

LAKE COUNTY YOUTH CAMP ORDINANCE #15

2011

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OFFICE OF THE
REGISTRAR OF TITLES
LAKE COUNTY, MINNESOTA

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RECORDED ON
09/09/2011 10:00AM

ERICA KOSKI
REGISTRAR OF TITLES
~~BY Erica Koski Deputy~~

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OFFICE OF THE
COUNTY RECORDER
LAKE COUNTY, MINNESOTA

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ERICA KOSKI
LAKE COUNTY RECORDER

BY Roguel Moe Deputy

**LAKE COUNTY YOUTH ORDINANCE
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SECTION I - PURPOSE

The purpose of this Ordinance is to establish standards for Youth Camps and to protect the health, safety and general welfare of the people of Lake County pursuant to the powers granted under Minnesota Statutes 145A.05 and Minnesota Statutes 144.71 – 144.74, including the following general objectives:

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

SECTION II - SCOPE

To achieve these objectives 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 stated herein.

The Lake County Environmental Health Department 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 – 4630.4750, 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 – 4630.4750, 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.

SECTION III – AUTHORITY

This ordinance is enacted pursuant to Minnesota Statute Chapter 144, which establishes the authority for the State to license Youth Camps, and Minnesota Statute 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 IV - DEFINITIONS

- 4.1 Board shall mean the Lake County Board of Commissioners.
- 4.2 Authority shall mean the Lake County Board of Commissioners and the Lake County Environmental Health Department or its agent.
- 4.3 License shall mean a new or renewal license issued to the person, firm or corporation operating the food and beverage service.

- 4.4 Approved shall mean acceptable to the Environmental Health Department following its determination as to conformity with departmental standards and established public health practices.
- 4.2 Environmental Health Department shall mean Lake County Environmental Health Department and or its agents.
- 4.3 Youth Camp 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 Appeals Board means Lake County Board member or designated appointee, Human Services Director, and Public Health Supervisor.

SECTION V – ADMINISTRATION

The Environmental Health Department shall administer and interpret the provisions of this Ordinance. In addition to the duties set forth herein, the Environmental Health Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved and other official actions.

The Environmental Health 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 Environmental Health Department shall be empowered to do the following:

Prepare reports and recommendations regarding any additional measures that he/she deems necessary to affect the purpose of this Ordinance.

Obtain assistance and cooperation from other State and local health, legal and law enforcement officials in the administration and enforcement of this Ordinance.

Cooperate with local and State personnel in the enforcement of this Ordinance and State regulations, rules and requirements relating to food and beverage service establishments.

Arrange for the enforcement of any and all rules, orders, permits and other requirements established herein or issued pursuant to this Ordinance.

Enter upon the premises of any lodging establishment at any reasonable time for the purpose of administering and enforcing this Ordinance.

The Environmental Health Department may impose additional requirements to protect against health hazards related to the conduct of their operation, and may prohibit the sale or distribution of any or all foods.

Interpret the provisions and intent of this Ordinance as may be necessary from time to time.

SECTION VI – ADOPTIONS OF YOUTH CAMP STANDARDS

The standards for Youth Camp outlined in Minnesota Rules Chapter 4630; is hereby incorporated in and made part of this ordinance. Wherein Minnesota Rules Chapter 4630 refers to the Commissioner, Commissioner shall mean the Lake County Board of Commissioners and Environmental Health Department.

SECTION VII – COMPLIANCE PROCEDURES

- 7.1 Licenses Needed. It shall be unlawful for any person to operate a food and/or beverage service establishment within Lake County who does not possess a valid license issued to them by the Environmental Health Department as required by this ordinance. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person or location to another establishment, person or location. A valid license shall be posted in every Youth Camp. All licenses expire as of December 31st each year.
- 7.2 Application for License. Any person desiring to operate a Youth Camp shall make written application for a license on forms provided by the Environmental Health Department. Such application shall include: the applicant's full name and address and whether such applicant is an individual, firm, partnership or corporation, a legal description of the site, lot, field or tract of land, the calendar months of the year which the applicant will operate the youth camp as well as the signature of the applicant or applicants. If a partnership, the names of the partners, together with their addresses shall be included. The application for a license, together with the appropriate license fee and required documentation as described on the application shall be submitted to the Environmental Health Department not later than January 31. A penalty fee at a rate specified by Board resolution shall be added to the amount of the license fee and paid by the proprietor if the annual license fee has not reached the Environmental Health Department office by the dates specified on the application.

A penalty fee at a rate specified by Board resolution shall be added to the amount of the license fee and paid by the proprietor if the annual license fee has not reached the Environmental Health Department office by the dates specified on the application. Refer to Appendix A.

