

WADENA COUNTY

**ORDINANCE REGULATING YOUTH CAMPS
IN WADENA COUNTY**

ORDINANCE #10

by and through

WADENA COUNTY PUBLIC HEALTH DEPARTMENT

Revised 7-1-10



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ORDINANCE REGULATING YOUTH CAMPS

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ORDINANCE FOR YOUTH CAMPS

The Wadena County Board adopts:

Section 1 PURPOSE

The purpose of this ordinance is to establish standards for Children's Camps to protect the health, safety and the general welfare of the people of Wadena County.

Section 2 LEGAL AUTHORITY

This Ordinance is enacted pursuant to Minnesota Statute Chapter 144, Sections 144.71 - 144.74, which authorizes the Minnesota Department of Health to regulate children's camps and 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 permitting, inspection and enforcement duties and Minnesota Rule 4630.

Section 3 JURISDICTION

3.1 Any person, firm, corporation owning or operating a Children's Camp within the legal boundaries of Wadena County, shall be required to meet all provisions of this ordinance.

3.2 Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this regulation, the provision which establishes the higher standards for the promotion of the public health, safety and general welfare shall prevail.

Section 4 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 effected.

Section 5 DEFINITIONS

5.1 **Board** means the Wadena County Board of Commissioners.

5.2 **Public Health Department** means the Director and any related staff under the Board's authority.

5.3 **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, resorts, and 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.

5.4 Appeals Board shall be appointed by the Board. The members will consist of: two County Commissioners, the Public Health Department Medical Director, a member of the County Public Health Advisory Committee and an owner or operator of a licensed establishment recruited by the Public Health Department. The Appeals Board shall elect its own chair.

Section 6 VARIANCES AND WAIVERS

6.1 Procedures to request a variance or waiver A licensee may request that the Public Health Department grant a variance or waiver from the provisions in Section 5.32. All requests for a variance or waiver must be submitted to the Public Health Department in writing. Each request shall contain:

- A. The specific language in the ordinance from which the variance or waiver is requested;
- B. The reasons for the request;
- C. The alternative measures that will be taken if a variance or waiver is granted;
- D. The length of time for which the variance or waiver is requested; and
- E. Other relevant information necessary to properly evaluate information necessary to properly evaluate the request for the variance or waiver.

6.2 Criteria for decision The decision to grant or deny a variance or waiver shall be based on the Public Health Department's evaluation that:

- A. The variance or waiver will not adversely affect the environment;
- B. The alternative measures to be taken, if any, are equivalent to or superior to those prescribed in the ordinance; and
- C. Compliance with the ordinance would impose an undue burden on the applicant.

6.3 Notification of variance The Public Health Department shall notify the applicant in writing of the decision to grant or deny a variance or waiver. If a variance or waiver is granted, the notification shall specify the period of time for which the variance or waiver will be effective and the alternative measures or conditions, if any, the applicant must meet.

6.4 Effect of alternative measures or conditions All alternative measures or conditions

attached to a variance or waiver have the force and effect of the applicable ordinance and are subject to the issuance of correction orders and penalties as provided by law.

6.5 Renewal A request for the renewal of a variance or waiver must be submitted in writing before its expiration date. Renewal requests shall contain the information in subpart 1. The Public Health Department shall renew a variance or waiver if the applicant continues to satisfy the criteria in 6.1 and demonstrates compliance with the alternative measures or conditions imposed when the original variance or waiver is granted.

6.6 Denial, revocation, or refusal to renew The Public Health Department shall deny, revoke, or refuse to renew a variance or waiver if the Health Department determines that the criteria in 6.1 and 6.2 are not met. The Public Health Department shall notify the applicant in writing of the decision to deny, revoke, or refuse to renew the variance or waiver. The notice must describe the reasons for the denial, revocation, or refusal to renew, and inform the applicant of the right to appeal the decision.

