

Chapter 446

1969 REPLACEMENT PART

Mobile Home and Tourist Facilities; Farm Labor Camps

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MOBILE HOME AND OTHER TOURIST FACILITIES

446.002 Definitions for ORS 446.002 to 446.200. As used in ORS 446.002 to 446.200, 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) "Mobile home" means a vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes.

(4) "Mobile home park" means any place where two or more mobile homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(5) "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.

(6) "Camping vehicle" means either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet.

(7) "Carport" means a stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

(8) "Ramada" means a stationary structure having a roof extending over a mobile home or trailer, which may also extend over a patio or parking space for motor vehicles,

and is used principally for protection from sun and rain.

(9) "Awning" means any stationary structure, permanent or demountable, used in conjunction with a mobile home or trailer, other than a window awning, for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

(10) "Cabana" means a stationary, light-weight structure which may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a trailer to provide additional living space meant to be moved with the trailer.

[1953 c.490 §2; 1959 c. 562 §1; 1961 c.665 §1; 1967 c.247 §1; 1969 c.533 §11]

446.004 Additional definitions for ORS 446.002 to 446.200. As used in ORS 446.002 to 446.200, unless the context requires otherwise:

(1) "Electrical inspector" means an authorized deputy of the Labor Commissioner.

(2) "Fire inspector" means a deputy or assistant of the Fire Marshal.

(3) "Fire Marshal" means the State Fire Marshal.

(4) "Inspecting authority" means a plumbing inspector, a fire inspector, an electrical inspector or any one of such inspectors authorized to make a joint inspection for the Labor Commissioner, the Fire Marshal or the board.

(5) "Labor Commissioner" means the Commissioner of the Bureau of Labor.

(6) "Minimum safety standards" means standards prescribed by regulations adopted under ORS 446.185 by the board, the Fire Marshal or the Labor Commissioner.

(7) "Plumbing inspector" means an authorized deputy of the State Board of Health.

(8) "Recreational vehicle" means a vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a floor space of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms. The unit shall be identified as a recreational vehicle by the manufacturer.

[1969 c.295 §2]

446.006 Certificate of sanitation required; exceptions. No person shall establish, operate, manage or maintain any travelers'

accommodation or mobile home 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; 1967 c.247 §2; 1969 c.533 §12]

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 mobile home park or travelers' accommodation business for the first time or reengaging 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
<u>April 1 to June 30</u>	Three-quarters
<u>July 1 to September 30</u>	One-half
October 1 to December 31	One-quarter

(2) Any person desiring to operate a mobile home 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 mobile home 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; 1969 c.533 §13]

446.026 Renewal of certificates. (1) All certificates issued under ORS 446.002 to 446.200 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 [1953 c.490 §16; repealed by 1959 c.562 §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 mobile home 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 446.200, 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; 1969 c.533 §14]

446.040 [Repealed by 1953 c.490 §21]

446.042 Certificates not transferable; refunds prohibited. Certificates issued under ORS 446.002 to 446.200 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 446.200 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 446.200. [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 revoked if the applicant fails to comply with the provisions of ORS 446.002 to 446.200 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 446.200 or with the rules and regulations of the board, the health officer may deny issuance of or revoke the certificate. A denial or revocation shall be effected by mailing to the applicant or holder of the certificate, by registered mail, or by personal service of, a notice setting forth the particular reasons for such action. A denial or revocation shall be effective 10 days after the mailing or service of the notice, unless the applicant or holder of the certificate, within such 10-day period, gives written notice to the health officer requesting a hearing, in which case the notice shall be deemed to be suspended.

(3) If a hearing is requested, the applicant or holder of the certificate shall be notified, by registered mail or by personal service, of the time and place for the hearing, such time to be not less than 30 days after the mailing of said notice. On the basis of any such hearing, or upon default of the applicant or holder of the certificate, the determination involved in the original notice may be affirmed, modified or set aside by the health officer. The decision shall be in writing and a copy sent by registered mail or served personally upon the applicant or holder of the certificate.

[1953 c.490 §11; 1967 c.247 §3]

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 446.200 and the rules and regulations of the board.

[1953 c.490 §12]

446.060 [Repealed by 1953 c.490 §21]

446.062 Rules for tourist facilities and parks; furnishing copy to applicant. (1) The State Board of Health shall, under ORS 183.310 to 183.510, make such rules concerning the construction and operation of travelers' accommodations as are reasonably necessary effectively to protect the public health and the welfare of persons using those facilities. These rules shall pertain but not be restricted 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 shall be made prohibiting the construction of one-room cottages.

