

Chapter 446

Tourist and Travelers' Facilities; Campers and House Trailers

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CROSS REFERENCES

Discrimination on account of race, religion, color or national origin in places of public accommodation, 30.670

446.062

Rules and regulations of state agencies, Ch. 183

446.076

Moneys received by State Board of Health, deposit and use of, 431.210, 431.220

TOURIST AND TRAVELERS' FACILITIES

446.002 Definitions. As used in ORS 446.002 to 446.082, unless the context requires otherwise:

(1) "Board" means the State Board of Health.

(2) "Health officer" means:

(a) The State Health Officer in counties having a population of less than 10,000.

(b) The county health officer in counties having a population of 10,000 or more.

(c) The district health officer in health districts regardless of the population of the individual counties within the boundaries of such district.

(d) The city health officer in cities having a full-time health officer.

(3) "Tourist park" includes campgrounds, picnic parks, trailer parks and all other establishments rented or kept for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or offered free in connection with securing the trade or patronage of such person, or for indirect benefit to the owner in connection with a related business. The term "tourist park" shall not be construed to mean buildings, tents or other structures maintained by any individual or company on their own premises and used exclusively to house their own farm or timber labor.

(4) "Travelers' accommodation" includes any establishment having rooms or apartments rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities. [1953 c.490 §2]

446.006 Certificate of sanitation necessary before operating travelers' accommodation or tourist park. No person shall establish, operate, manage or maintain any travelers' accommodation or tourist park without first securing a certificate of sanitation from a health officer as provided in ORS 446.012 to 446.046. [1953 c.490 §3]

446.010 [Repealed by 1953 c.490 §21]

446.012 Application for certificate of sanitation. Application for a certificate of sanitation shall be made in writing on a form prepared for that purpose and provided by the State Board of Health and shall contain the name and address of the applicant and any other information which the board may require. [1953 c.490 §4]

446.016 Certificate fee. Every applicant for a certificate of sanitation shall pay to the proper health officer a fee in an amount to be determined as follows:

(1) Number of cabins, cottages, sleeping rooms, camping spaces or other rental units	License fee in dollars
Up to 10	\$ 5
11 to 15	10
16 to 20	15
21 to 25	20
26 to 30	25
31 to 35	30
36 and over	35

(2) For each picnic park, the fee is \$5. [1953 c.490 §5]

446.020 [Repealed by 1953 c.490 §21]

446.022 Proration of certificate fee; seasonal license. (1) All applicants for a sanitation certificate engaging in the tourist park or travelers' accommodation business for the first time or re-engaging upon such business after a lapse of one year from the time a prior certificate of sanitation expired, shall have their license fees prorated in the following manner, if their annual license fee is \$10 or more:

For applications during calendar quarter from	Percentage of license fee payable
April 1 to June 30	Three-quarters
July 1 to September 30	One-half
October 1 to December 31	One-quarter

(2) Any person desiring to operate a tourist park or travelers' accommodation for the months only from May 1 to October 1 may apply for a seasonal license and shall pay one-half of the annual license fee for such license. Any person holding a seasonal license who shall operate such tourist park or travelers' accommodation after October 1 of any calendar year shall be required to pay a full annual license for such year. [1953 c.490 §6]

446.026 Renewal of certificates. (1) All certificates issued under ORS 446.002 to 446.082 shall be renewed on or before December 31 of each year.

(2) Renewal fees shall be the same as those provided for initial certificates in ORS 446.016. [1953 c.490 §7]

446.030 [Repealed by 1953 c.490 §21]

446.032 Certificate applications by persons licensed under repealed statutes considered as renewal applications. All persons licensed under the provisions of the sections repealed by section 1, chapter 490, Oregon Laws 1953 [OCLA 99-1401 to 99-1409, as amended] and applying for a sanitation certificate pursuant to ORS 446.006 to 446.046 are considered to be applicants for renewal of a certificate. [1953 c.490 §16]

446.036 Penalties for delinquency in applying for certificate or paying renewal fees. (1) Any person failing to apply for a sanitation certificate within 30 days after engaging in the tourist park or travelers' accommodation business is delinquent and shall pay a penalty of 20 percent of the license fee in addition to the fee provided in ORS 446.016.

(2) Any person, initially licensed under ORS 446.002 to 446.082, failing to pay the renewal fee before January 10 of each year is delinquent and shall pay a penalty of 10 percent of the license fee provided in ORS 446.016 and 446.026, but if the delinquency continues beyond February 1 of any year, an additional 10 percent shall be added to the renewal fee for each month of delinquency. [1953 c.490 §8]

446.040 [Repealed by 1953 c.490 §21]

446.042 Certificates not transferable; refunds prohibited. Certificates issued under ORS 446.002 to 446.082 shall not be transferable and no refund representing any unused portion of any certificate shall be made. [1953 c.490 §9]

446.046 Issuance of certificates; posting certificate. (1) Upon receipt of any application and required fee and after determination that the applicant has complied with the provisions of ORS 446.002 to 446.082 and the rules and regulations of the State Board of Health, the proper health officer shall issue a certificate of sanitation on such forms as the board prescribes.

(2) All certificates of sanitation shall be posted in plain and open view in the place serving as office of the establishment licensed by ORS 446.002 to 446.082. [1953 c.490 §10]

446.050 [Repealed by 1953 c.490 §21]

446.052 Revocation of certificates. (1) Any certificate of sanitation shall contain a condition that the certificate may be re-

voked if the applicant fails to comply with the provisions of ORS 446.002 to 446.082 or the rules and regulations of the State Board of Health.