Section 7 PLAN REVIEW OF FUTURE CONSTRUCTION

7.1 Whenever a youth camp is constructed, extensively remodeled and whenever an existing structure is converted to use as a youth camp under Minnesota Statute, Chapter 144, properly prepared plans and specifications for the construction, remodeling, or conversion must be submitted to the Public Health Department for review and approval before construction, remodeling or conversion is begun. The plans and specifications must indicate the proposed layout, arrangement, construction materials of work areas, and the type and model number of proposed fixed equipment and facilities. The plans and specifications, submitted and drawn to scale, must be legible and complete in all details. Plumbing specifications need to be submitted directly to the Minnesota Department of Labor and Industry.

7.2 The Public Health Department shall approve the plans and specifications if they meet the requirements of Section 5.3 and report the findings within 30 days of the date that plans are received.

7.3 The facility must be constructed and finished in conformance with the approved plans.

7.4 The Public Health Department shall inspect the youth camps before start of operation to determine compliance with the approved plans and specifications.

Section 8 CAMP SITE

The camp site 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. There shall be convenient access to the camp at all times during its operation.

Section 9 **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. All screen doors shall have self-closing apparatus.

Section 10 **SLEEPING QUARTERS**

10.1 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. All bedding including mattresses, linens and covers provided by the camp management shall be maintained in a clean, sanitary condition and in good repair.

10.2 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.

10.3 Ventilation Every sleeping room shall be ventilated. The area of direct opening to the outside shall be equivalent to at least 5 percent of the floor area. Where this condition cannot be met, adequate mechanical ventilation shall be provided.

Section 11 **FOOD SERVICE FACILITIES**

11.1 Food Service Facilities All food service facilities shall be constructed, equipped and operated in accordance with the provisions of Wadena County ordinance regulating Food and Beverage establishments.

11.2 Kitchen The kitchen shall be separated from the dining room by a partition. The walls, ceiling, floor and partitions shall be so constructed as to be easily cleaned. The kitchen shall be used for no other purpose than the storage or preparation of food and the washing and storage of dishes and other food service equipment. No person other than kitchen personnel shall be permitted to enter the food preparation area. The kitchen shall be well ventilated. Illumination to afford a minimum of 20 foot candles of light at all working surfaces and at least ten foot candles on other surfaces and equipment during periods of food preparation and service shall be provided.

Section 12 **FOOD PROCUREMENT AND STORAGE**

12.1 Food All food shall be of good quality. No hermetically sealed, nonacid, and low-acid food which has been processed in a place other than a commercial food-processing establishment shall be used. Meat shall be obtained from officially approved sources. Perishable food, including milk, shall be stored in clean refrigerators of adequate capacity at a temperature of 40 degrees Fahrenheit or below. Each refrigerator shall be equipped with an accurate thermometer. Nonperishable food shall be stored off the floor in clean, well ventilated rooms which are reasonably insect-and rodent-proof. Storage areas shall be illuminated at not less than five foot candles of light measured at 30 inches from the floor.

12.2 Milk All milk shall be pasteurized. Milk for drinking shall be received in two-quart, quart, pint, or half-pint containers and shall be served from the original container, but where a milk dispenser of a design acceptable to the Public Health Department is used, cups and glasses may be filled directly from the dispenser. Pitchers or other nondrinking vessels shall not be filled from a dispenser and used for serving milk.

When concentrated or powdered milk is used, it shall be mixed and handled in a sanitary manner. It shall be prepared immediately prior to the time it is to be consumed and only in the quantity needed for that one period of serving.

12.3 Storage of poisonous substances No insecticides, germicides, other poisonous substances, or cleaning materials shall be stored in the same room with foods.

Section 13 **FOOD SERVICE**

The kitchen shall be kept clean. All food service equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable, durable, and in good repair. The food contact surfaces of such equipment and utensils shall be nontoxic, corrosion-resistant, relatively nonabsorbent, and easily accessible for cleaning. Equipment which meets the National Sanitation Foundation standards will comply with these provisions. All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas. Food-handling procedures which will minimize the possibility of food contamination shall be practiced.