(2) The State Board of Health shall issue rules under ORS 183.310 to 183.510 to regulate mobile home parks. These rules shall conform to ORS 446.090 to 446.105 and 446.115 to 446.145, and to subsection (1) of this section.

(3) A copy of such rules shall be furnished by the State Board of Health to each applicant for a certificate under ORS 446.002 to 446.200.

[1953 c.490 §13; 1959 c.562 §13; 1969 c.533 §15]

446.066 Inspection of tourist and travelers' facilities by health officer. The health officer or his duly authorized representative may inspect every mobile home park or travelers' accommodation located within his jurisdiction in order to determine whether they conform with the provisions of ORS 446.002 to 446.200 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; 1969 c.533 §16]

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 446.200 and subsections (1) and (2) of ORS 446.990 throughout the state.

[1953 c.490 §17; 1959 c.562 §14]

446.076 Disposition of moneys collected by health officer; Tourist Facilities Account.

(1) All fees and penalties collected under ORS 446.002 to 446.200 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 446.200.

(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 446.200 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 446.200 not applicable to certain cities. The provisions of ORS 446.002 to 446.200 do not apply to any city having and enforcing ordinances providing standards of sanitation for mobile home parks and travelers' accommodations.

[1953 c.490 §19; 1969 c.533 §17]

446.090 Application of ORS 446.095 to 446.105. Subsections (3), (4) and (5) of ORS 446.095, subsection (3) of 446.100 and ORS 446.105 do not apply to a mobile home park that was constructed before August 5, 1959. However, any changes or additions made in any mobile home park after August 5, 1959, shall conform to ORS 446.095 to 446.105 and the rules of the board issued thereunder.

[1959 c.562 §3; 1967 c.247 §4; 1969 c.533 §18]

446.095 Park construction and facilities. The owner or operator of a mobile home park shall:

(1) Construct well-drained and hard-surfaced driveways at least 20 feet in width, unobstructed and open to traffic within the mobile home park. If he permits parking of motor vehicles on the driveways, he shall construct the driveways at least 30 feet in width.

(2) Provide to each tenant an adequate supply of healthful water and adequate electric power, sewerage facilities and receptacles for garbage. All plumbing shall be installed in compliance with ORS 447.010 to 447.140 and the rules of the board issued thereunder.

(3) Provide one box for outgoing mail and another box for incoming mail, if the mobile home park is on a mail route. When possible, he shall cause a public or private telephone to be made available to the tenants, including service for outgoing emergency calls at night.

(4) Provide a separate play area restricted to that use, if the mobile home park accommodates children who are under 14 years of age. At least 100 square feet of play area shall be provided for each mobile home occupied by children, and no play area shall be less than 2,500 square feet in area.

(5) Construct on each trailer space, adjacent and parallel to the mobile home space one or more slabs or patios of concrete, asphalt, flagstone or the equivalent, which singly or in combination total at least 120 square feet.

[1959 c.562 §4; 1967 c.247 §5; 1969 c.491 §1; 1969 c.533 §19]

446.100 Prohibited acts in connection with construction and use of parks. No person shall:

(1) Construct a mobile home park at a place that is unsuitable due to swampy terrain, lack of adequate drainage or proximity to the breeding places of insects or rodents.

(2) Park a mobile home closer than 15 feet from another mobile home, closer than 10 feet from a building or closer than five feet from a property boundary line.

(3) Construct a mobile home space in a mobile home park less than 30 feet in width or less than 40 feet in length.

[1959 c.562 §5; 1969 c.533 §20]

446.105 Temporary parks. (1) A health officer may issue a permit for the establishment of a temporary mobile home park to a construction company, timber company or farm if:

(a) There is no available space in a mobile home park within a reasonable distance, and

(b) A mobile home park is necessary for the proper housing of the company's employes until the construction, farm or logging project is finished.

(2) Upon approval of the board and the county or city planning commission, a health officer may issue a permit to a person to establish a temporary mobile home park on his own premises in areas having a critical housing shortage due to large construction projects. The permit shall expire upon completion of the project.

(3) Health officers shall supervise temporary mobile home parks permitted under subsections (1) and (2) of this section to enforce minimum standards of sanitation for temporary mobile home parks prescribed by the rules of the board.

