handwashing facilities shall be conveniently located at or near each toilet. Separate handwashing facilities with hot and cold water, soap and approved sanitary towels or other approved hand-drying devices shall be provided for the use of kitchen and food service personnel in the food service area. Shower facilities, if provided, should be on the basis of one showerhead for every 25 persons.

SECTION XII. PLUMBING

All new plumbing shall be installed according to the rules of the commissioner of health and the provisions of chapter 4715, the Minnesota Plumbing Code as adopted by the commissioner of health. Alterations to existing plumbing, when undertaken, shall conform to the provisions of the Minnesota Plumbing Code. Where existing plumbing defects are found to create a serious public health hazard, correction shall be undertaken immediately.

SECTION XIII. TOILET FACILITIES

Toilet facilities shall be provided on the basis of one seat for every 12 campers. In camps or sections of camps used by boys, urinals may be substituted for one- third of the toilet seats. Toilet facilities shall be convenient to sleeping quarters and shall be adequately ventilated and equipped with artificial lighting. Toilet facilities shall be provided at the

waterfront where physically feasible, but the sewage disposal system serving the facilities must comply with Minnesota Rules 7080 and Minnesota Shoreland Rules 6120. Toilet tissue shall be provided at each unit. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair.

SECTION XIV. SEWAGE AND EXCRETA DISPOSAL

Where water flush toilets are used, a sewage disposal system acceptable to the Public Health shall be provided. Where water flush toilets are not provided, privies of the pit type, which conform to a standard of construction acceptable to the Public Health shall be used. Such privies shall be placed separate and apart from the sleeping, living and kitchen quarters. Toilets of the privy or pit type hereinafter constructed shall be located at least 100 feet from the kitchen and dining quarters.

SECTION XV. LIQUID WASTES

Liquid wastes from the kitchen, laundry, shower rooms and other sources shall be combined with the liquid toilet wastes or shall be disposed of separately by soil absorption in a manner which will not endanger a water supply, pollute any surface water or create nuisances or otherwise constitute a hazard to the public health and safety.

SECTION XVI. PLUMBING, WATER SUPPLY AND SEWAGE DISPOSAL PLAN SUBMISSION

Plans and specifications covering the installation of new systems of plumbing, water supply and sewage disposal or the material alteration or extension of existing systems of plumbing, water supply and sewage disposal shall be submitted to the appropriate governing agency for review and approval.

SECTION XVII. GARBAGE; REFUSE

All garbage shall be collected in leak proof, nonabsorbent containers provided with tight-fitting lids or covers and shall be disposed of in a sanitary manner with sufficient frequency as to prevent a nuisance. Containers shall be located in a manner to readily be accessible to all areas of the facility. All containers for the collection of garbage and refuse shall be kept in a sanitary condition.

SECTION XVIII. SWIMMING BEACH

Natural swimming places shall be located only on lakes and streams which are relatively free of human, animal and industrial pollution and where such bathing and swimming will not endanger the quality of a domestic water supply, or interfere with other uses of the water by riparian owners. The areas designated for swimming shall be properly marked, shall be kept free of weeds, sharp stones, sunken logs and other debris and shall preferably have a gradual slope. Swimming pools shall be constructed and operated in accordance with standards acceptable to the Minnesota Department of Health and the

Public Health. All waterfront activities involving campers, staff members or visitors shall be adequately supervised.

SECTION XIX. DESIGNATION OF RESPONSIBLE PERSONS BY CAMPER

Each camper and staff member shall file with the camp operator the names, address and telephone number of one or more duly licensed practitioners of the healing arts or other responsible persons who are to be notified in case of illness or injury.

SECTION XX. PRACTITIONER TO BE DESIGNATED

The camp operator shall designate one or more duly licensed practitioners of the healing arts to be called in an emergency.

SECTION XXI. INFIRMARY AND FIRST AID

The camp operator shall provide an infirmary for the isolation of sick or injured campers and staff members. First-aid equipment and supplies shall be available and a person qualified in first-aid care shall be in charge at all times. When the existence of a communicable disease is suspected, the operator shall isolate the individual immediately and promptly arrange for medical attention. Transportation shall be provided for the immediate removal from the camp of the sick or injured campers or camp personnel in emergency cases.

SECTION XXII. HEALTH EVALUATION

A health evaluation record must be presented to the camp operator by each staff member and by each camper under age 18 (or unemancipated) prior to or at the time of admission to the camp in accordance with Minnesota Rules 4630.4300.

SECTION XXIII. HEALTH RECORDS

The camp operator shall keep a health record of every camper and staff member. In addition to the health evaluation record, it shall include the detailed records of the individual's illnesses and injuries occurring and the first-aid treatments given during the period of attendance at camps.

SECTION XXIV. HAZARDOUS WEAPONS

Firearms and other hazardous weapons shall be kept in locked compartments and shall be used only under supervision.

SECTION XXV. LIVESTOCK AND PETS

Livestock shall be quartered at least 500 feet from the cooking, dining and sleeping quarters. Unless special facilities are provided, pets shall not be permitted in the camp.