Section 14 **FOOD SERVICE PERSONNEL HEALTH AND CLEANLINESS**

All persons shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. No person shall resume work after visiting the toilet without first thoroughly washing his or her hands. Separate hand-washing facilities with hot and cold water, soap, and approved sanitary towels or other approved hand-drying devices shall be provided for use of the kitchen and food service personnel in the food service area. No person shall expectorate or use tobacco in any form in rooms in which food is prepared. No person who has, or is a carrier of, a communicable disease, or who has infected sores or wounds, shall engage in the handling, preparation, or

serving of food and drink, nor shall any person so affected be delegated duties that could cause his disease to be communicated to other camp occupants or visitors. Please see Food and Beverage Ordinance; Disease Prevention and Control and Employee Practices Section.

Section 15 **DISHWASHING FACILITIES**

15.1 Manual A three-compartment sink or equivalent shall be provided, with compartments of adequate length, width, and depth to permit the complete immersion of the largest utensils, be washed and wire baskets or racks of dishes to be washed. Each compartment shall be supplied with hot and cold running water. There shall be a sufficient number of baskets to hold the dishes and utensils used during the peak load. The utensils and dishes shall be thoroughly washed in hot water containing a suitable soap or detergent in the first compartment, rinsed in clean water in the second compartment, and immersed completely in clean water at a temperature of not lower than 170 degrees Fahrenheit for at least two minutes in the third compartment. The third compartment shall be properly equipped with a heating unit or other means to maintain the specified temperature while in use. A thermometer which will accurately measure the temperature of the water in the third compartment shall also be provided. Drain racks shall be a part of the three-compartment sink and adequate space shall be available for drainage. Dishes and utensils shall be air-dried.

15.2 Mechanical Water pressure in the lines supplying the wash and rinse sections of the dishwashing machine shall be maintained at a flow pressure of not less than 15 pounds per square inch, but not more than 25 pounds per square inch. Water shall be at a manifold temperature not lower than 180 degrees Fahrenheit. The machines shall be equipped with thermometers which will accurately indicate the temperature of the wash and rise water. New dishwashing machines shall conform to Standard Number 3 of the National Sanitation Foundation dated June, 1982. Dishes and utensils shall be air-dried. Please see Food and Beverage Ordinance; Cleaning, Sanitization and Storage of Equipment and Utensils.

15.3 Alternate Where equipment or utensils must be cleaned in place or where for other reasons the methods described in items A and B are not feasible, other procedures that will provide equivalent cleaning and sanitizing shall be used.

In order to protect the clean dishes and utensils from contamination, proper storage space shall be provided.

Section 16 **WATER SUPPLY**

Every camp shall obtain a safe, adequate supply of water from either a public water supply system, or a source of supply and system located, constructed and operated in accordance with the rules of the Commissioner of Health governing public water supplies, (MN Rules, parts 4720.0100-4720.4600) and wells (MN Rules, parts 4725.0100-4725.7600). Water, except that served at meals, shall be dispensed either by means of satisfactorily designed drinking fountains or individual paper cups.

Section 17 BATHING AND HAND-WASHING FACILITIES

Suitable hand-washing facilities shall be conveniently located at or near each toilet. Separate hand-washing 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 shower head for every 25 persons. Hot water provided at hand-washing and shower facilities shall not exceed 120 F.

Section 18 PLUMBING

All new and remodeled plumbing systems shall be installed and maintained in accordance with the provisions of the Minnesota Rules 4715 of the Minnesota Department of Labor and Industry. Where existing plumbing defects are found to create a serious public health hazard, correction shall be undertaken immediately.