(4) Buildings, tents or mobile homes maintained or permitted to be maintained by persons on their own or leased premises and used exclusively to house their own or their contracted farm or timber labor are not subject to ORS 446.002 to 446.200.

[1959 c.562 §6; 1967 c.247 §6; 1969 c.533 §21]

446.110 [Repealed by 1959 c.562 §16]

446.111 Regulation of structures in parks. (1) No stationary structure may be erected within a mobile home park without the consent of the owner or operator; and when giving consent, it shall be the duty of the mobile home park manager to advise the tenant or builder of the standards required by this section.

(2) All stationary structures erected within a mobile home park after August 9, 1961, shall conform to this section, and shall not be used or maintained in such a manner as to become a menace to health and safety.

(3) Unless a manufacturer, distributor or dealer of an awning, ramada, carport or cabana submits complete plans and specifications together with supporting engineering computations and analysis for a particular manufactured or distributed model and receives a letter of approval from the board, that model may not be erected within a mobile home park. No deviations from the approved plans and specifications shall be made without first obtaining written approval of the board.

(4) Any structure named in this section not prefabricated may be erected within a mobile home park only when a duplicate sketch showing floor plan, dimensions and materials used has first been submitted to the health officer, his duly authorized representative or, in a county or city having a local zoning and building inspection officer, to such officer, and such officer or representative has marked one copy approved and signed it. No inspection of construction shall be required, but inspection may be made during any reasonable hours.

(5) Cabanas, carports and ramadas shall be of sturdy construction securely fastened together and fastened to the ground. The roofs of ramadas must clear the mobile homes by a vertical distance of at least 18

inches, and carports and ramadas shall not be attached to mobile homes. All vents, chimneys and ducts extending through the roof of the mobile home shall also extend through the roof of the ramada, and shall also be of an approved slip joint or quick disconnect type.

(6) Awning roofs of fabric, light plastic, or light weight metal may be attached to the awning track on the mobile home. Awnings of heavier materials shall be free standing structures, and may not be attached to the mobile home other than by a strip of thin material fastened to the mobile home by a sealing compound. Awning drop or side curtains shall consist solely of fabric, split bamboo or like flexible material.

(7) No cabana constructed after August 9, 1961, shall exceed 12 feet in width or 40 feet in length, nor shall it be less than six feet in width or 15 feet in length. A cabana shall consist of only one room with the exception of a toilet or bathroom and a small storage compartment. More than one cabana may not be erected for use in conjunction with a mobile home, and a cabana may not cover more than one side of the mobile home. The distance between a cabana and a mobile home on an adjacent lot or space may not be less than 10 feet. No carport, ramada, awning or cabana shall be located closer than five feet to the park property boundary line. The minimum ceiling height shall be eight feet, but if a sloping roof is used the lowest part of the ceiling may be not less than six feet six inches. All electrical wiring of cabanas or other structures erected and used in conjunction with mobile homes shall be wired in a safe and workmanlike manner, and all materials used shall conform to the Oregon Electrical Code applicable to permanent structures. All plumbing shall comply with applicable local plumbing codes.

(8) This section does not preclude the setting and enforcement of higher standards by cities or counties in regard to any structure defined in ORS 446.002.

[1961 c.665 §3; 1967 c.247 §7; 1969 c.533 §22]

446.115 Sanitation of parks; posting notice of law and rules. (1) The owner or operator of a mobile home park is responsible for the sanitary condition of the park grounds and buildings. He shall conspicuously post in the mobile home park a notice, furnished by the board, that explains ORS 446.002 to 446.200 and the rules of the board issued thereunder.

(2) No person shall allow his pet animal to run at large or to create any health hazard within a mobile home park.

[1959 c.562 §§8, 9; 1967 c.247 §8; 1969 c.533 §23]

446.120 [Repealed by 1959 c.562 §16]

446.125 Occupancy on private land. A person may occupy a mobile home or a camping vehicle on private land with the consent of the owner of the land if:

(1) The lot, tract or parcel of land upon which the trailer or camping vehicle is situated has an area adequate to provide safe, approved water supply and sewage disposal facilities and is not in conflict with subsection (4) of ORS 446.002 or subsection (4) of ORS 446.310.

(2) He complies with all applicable standards of sanitation, water, plumbing and electrical and sewerage installations prescribed by the laws of this state and the rules issued thereunder, or by local authorities.