Any person who operates a Youth Camp 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.

SECTION VIII – PLAN REVIEW OF FUTURE CONSTRUCTION

Whenever a food and beverage service establishment is constructed or remodeled, or whenever an existing structure is converted to use as a food and beverage service establishment, properly prepared plans and specifications for such food service area construction, remodeling, or conversion shall be submitted to the Environmental Health Department with applicable fees for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed equipment layout, room finish materials, plumbing specifications, kitchen exhaust ventilation and make-up air specifications, construction materials of work areas, and the manufacturer's name and model number of proposed equipment and facilities. 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 Environmental Health Department shall approve the plans and specifications only if they meet the requirements of this Ordinance, the Minnesota Food Code, Minnesota Rules, Chapter 4626.0010 to 4626.1870 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. The licensee must obtain an inspection from the Environmental Health Department prior to the start of the operation. Construction must be completed and approved before operation can begin.
- D. 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 IX – INSPECTION

- 9.1 Inspection of Youth Camps The Environmental Health Department shall inspect every licensed Youth Camp as frequently as it may deem necessary to insure compliance with this Ordinance, but not less than one complete inspection per year. No persons shall interfere with the Environmental Health Department in the performance of its duties, or refuse to permit the Environmental Health Department to make such inspections.
- 9.2 Removal and Correction of Violations All licensees, owners or operators of youth camps 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 Environmental Health Department. 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 X - NOTICE OF SUSPENSION

- 10.1 Whenever, upon inspection of the youth camp the Environmental Health Department finds that conditions or practices exist which are in violation of any provision of this regulation,

the Environmental Health Department shall give notice in writing to the operator of such business, that unless such conditions or practices are corrected within a reasonable period to be determined by the Environmental Health Department, the operator's license may be suspended. At the end of such period, the Environmental Health Department shall re-inspect such youth camp and if the Environmental Health Department finds that such conditions or practices have not been corrected, the Environmental Health Department may give notice in writing to the operator that the operator's license has been suspended. Upon receipt of notice of suspension of the license, such operator shall immediately cease operation of the youth camp no person shall occupy for sleeping purposes any unit therein except the owner's quarters when existing in the same building.

- 10.2 Nothing in this section shall be construed to prevent the Environmental Health Department from suspending a license only as to such portion of the premises that do not comply with the provisions of this regulation and permitting the continued operation of the remaining portions of such premises which do comply.

SECTION XI - EMERGENCY ORDERS

Whenever the Environmental Health Department finds that an emergency exists which requires immediate action to protect the public health, the Environmental Health Department may, without notice or hearings, issue an order reciting the existence of such an emergency and require that such action be taken as the Environmental Health Department deems necessary to meet the emergency. Notwithstanding the other provisions of this regulation, such order shall be effective immediately.

Any person to whom such order is directed shall comply therewith immediately but upon petition to the Environmental Health Department shall be afforded a hearing before the Appeals Board.

SECTION XII - APPEAL FROM SUSPENSION OF LICENSE

Any person whose license to operate a youth camp has been suspended, or who has received notice from the Environmental Health Department that his license is to be suspended unless existing conditions or practices are corrected, may request and shall be granted a hearing on the matter before the Appeals Board and the procedure provided by Section XII of this regulation; provided that if no petition for such hearing is filed within ten (10) days following the day in which such license was suspended, such license shall be deemed to have been revoked.

SECTION XIII - APPEALS BOARD

- A. Request for Hearing. Any persons affected by a notice of suspension or emergency order which has been issued and served as provided in Section IX and X shall be granted a hearing on the matter before the Appeals Board upon filing in the office of the Environmental Health Department written petition requesting such 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.
- B. Date of Hearing. The hearing requested shall be held not more than ten days after the date on which the petition was filed. Appeals Board may postpone the date of the hearing for a reasonable time beyond such ten (10) day period if a good and sufficient reason exists for such postponement.

- C. Notice of Hearing. The Environmental Health Department 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's last known address.
- D. Proceedings. At such hearing, the petitioner, petitioner's agent or attorney shall be given an opportunity to be heard and to show cause why the notice of suspension or emergency order issued by the Environmental Health Department should be modified or withdrawn. The Environmental Health Department shall present a detailed, written statement of findings and recommendations to the Appeals Board.
- E. Decisions of the Appeals Board. The Appeals Board within three (3) days of the hearing shall sustain, modify, or withdraw the notice of suspension or emergency order, depending upon its findings as to whether the licensed youth camp is being operated in compliance with the provisions of this regulation. A copy of the decisions 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 there from in any court of competent jurisdiction as provided by the laws of the State.
- F. Record of Proceedings. The proceedings of each hearing held before the Appeals Board pursuant to petition, including the findings and the decision, shall be recorded and reduced to writing and entered as a public record in the office of the County Attorney. Such record shall include a copy of every notice, order, or writing issued in connection with the matter.
- G. Notices not Appealed. Any notice served pursuant to the provisions of this regulation shall automatically become final if written petition for a hearing is not filed with the Environmental Health Department within ten (10) days after the notice is served.