Section 19 TOILET FACILITIES

Toilet facilities shall be provided on the basis on 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 water front where physically feasible. The sewage disposal system shall be in accordance with federal, state or local ordinances and at a minimum shall be located at least 50 feet from the ordinary high water mark. 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 20 GARBAGE AND REFUSE DISPOSAL

- 20.1. Before disposal, all garbage and refuse must be kept in tight, nonabsorbent, insect proof, rodent proof, and fireproof containers.
- 20.2. Containers must be kept covered with tight-fitting lids when filled, in storage, or not in continuous use. Containers need not be covered when stored in a special insect and rodent-proofed room or enclosure. All other refuse must be stored in containers, rooms, or areas in an approved manner. The rooms, enclosures, area, and containers used must be adequate for the storage of all garbage and refuse accumulating on the premises between collections.
- 20.3. Adequate cleaning facilities must be provided, and each container, room, or area shall be thoroughly cleaned after emptying or removal of garbage and refuse. Containers designed with drains must have drain plugs maintained in place at all times except during cleaning. All garbage and refuse must be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

Section 21 SEWAGE DISPOSAL

21.1. All sewage wastes shall be disposed of in an approved public sewerage system or in a sewer system which is designed, constructed, and operated in accordance with Minnesota Rule 7080.

21.2. Where water flush toilets are not provided, privies of the pit type, which conform to a standard of construction acceptable to the Health Department, shall be used. Such privies shall be placed separate and apart from 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 22 SWIMMING BEACH

Natural swimming places shall be located only on lakes and streams which are relatively free of human, animal, or industrial pollution, and where such bathing and swimming will not endanger the quality of a domestic water supply, or interfere with other use of the water by riparian owners. The area designated for swimming shall have a gradual slope, 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 Commissioner or rules for Public Swimming Pools (Chapter 4717, parts 4717.0100-4717.3800). All waterfront activities involving campers, staff members, or visitors shall be supervised by at least one individual currently certified per Chapter 4717 and Minnesota Rule 144.1222.

Section 23 DESIGNATION OF RESPONSIBLE PERSONS BY CAMPER

Each camper and staff member shall file with the camp operator the name, address, and telephone number of one or more health practitioners or another responsible person who is to be notified in case of illness or injury.

Section 24 PRACTITIONER TO BE DESIGNATED

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

Section 25 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 certified 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. Emergency transportation shall be available for sick or injured campers or camp personnel.

Section 26 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 un-emancipated) prior to or at the time of admission to the camp. The health evaluation shall contain:

- A. A health history, on a form provided by the camp operator (or by a licensed physician) and completed by a parent, guardian, or licensed physician.
- B. An immunization record, giving dates of each immunization, and indicating that the camper is fully protected against measles, rubella, diphtheria, tetanus, pertussis, polio and mumps. A statement of conscientious objection signed by a licensed physician may be substituted.
- C. If the health evaluation record identifies health problems or activity limitations, a physical examination must be performed by a licensed physician within one year before admission to camp. A record of that examination, including instructions relative to the limitation of the camper's participation in camp activities and/or medication requirements, must be presented to the camp operator.

Section 27 HEALTH RECORDS

A health record of every camper and staff member shall be kept by the camp operator. In addition to the certificate of health, the record shall include a detailed record of illnesses and injuries and the first-aid treatments occurring during the period of attendance at camp.

Section 28 HAZARDOUS WEAPONS

Firearms and other hazardous weapons shall be kept in locked compartments and shall be used only under supervision. Firearm activities shall be supervised by an individual who possesses a current National Rifle Association Instructors Card or its equivalent. Archery activities shall be supervised by an individual who possesses a national or regional professional archery association certificate or its equivalent.

Section 29 LIVESTOCK AND PETS

Livestock shall be quartered not less than 500 feet from the cooking, dining, and sleeping quarters. Unless special facilities are provided, pets shall not be permitted in the camp. Dogs or cats which do not have current vaccination against rabies shall not be permitted in the camp.