[1959 c.562 §10; 1967 c.247 §9; 1969 c.533 §24]

446.130 [Repealed by 1959 c.562 §16]

446.135 [1959 c.562 §11; 1967 c.247 §10; repealed by 1969 c.533 §27]

446.140 Removal from park when delinquent in rent or utility charges. No tenant of a mobile home park, when delinquent in his rent or utility charges, shall remove his mobile home or camping vehicle therefrom without first obtaining the permission of the owner or operator of the park.

[1959 c.562 §12; 1967 c.247 §11; 1969 c.533 §25]

446.145 Records to be maintained at parks. Whenever a mobile home or camping vehicle arrives at a mobile home park, the owner or operator of such park shall record the license numbers of the towing vehicle and of the mobile home or if a self-propelled camping vehicle, the camping vehicle only. Whenever a tenant arrives at a mobile home park, he shall register with the owner or operator of such park and shall provide his correct name, home address and the license numbers of his car and vehicle or, when it is self-propelled, the camping vehicle only. If the state wherein the tenant resides does not require the registration of his mobile home, or camping vehicle, the tenant shall provide the correct color, model and dimensions of his mobile home or camping vehicle. The owner or operator of the mobile home park shall keep these records for at least 18 months and make them available to health or police officers upon demand.

[1959 c.562 §7; 1967 c.247 §12; 1969 c.533 §26]

446.150 [1959 c.683 §32; amended by 1969 c.605 §54; repealed by 1969 c.533 §27 and by 1969 c.605 §61]

446.155 Sanitation and safety requirements for mobile homes. (1) No person may sell or offer for sale within this state a house trailer manufactured after January 1, 1962, that contains:

(a) Plumbing equipment, unless such equipment meets the requirements of the State Board of Health.

(b) Heating equipment, unless such equipment meets the requirements of the State Fire Marshal.

(c) Electrical equipment, unless such equipment meets the requirements of the Commissioner of the Bureau of Labor.

(2) No person may rent, lease, sell or offer for rent, lease or sale within this state a trailer or recreational vehicle manufactured after September 1, 1969, unless it bears an insigne of compliance and contains:

(a) Plumbing equipment or installations that meet the minimum safety standards of the board.

(b) Heating, illuminating, cooking equipment or installations that meet the minimum safety standards of the Fire Marshal.

(c) Electrical equipment or installations that meet the minimum safety standards of the Labor Commissioner.

[1961 c.567 §2; 1969 c.295 §3]

446.160 Inspection; regulations; division of fees. (1) The State Board of Health, the State Fire Marshal and the Labor Commissioner may each make such inspections, approve plans and specifications, provide technical services, issue insigne of compliance, collect fees provided by ORS 446.175 and, in compliance with ORS chapter 183, promulgate and enforce such rules and regulations as are reasonably necessary to carry out their duties and insure compliance with ORS 446.155.

(2) Fees shall be payable to the Labor Commissioner. From each fee the Labor Commissioner shall deduct for his clerical and administrative expenses which jointly benefit the board, the Fire Marshal and the Labor Commissioner. All fees shall be shared according to the services rendered by the three agencies and when received:

(a) By the State Board of Health, shall be deposited in the State Board of Health Account.

(b) By the State Fire Marshal, shall be deposited in the State Fire Marshal Fund.

(c) By the Labor Commissioner, shall be deposited in the Electrical Regulation Account.

[1961 c.567 §§3, 4; 1969 c.295 §4]

446.165 [1961 c.567 §5; amended by 1969 c.295 §5; renumbered 446.200]

446.170 Insigne of compliance required; when displayed. (1) Trailers and recreational vehicles subject to the provisions of ORS 446.155 to 446.200, and trailers and recreational vehicles upon which alterations of installations of plumbing, heating, illuminating, cooking or electrical equipment are made shall have affixed thereto an insigne of compliance.

(2) No person shall place an insigne of compliance on a trailer or recreational vehicle except as provided by ORS 446.155 to 446.200 and the rules and regulations promulgated thereunder.

[1969 c.295 §§7, 11]

446.175 Fees. The following fees shall be paid to and collected by the Labor Commissioner:

(1) Plan filing fee: \$5 for each set of plans and specifications.

(2) Group model fee: \$5 for each designated production model in excess of one.

(3) Plumbing fee: \$3 for each plumbing fixture.