SECTION XXVI. LICENSE

26.1 Application for License: It is unlawful for any person to operate or permit the operation of a youth camp, regardless of whether a fee is charged for such use, unless the Public Health Department has issued a valid license.

26.2 Licensing of youth camps shall be done pursuant to Le Sueur County Youth camp Ordinance and the following provisions:

1. The license shall state the number of campers allowed according to approval of the Public Health Department.
2. No renewal license shall be issued if the number of campers/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 Public Health Department.
3. Any youth camp located in more than one municipality shall be dealt with as two separate youth camps.
4. The license shall be conspicuously displayed in the office of the youth camp. The license is not transferable as to place or person. All licenses expire as of May 31 each year.

26.3 The application for license to operate and maintain youth camp shall be made to the Public Health Department, at such office and in such manner as may be prescribed by the Public Health Department.

Any person desiring to operate a Youth camp shall make an application in writing upon a form provided by the Public Health Department. Such application shall include:

1. The full name and address of the applicant or applicants, partners if the applicant is a partnership or the names and addresses of the officers if the applicant is a corporation.
2. A legal description of the site, lot, field or tract of land upon which the applicant proposes to operate and maintain a youth camp.
3. The proposed and existing facilities on the site for sanitary community buildings including toilets, urinals, sinks, washbasins, slop sinks, showers, drains and laundry facilities.
4. The source of water supplies, the disposal method of sewage, garbage and refuse, the method of fire and storm protection and the method of camp site lighting.

5. The calendar months of the year which the applicant will operate the youth camp.
6. Plans and drawings for new construction or alteration, including buildings, wells, plumbing and sewage disposal systems.

26.4 Fees: The Board, by resolution, may establish reasonable fees for the administration of this ordinance. Such fees may be changed by resolution of the Board, as they deem appropriate. The license fee for change of ownership of a previously licensed establishment under this chapter for the same license period is one-half of the appropriate annual license fee, plus any penalty that may be required. The license fee for establishments opening on or after March 1 is one-half the appropriate annual license fee, plus any penalty that may be required. An approved Local Zoning Permit or a statement that a permit is not required shall also accompany the license application.

26.5 Sanitary Facilities: While the application for such license is pending approval any change in the sanitary or safety facilities of the intended youth camp shall be immediately reported in writing to the Public Health Department through the office in which the application was made. If no objection is made by the Public Health Department to changes in the sanitary or safety facilities within 60 days of the date the change is reported, it shall be deemed to have the approval of the Public Health Department.

26.6 Permit: When the plans and specifications have been approved, the Public Health Department shall issue an approval report permitting the applicant to construct or make alternations pertaining to water and sewage disposal upon a youth camp and the appurtenances thereto, according to the plans and specifications presented.

Such approval does not relieve the applicant from securing building permits in municipalities having a building code; or from complying with other municipal ordinance or ordinances, applicable thereto, not in conflict with this ordinance. When construction has been completed in accordance with approved plans and specifications, the Public Health Department shall promptly cause the youth camp and appurtenances thereto, to be inspected. If upon completion of the inspection, it is found that the requirements of this ordinance have been met; the Public Health Department shall forthwith issue the license in the name of the County.

26.7 License Renewals: Each application for a license, together with the appropriate license fee as described herein shall be submitted to the Public Health Department not later than June 1 each year, following expiration of the previous years license, transfer of ownership, or in the case of a new business, 10 days prior to the opening date of such a business. Any person who operates a youth camp without submitting a license application and appropriate fees shall be deemed to have violated this ordinance and shall be subject to prosecution as provided for in this ordinance.

26.8 Penalty for Late Payments: Every proprietor of a youth camp who operates an establishment after the expiration date of an existing license or without applying for a license as required by this ordinance shall be subject to a penalty of late payment to be paid to the Public Health Department along with the regular license fee in an amount established by the Le Sueur - Waseca Community Health Board.

SECTION XXVII INSPECTION

- 27.1 Inspection of Youth Camps: The Public Health shall inspect every licensed establishment as frequently as it may deem necessary to insure compliance with this Ordinance, but not less than one complete inspection per year.
- 27.2 Report: Whenever an inspection of a youth camp is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be delivered to the licensee or licensee's authorized agent in person or by mail. 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.
- 27.3 Access to Premises and Records - Interference with Public Health: The person operating the youth camp shall, upon request of the Public Health and after proper identification, permit access to all parts of the establishment at any reasonable time for the purpose of inspection. No persons shall interfere with or hinder the Public Health in the performance of its duties, or refuse to permit the Public Health to make such inspections.
- 27.4 Removal and Correction of Violations: All licensees, owners or operators of youth camps having a report posted in the office of the camp or having received a report giving notification of one or more violations of this ordinance shall correct or remove each violation in a reasonable length of time as determined by the Public Health. The length of time for the correction or removal of each such violation shall be noted on the inspection report. The failure to remove or correct each such violation within the time period noted on the inspection report shall constitute a separate violation of this Ordinance.