Section 30 MINNESOTA CLEAN INDOOR AIR ACT

The person in charge of a youth camp shall make adequate provisions to meet the requirements of the Minnesota Clean Indoor Air Act, Minnesota Statutes, sections 144.411 to

144.417, and chapter 4620.

Section 31 DUTY OF CAMP OPERATOR

It shall be the duty of every operator of a children's camp to carry out the provisions of Section 1 to Section 43.

Section 32 RECREATIONAL CAMPING AREAS

All recreational camping areas shall be constructed, equipped, and operated in accordance with provisions of the ordinance for recreational camping areas.

Section 33 INITIAL AND RENEWAL LICENSE FEES, LICENSE EXPIRATION DATES

33.1 General It shall be unlawful for any person, firm, corporation or partnership to operate a Youth Camp within the County who does not possess a valid license issued by the Public 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 transferred from one establishment or person to another establishment or person. A valid license shall be conspicuously posted.

33.2 Application Any person desiring to operate a Youth Camp shall make written application for a license on forms provided by the Public Health Department. Such application shall include: the location, the applicant's full name and address, whether the applicant is an individual, firm or corporation, and if a partnership, the names of the partners, together with their addresses and the signature of the applicant or applicants. Each application for a license, together with the appropriate license fee shall be submitted to the Public Health Department not later than December 31 of the year preceding the year for which the application is made; or in the case of a new or seasonal business, not later than the opening date of such a business.

33.3 License renewals License renewals shall be obtained on an annual basis. License renewal applications shall be submitted to the Public Health Department on forms provided by it no later than December 31 of the year preceding the year for which application is made; or in the case of a new or seasonal business, not later than the opening date of such a business.

33.4 Expiration Date Initial and renewal licenses shall be issued for the calendar year for which application is made and shall expire on December 31 of such year.

33.5 Initial & Renewal Fee schedule Initial and renewal license applications shall be accompanied by the applicable fee as determined by the Board. Such rates may be changed by resolution of the Board from time to time as they shall deem appropriate.

33.6 Penalty fee A penalty specified by resolution of the Board shall be added to the amount of the license fee and paid by the proprietor if the application has not reached the Public Health Department as specified in Section 32.2 or 32.3. Any person who operates a

Youth Camp without submitting an application and appropriate fee shall be deemed to have violated this ordinance and shall be subject to prosecution as provided in this ordinance.

33.7 Reduced license fee From and after October 1 of each year, the license fee for new establishments or operators shall be one-half of the appropriate annual license fee plus any penalty which may be required.

Section 34 INSPECTIONS

34.1 The Public Health Department shall inspect every Youth Camp at least annually and more frequently as may be deemed necessary to insure compliance with this ordinance.

34.2 The person operating a Youth Camp shall, upon request of the Public Health Department and after proper identification, permit access to all parts of the establishment at any reasonable time for purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain compliance with this ordinance.

34.3 Whenever an inspection of a Youth Camp is made, the findings shall be recorded. One copy of the report form shall be furnished to the person in charge of the camp. The completed form is a public document that shall be made available for public disclosure to any person who requests it. The inspection report form shall summarize the requirements of this part and shall set forth a weighted point value for each requirement.

34.4 Whenever the Public Health Department finds that conditions or practices exist which are in violation of any provision of this ordinance, the Public Health Department shall give notice in writing to the operator of the camp. All conditions shall be corrected within a reasonable period of time, to be determined by the Public Health Department.

Section 35 SUSPENSION OF LICENSE

35.1 Whenever a license holder or operator has failed to comply with any notice requiring corrective action, issued under the provisions of this ordinance, the license holder or operator will be notified in writing that the license will be suspended within 10 days unless either of the following conditions are met:

A written request for a hearing before the Appeals Board, or

Written request for a re-inspection including a statement by the applicant that in their opinion the conditions causing possible suspension of the license have been corrected. The Public Health Department upon receipt of request shall make a re-inspection within 10 days.