(4) Electrical fee: \$3 for each circuit.

(5) Heating fee: \$4 for each fuel-burning heat-producing appliance, except for gas-fired illuminating appliances.

(6) Illuminating appliance, gas-fired: \$1 for each gas-fired illuminating appliance.

(7) Plan renewal fee: \$10 for each model or group model.

(8) Alteration or conversion permit fee: \$2 each.

(9) Inspection fees: \$11 for an inspection requiring one hour or less; \$5.50 for every 30 minutes or fractional part thereof in excess of one hour.

(10) Field technical service fees: \$11 for such service requiring one hour or less; \$5.50 for every 30 minutes or fractional part thereof in excess of one hour.

(11) Alternate approval fees: \$25 for each application.

(12) Insigne fees: Vehicles containing plumbing, heating or electrical equipment and installations, any one, \$2; any two, \$4;

all three, \$6. Replacement of insigne, \$2 each insigne.

(13) Out-of-state travel fee: \$40 for each model or group model inspected.

(14) Requested out-of-state inspection or field technical service fee: Total travel cost based on published air fare, or equivalent rate, between Portland, Oregon, and the point of inspection, plus necessary supplemental surface transportation, and reimbursement for food and lodging consistent with allowances established by the Executive Department for authorized travel by state employees.

(15) Change of manufacturer's name, ownership or address fee: \$10 each change. [1969 c.295 §6]

446.180 Safety standards of other states. If the Labor Commissioner, the Fire Marshal and the State Board of Health determine that standards for the plumbing, heating, illuminating, cooking and electrical equipment installed in mobile homes by the statutes or rules and regulations of other states are at least equal to the standards prescribed by this state, they may so provide by regulation.

[1969 c.295 §9]

446.185 Minimum safety standards for equipment and installations. (1) In compliance with ORS chapter 183, regulations establishing minimum safety standards and requirements shall be adopted and enforced:

(a) By the board, for plumbing equipment and installations in trailers and recreational vehicles.

(b) By the Fire Marshal, for heating, illuminating and cooking equipment or installations in trailers and recreational vehicles.

(c) By the Labor Commissioner, for electrical equipment or installations in trailers and recreational vehicles.

(2) Minimum safety standards shall be reasonably consistent with nationally recognized standards for plumbing, heating, illuminating, cooking and electrical equipment and installations in trailers and recreational vehicles and shall be designed to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe plumbing, heating, illuminating, cooking and electrical equipment and installations.

[1969 c.295 §8]

446.190 Power to enjoin violations.

When it appears to an inspecting authority that any person is engaged or about to engage in an act or practice which is in violation of ORS 446.155 to 446.200 or the rules and regulations issued thereunder, the inspecting authority may, without bond, obtain an order from an appropriate circuit court enjoining such act or practice.

[1969 c.295 §10]

446.200 When noncompliance with city or county regulations authorized. (1) Any trailer or recreational vehicle that meets the requirements prescribed under ORS 446.002 to 446.200:

(a) Is not required to comply with any ordinances of a city or county prescribing requirements for plumbing, heating, illuminating, cooking and electrical equipment installed in trailers or recreational vehicles.

(b) Is required to comply with all state statutes and administrative rules regulating exterior plumbing and venting installations.

(2) A mobile home that is constructed in conformity with the minimum safety standards provided by ORS 446.185 and which bears an insigne of compliance is not required to comply with any additional regulations if it is thereafter placed upon a permanent foundation and affixed to real property.

[Formerly 446.165]

446.210 Limited maintenance electrician's license for work on mobile homes and recreational vehicles. (1) Upon payment of a fee required by ORS 479.840 the Labor Commissioner shall issue a limited maintenance electrician's license to a person who has complied with ORS 479.510 to 479.850 and the rules issued thereunder, who passes a written examination administered by the Labor Commissioner on basic electrical principles on repair and maintenance of electrical wiring and equipment used in a mobile home or recreational vehicle, and submits proof satisfactory to the Labor Commissioner that he has had sufficient experience in the repair and maintenance of such electrical problems of the type and nature found in a mobile home or a recreational vehicle.

(2) A person licensed under this section and who has passed a written examination administered by the Labor Commissioner shall be authorized to repair and maintain electrical wiring and equipment used in a mobile home or a recreational vehicle. No

workman or applicant for a license under this section shall be deemed in violation of ORS 479.510 to 479.850 by reason of electrical repair and maintenance work performed during the period of required experience whenever required prior to September 1, 1969.