SECTION XIV – SEVERABILITY

- 14.1 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.
- 14.2 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 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 (\$1,000.00) 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.

EFFECTUATION OF ORDINANCE # 15

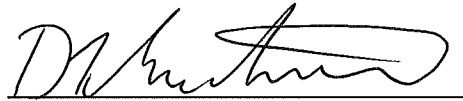
Section XVI This ordinance repeals and replaces in its entirety the Lake County Children's Camp Ordinance #15, adopted December 3, 1987.

Section XVII This Ordinance shall take effect and be in full force on August 19, 2011.

Recommended by the Lake County Public Health Department after a public hearing on July 26, 2011 and passed by the Lake County Board of Commissioners this 26th day of July, 2011.

9-6-2011

DATE



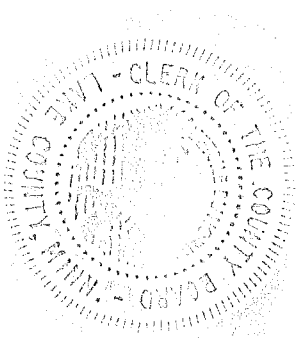
Derrick Goutermont, Chairman
Lake County Board of Commissioners

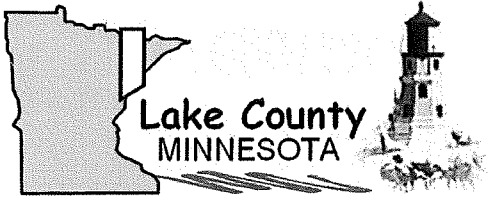
9-6-2011

DATE



Laurel Buchanan, Clerk of the Board





Board of Commissioners
Lake County Courthouse
601 Third Avenue
Two Harbors, MN 55616
Phone: 218-834-8320 Fax: 218-834-8360
Website: co.lake.mn.us

First District - Thomas Clifford, M.D.
Second District - Derrick Goutermont
Third District - Brad Jones
Fourth District - Paul Bergman
Fifth District - Rich Sve

RESOLUTION NO. 11072606

**REPEAL OF CURRENT LAKE COUNTY PUBLIC HEALTH ORDINANCE #15
AND ADOPTION OF UPDATED LAKE COUNTY PUBLIC HEALTH ORDINANCE #15 - YOUTH CAMP**

WHEREAS, Lake County Public Health updated **PUBLIC HEALTH ORDINANCE #15 – YOUTH CAMP**; and

WHEREAS, Lake County Public Health held a public hearing regarding the proposed updates to Ordinance #15 – Youth Camp, on July 26, 2011 at 2:00 p.m. , in the Commissioners' Chamber in Two Harbors, Minnesota; and

WHEREAS, Lake County Public Health forwarded the proposed draft Ordinance to the Lake County Board for adoption;

NOW, THEREFORE, BE IT RESOLVED, that the Lake County Board of Commissioners hereby repeals the current Lake County Children's Camp Ordinance #15, approves the final draft of the revisions to the Lake County Youth Camp Ordinance #15, and adopt new Lake County Youth Camp Ordinance #15, effective August 19, 2011. This new ordinance hereby repeals and replaces in its entirety the Lake County Children's Camp Ordinance # 15 effective date of December 3, 1987.

Adopted: July 26, 2011

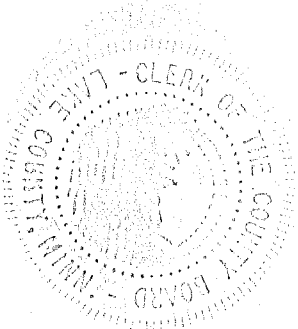
Commissioner Sve moved the adoption of the foregoing resolution and the same was declared adopted upon a unanimous vote of all members present. Absent: None

STATE OF MINNESOTA)
ss.
County of LAKE)

I, Laurel Buchanan, clerk of the Board, Lake County, Minnesota, do hereby certify that I have compared the foregoing resolution with the original filed in my office on the 26th day of July, 2011, and that the same is a true and correct copy of the whole thereof.

WITNESS my hand and seal of office at Two Harbors, Minnesota this 29th day of July, 2011.

Laurel Buchanan
Clerk of the Board



Laurel D. Buchanan
Administrative Clerk of the Board

99859

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