Section 36 IMMEDIATE SUSPENSION

Notwithstanding the other provisions of this ordinance, whenever the Public Health Department finds unsanitary or other conditions which in its judgment, constitute a substantial hazard to the public health, it may without warning, notice, or hearing, issue a written notice to

the license holder or operator citing such conditions, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If deemed necessary, such order shall state that the license is immediately suspended and all operations must be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith.

Section 37 REVOCATION OF LICENSE

For serious or repeated violations of any of the requirements of this ordinance or Public Health Department compliance standards, the license may be permanently revoked after an opportunity for a hearing before an Appeals Board. Prior to such action, the Public Health Department shall notify the license holder in writing with advisement that the license shall be permanently revoked at the end of five (5) day period. A license may be suspended for cause pending this revocation or a hearing relative thereto.

Section 38 APPEALS

38.1 Any person whose license to operate a Youth Camp has been suspended or revoked or who has received notice from the Public Health Department that the license is to be suspended or revoked 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 this ordinance. If no petition for such hearing is filed within ten days following the day on which such license was suspended, such license shall be deemed to have been suspended. If no petition for such hearing is filed within ten days following the day on which such license was revoked, such license shall be deemed to have been revoked.

38.2 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 Public Health Department 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.

38.3 Date of Hearing The hearing requested shall be held not more than ten (10) days after the date in which the petition was filed. The Chairman of the Appeals Board may postpone the date of the hearing for a reasonable time beyond such ten day period, if in his judgment a good and sufficient reason exists for such postponement.

38.4 Notice of Hearing The Public 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 or petitioner's last known address.

38.5 Proceedings At such hearing, the petitioner, his 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 Public Health Department should be modified or withdrawn. The Public Health Department shall present a detailed written statement of its findings and the

decision to the Appeals Board at the time of the hearing.

38.6 Decisions of the Appeals Board The Appeals Board, after such hearing, shall sustain, modify or withdraw the notice of embargo, suspension or revocation depending on its findings as to whether the provisions of this ordinance have been complied with. 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 therefrom in any court of competent jurisdiction as provided by the laws of the State.

38.7 Record of Proceedings The proceedings of each hearing held before the Appeals board pursuant to petition, including findings and the decision of the Public Health Department shall be recorded and reduced to writing and entered as a public record in the office of the Public Health Department. Such record shall include a copy of every notice or order, or writing issued in connection with the matter.

38.8 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 Public Health Department within ten days after the notice is served.

Section 40 MINNESOTA DEPARTMENT OF HEALTH

The requirements contained in this ordinance are intended to be comparable to the Minnesota Department of Health Standards and are intended to meet minimum requirements set forth by the Minnesota Department of Health. Whenever the Minnesota Department of Health amends regulations or adopts new regulations setting higher sanitary standards than the ones established in this ordinance, the standards set by the Minnesota Department of Health shall govern and will be considered in the enforcement procedure as part of this ordinance.

Section 41 OTHER AGENCIES

Other state and/or local agencies should be contacted in order to comply with other environmental related laws and/or rules not included in this ordinance

Section 42 PENALTY

42.1 Administrative Penalties Administrative penalties are used as a tool for orders compliance enforcement. See Administrative Penalties Policy and Fees.

42.2 Criminal 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 of up to one thousand dollars (\$1,000.) and/or by imprisonment of ninety (90) days in jail. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.

Section 43 **EFFECTIVE DATE**

43.1 **Repeal** This ordinance effective 7-1-10, hereby repeals and replaces in its entirety the Wadena County Youth Camp Ordinance of 1993.

43.2 **Effective date** This ordinance shall be in full force and effect effective July 1, 2010.

Attest:

By:



Charlene (Char) West Date
Wadena County Auditor/Treasurer



Bill Stearns, Chair Date
Wadena County Board of Commissioners

Board of Commissioners

Resolution Dated 6/17/10

RECEIVED
SEP 01 2010
WADENA CO. RECORDER