[1969 c.295 §12]

RECREATION PARKS

446.310 Definitions for ORS 446.310 to 446.350. As used in ORS 446.310 to 446.350, unless the context requires otherwise:

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

(2) "Camping vehicle" means either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet.

(3) "Health officer" means health officer as defined in ORS 446.002.

(4) "Recreation park" includes all areas designated by the landowner for picnicking or overnight camping and offered to the general public.

[1969 c.533 §2]

446.315 Policy. It is the public policy of this state to encourage construction of recreation parks by public agencies and private industry to satisfy the demand for outdoor recreation while establishing standards for recreationists and landowners so that these parks are maintained in a safe and sanitary condition.

[1969 c.533 §1]

446.320 Certificate of sanitation required to operate park. (1) No person shall establish, operate, manage or maintain a recreation park without first securing a certificate of sanitation from the health officer.

(2) ORS 446.012 to 446.056 apply to the certificate of sanitation required by subsection (1) of this section. However, the health officer shall not deny, suspend or revoke the certificate required by subsection (1) of this section because the applicant or certificate holder has not complied with ORS 446.062 to 446.200.

[1969 c.533 §3]

446.325 Certain parks exempt when approved. Public entities, timber companies

and private utilities are exempt from the certification requirement of ORS 446.320, but shall not establish or operate a recreation park without complying with the rules of the board and securing the approval of the State Health Officer. The State Health Officer may delegate, to a health officer having sufficient sanitarians, the authority to approve such recreation parks.

[1969 c.533 §4]

446.330 Rules; enforcement. (1) In accordance with ORS 183.310 to 183.510, the board may promulgate any rules concerning the construction, operation and use of recreation parks that are necessary to protect the health and welfare of persons using these parks. The rules shall pertain but not be restricted to water supply, sewage disposal, drainage, plumbing, building construction and maintenance, lighting, ventilation, insect and rodent control, garbage disposal and the cleanliness of the premises.

(2) The board shall make such surveys as are necessary to assure uniform enforcement of ORS 446.310 to 446.350 throughout this state.

[1969 c.533 §5]

446.335 Inspections of parks by health officer; right of access. The health officer or his representative may inspect every recreation park within his jurisdiction to determine whether it conforms with ORS 446.310 to 446.350 and the rules adopted pursuant to ORS 446.310 to 446.350. A person operating such park shall permit a health officer or his representative access to all of the park at any reasonable time.

[1969 c.533 §6]

446.340 Responsibility of park owner or operator for sanitary conditions. (1) The owner or operator of a recreation park is responsible for the sanitary condition of the park grounds and buildings.

(2) If sanitary facilities are not provided in a recreation park for the safe disposal of sewage or other wastes from a camping vehicle, a notice shall be posted in a conspicuous place stating that camping vehicles are permitted overnight only if the vehicle's waste holding tanks are used.

(3) Notwithstanding ORS 446.330, the board shall not require an owner or operator of a recreation park to provide both toilets and dumping stations.

[1969 c.533 §7]

446.345 Prohibited acts. No person shall:

(1) Use kitchen or toilet facilities in a camping vehicle being operated on a highway or parked overnight at a place where sanitary facilities are not provided unless he makes provision whereby sewage and other waste materials can be held in watertight and sanitary containers of a type approved by the board.

(2) Empty a container described in subsection (1) of this section except into a public sewerage system, septic tank or cesspool of a type approved by the board. However, in isolated areas where space is not available in a recreation park and such facilities are not available, these containers may be emptied into the ground if all sewage and other waste materials are buried at least one foot below the surface of the ground.

(3) When using a recreation park, create an unsanitary condition or deposit putrescible or nonputrescible waste any place other than in appropriate containers designated for such purposes.

[1969 c.533 §8]

446.350 Fees and penalties for administration; Recreation Park Account. (1) Fees and penalties collected under ORS 446.310 to 446.350 by the health officer having jurisdiction shall be used only for the purposes necessary and incidental to the administration and enforcement of ORS 446.310 to 446.350.

(2) The Recreation Park Account is established in the General Fund of the State Treasury. All moneys received under ORS 446.310 to 446.350 by the State Health Officer shall be credited to the Recreation Park Account. All moneys in the account are appropriated continuously to the State Health Officer and the State Board of Health for the purpose of administering and enforcing ORS 446.310 to 446.350.