(2) Whenever, in the judgment of the proper health officer, any applicant for a certificate or any person to whom a certificate has been issued fails to comply with the provisions of ORS 446.002 to 446.082 or with the rules and regulations of the board, the health officer may deny issuance of or revoke the certificate. However, no certificate shall be denied or revoked without giving the applicant or holder of a certificate a hearing substantially similar to the procedure followed in ORS 693.090.

(3) If it appears at the hearing before the proper health officer that the applicant or holder of a certificate has violated any provision of ORS 446.002 to 446.082 or any rules or regulations of the board, the health officer may deny, suspend or revoke the certificate. [1953 c.490 §11]

446.056 Reinstatement of suspended or revoked certificate; issuance of previously denied certificate. A health officer may reinstate any certificate of sanitation which has been suspended or revoked, or issue one which has been denied when the health officer is satisfied that the applicant or former holder is complying with ORS 446.002 to 446.082 and the rules and regulations of the board. [1953 c.490 §12]

446.060 [Repealed by 1953 c.490 §21]

446.062 Rules and regulations; furnishing copy to applicant. (1) The State Board of Health shall make such rules and regulations concerning the construction and operation of travelers' accommodations and tourist parks as are reasonably necessary to effectively protect the public health and welfare of persons using those facilities. Particularly, these rules and regulations shall pertain to water supplies, sewage disposal, drainage, plumbing, building construction and maintenance, lighting, ventilation, insect and rodent control, garbage and refuse disposal, allocation and maintenance of camping space, cleanliness of the premises, buildings, furniture, bedding and linens, and the registration of guests. However, no rule or regulation shall be made prohibiting the construction of one-room cottages.

(2) A copy of such rules and regulations shall be furnished by the State Board of

Health to applicants for certificate under ORS 446.002 to 446.082. [1953 c.490 §13]

446.066 Inspection of tourist and travelers' facilities by health officer. The health officer or his duly authorized representative may inspect every tourist park or travelers' accommodation located within his jurisdiction in order to determine whether they conform with the provisions of ORS 446.002 to 446.082 and the standards set by the rules and regulations of the board. Any person operating such facilities shall at all reasonable times, upon request of any health officer or his duly authorized representative permit them access to all parts of the facilities. [1953 c.490 §14]

446.070 [Repealed by 1953 c.490 §21]

446.072 Uniform enforcement throughout state. The State Board of Health shall make such surveys as are necessary to assure uniform enforcement of ORS 446.002 to 446.082 and subsection (1) of ORS 446.990 throughout the state. [1953 c.490 §17]

446.076 Disposition of moneys collected by health officer; Tourist Facilities Account. (1) All fees and penalties collected under ORS 446.002 to 446.082 by the health officer having jurisdiction shall be used only for the purposes necessary and incidental to the administration and enforcement of ORS 446.002 to 446.082.

(2) All moneys received by the State Health Officer shall be paid into the State Treasury and shall be by the State Treasurer placed to the credit of the General Fund in an account to be known as the Tourist Facilities Account, which hereby is appropriated continuously and notwithstanding the provisions of ORS 291.238, and shall be used only for the administration and enforcement of ORS 446.002 to 446.082 by the State Health Officer or the board. [1953 c.490 §15]

446.080 [Repealed by 1953 c.490 §21]

446.082 Provisions of ORS 446.002 to 446.080 not applicable to certain cities. The provisions of ORS 446.002 to 446.080 do not apply to any city having and enforcing ordinances providing standards of sanitation for tourist parks and travelers' accommodations. [1953 c.490 §19]

446.084 to 446.108 [Reserved for expansion]

CAMPERS AND TRAILER HOUSES

446.110 Definitions. "Camp car" or "trailer house" means any unit for living or sleeping purposes which is equipped with wheels or similar devices used for transporting the unit from place to place by motor power or other means.

446.120 Camping on highways or where sanitary conveniences not available prohibited; exception. No person shall camp or cause any camp car or trailer house to be camped on any of the arterial highways of this state or cause the same to be camped at any place where sanitary conveniences are not provided for the safe disposal of excreta or other wastes. However, in isolated districts where sanitary conveniences are not available, such camping is lawful provided all excreta and wastes are buried at least one foot below the surface of the ground.

446.130 Regulations for trailers with kitchen or toilet facilities. No person shall cause a camp car or trailer house to be operated on the highways of this state with kitchen or toilet facilities unless he makes provisions whereby waste material can be held in water tight and sanitary containers of a type approved by the State Board of Health. No person shall empty such containers except in a public sewerage system, septic tank or cesspool of a type approved by the State Board of Health. However, in isolated districts where such facilities are not available it is lawful to empty such containers in the ground, provided all excreta and wastes are covered at least one foot below the surface of the ground.

446.140 to 446.980 [Reserved for expansion]

PENALTIES

446.990 Penalties. (1) Violation of any provision of ORS 446.002 to 446.082 or any rules or regulations pursuant thereto is punishable, upon conviction, by a fine of not more than \$300 or by imprisonment in the county jail for not more than 60 days, or both.

(2) Violation of ORS 446.120 or 446.130 is punishable, upon conviction, by a fine not exceeding \$100 or by imprisonment in the county jail not exceeding three months, or both. [Amended by 1953 c.490 §21; subsection (1) enacted as 1953 c.490 §18]