SECTION XXVIII ENFORCEMENT

- 28.1 Emergency Orders: Notwithstanding any other provision of this ordinance, the Public Health Department upon finding that there is a clear and present danger to the public health may order the immediate closing of the central building for the purpose of reducing the amount of liquid waste being discharged to the sewage system. The order shall be complied with immediately. The licensee may appeal such order to the district court and shall be entitled to immediate trial de novo on the validity of such order. Failure of the licensee to comply with such order shall be a misdemeanor.

28.2 Suspension of License: Licenses may be suspended temporarily by the Administrator at any time for failure by the holder to comply with the requirements of this ordinance. Whenever a license holder or operator has failed to comply with any notice requiring corrective action, issued under the provisions of this ordinance, that license holder or operator may be notified in writing that the license upon service of notice is immediately suspended and that an opportunity for a hearing before the Appeals Board will be provided if a written request for appeal is filed within five (5) days with the Administrator by the license holder.

Notwithstanding the other provisions of this ordinance, whenever the Administrator finds unsanitary or other condition(s) in the operation of a youth camp which, in their judgment, may constitute a substantial hazard to public health, they can without warning, notice or hearing, issue a written notice to the license holder or operator citing such condition(s), specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and if deemed necessary, such order shall state that the license is immediately suspended, and all operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Administrator, shall be afforded an appeal before the Appeals Board as soon as the Appeals Board may be convened.

Any person whose license or permit has been suspended may at any time make application for a reinspection for the purpose of reinstatement of the license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in their opinion the condition(s) causing suspension of the license has/have been corrected, the Administrator shall make a reinspection. If the applicant is in compliance with the requirements of this ordinance and MN Rules Chapter 4630, the license shall be reinstated.

28.3 Revocation of License: For serious or repeated violations of any of the requirements of this ordinance or MN Rules Chapter 4630, the license may be permanently revoked after an opportunity for a hearing before the Appeals Board has been provided. Prior to such action, the Administrator shall notify the license holder in writing, advising that the license shall be permanently revoked at the end of a five (5) day period.

28.4 Appeals Board: The Appeals Board shall consist of the Chairperson and Vice Chairperson of the Le Sueur - Waseca Community Health Board or their designated appointee, and the Administrator or a designated agent. The Vice Chairperson of the Le Sueur – Waseca Community Health Board shall serve as Chairperson of the appeals board.

28.5 Request for Hearing: Any person affected by a notice of embargo, suspension, or revocation shall be granted a hearing on the matter before the Appeals Board upon filing in the office of the Administrator, written petition requesting such a hearing and setting forth a brief statement on the grounds therefore. Said petition shall be filed within ten (10) days after the notice was served.

- 28.6 Date of Hearing: The hearing requested shall be held not more than ten (10) days after the date on which the petition was filed. The Chairperson of the Appeals Board may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if in the judgment a good and sufficient reason exists for such postponement.
- 28.7 Notice of Hearing: The Administrator shall cause five (5) days written notice of the hearing to be given to the petitioner or petitioners by personal service or by mailing to the petitioner or petitioner's last known address.
- 28.8 Proceedings: At such hearing the petitioner, their agent or attorney shall be given an opportunity to be heard and to show cause why the notice of embargo, suspension, or revocation issued by the Administrator should be modified or withdrawn. The Administrator shall present a detailed written statement of their findings and recommendation(s) to the Appeals Board at the time of the hearing.
- 28.9 Decisions of the Appeals Board: The Appeals Board, within three (3) days after such hearing, shall sustain, modify or withdraw the notice of embargo, suspension, or revocation depending upon its findings. A copy of the decision of the Appeals Board shall be served by mail to the petitioner or petitioners. 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 the state.
- 28.10 Record of Proceedings: The proceedings of each hearing held before the Appeals Board pursuant to petition, including the findings and the recommendation(s) of the Administrator shall be recorded and reduced to writing and entered as a public record in the office of the Administrator. Such record shall include a copy of every notice or order or writing issued in connection with the matter.
- 28.11 Notices not Appealed: Any notice served pursuant to the provisions of this ordinance shall automatically become final if a written petition for a hearing is not filed with the Administrator within ten (10) days after the notice is served.
- 28.12 Variance: The party requesting the variance must submit the variance request in writing to the Community Health Board along with any applicable fee. A request must contain:
- a. the specific language in the rule or rules from which the variance is requested;
 - b. the reasons why the rule cannot be met;
 - c. the alternative measures that will be taken to assure a comparable degree of protection to health or the environment if a variance is granted;
 - d. the length of time for which the variance is requested;
 - e. a statement that the party applying for the variance will comply with the terms of the variance, if granted; and
 - f. other relevant information the Community Health Board determines

necessary to properly evaluate the request for the variance.

SECTION XXIX. ENFORCEMENT

29.1 Misdemeanor: 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 as provided by law. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.

29.2 Effective Date: This Ordinance shall be in full force and effect upon publication and adoption pursuant to law.


Adopted this 18TH day of MAY, 2010

COUNTY BOARD OF COMMISSIONERS

ATTEST:



Chairperson



Clerk/County Administrator