[1969 c.533 §9]

FARM LABOR CAMPS

446.510 Definitions for ORS 446.510 to 446.660. As used in ORS 446.510 to 446.660 and subsections (4) and (5) of 446.990, unless the context requires otherwise:

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

(2) "Farm labor camp" means any place, area or piece of land where sleeping places or camping grounds are owned or maintained:

(a) By a person engaged in the business of providing sleeping places or camping

grounds for employes or prospective employes of another person if the employes or prospective employes are or will be engaged in agricultural work; or

(b) In connection with any work or place where agricultural work is being performed, whether the sleeping places or camping grounds are owned or maintained by the employer or by another person.

(3) "Local health officer" means the health officer appointed under ORS 431.418. In case a farm labor camp is located in more than one county or in a city and county, the health officer within whose area the larger portion of the farm labor camp is located shall act.

(4) "Operator" means a person holding legal title to the land on which a farm labor camp is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the farm labor camp under a lease or otherwise.

(5) "Place of employment" means a location where one or more persons are actually performing agricultural work.

(6) "Sleeping place" means any room, structure, shelter, tent, trailer house, vehicle or other place where one or more persons are housed.

(7) "Facility" means a sleeping place, drinking water installation, toilet installation, sewage disposal installation, food handling installation or other installation which if in unsatisfactory sanitary condition would be a serious menace to public health.

[1959 c.314 §1; 1961 c.610 §16]

446.520 Water supply. (1) An ample supply of safe and potable drinking water shall be provided in every farm labor camp for drinking, hand washing, bathing and domestic purposes. This water shall be available from convenient outlets, which may include portable water containers, that comply with standards of the board relating to location, construction, operation and quality.

(2) Adequate hand washing facilities shall be provided either adjacent to all toilet facilities or adjacent to the living facilities in a farm labor camp.

(3) Any container used in common for drinking purposes is prohibited.

(4) If drinking fountains are provided at a farm labor camp, they shall be of an angle jet type with adequate water pressure at all times.

[1959 c.314 §2]

446.530 Toilet facilities. (1) In every farm labor camp there shall be at least one toilet or the equivalent thereof for every 15 employes or fractional part thereof of each sex housed in the farm labor camp. When a total of seven or less persons of both sexes are housed only one toilet need be provided. These toilets shall be readily accessible, be properly marked and conform to standards in the code relating to location, construction, operation and cleanliness.

(2) Adequate toilet facilities shall be provided at all places of employment. If drinking water is provided at the place of employment it shall be safe and potable and available from outlets, which may include portable water containers, that comply with standards of the board relating to location, construction, operation and quality.

[1959 c.314 §3]

446.540 Sewage disposal; plumbing. (1) Sewage disposal in a farm labor camp shall be effected by means of a connection to a community sewer system, a septic tank with subsurface disposal of the effluent, pit type privies or other sanitary means conforming to ORS 447.140 and rules of the board relating to sewage disposal.

(2) All plumbing in a farm labor camp shall be installed in compliance with ORS 447.010 to 447.140 and rules of the board relating to plumbing and water supply.

[1959 c.314 §4]

446.550 Refuse and trash. (1) All refuse in a farm labor camp, including garbage and kitchen waste, shall be stored in durable watertight containers, so constructed as to exclude flies and rodents. These containers shall be maintained in a clean condition and in good repair.

(2) All refuse and trash shall be removed from a farm labor camp at least once each week and disposed of in a manner that will not endanger human health.

[1959 c.314 §5]

446.560 Prevention of breeding of animal or insect pests. Measures shall be taken in each farm labor camp to prevent the breeding of rodents, flies, mosquitoes, bedbugs and any other animal or insect vectors or parasites.

[1959 c.314 §6]

446.570 Sleeping places. (1) All sleeping places in a farm labor camp shall be maintained in good structural condition and

constructed in a substantial manner so as to provide shelter for the occupants against the elements and to exclude, structurally or otherwise, rodents and insects.

(2) All sleeping places except tents, vehicles and trailer houses that are owned by the occupants, shall have, in addition to a door, an opening that can be used as an exit in case of fire.

[1959 c.314 §7]

446.580 Food and meals. In a farm labor camp where food or meals are prepared or served by the operator or by a concessionaire, the facilities for and practices of preparation and serving shall comply with ORS 624.010 to 624.120 and the rules of the board relating to eating and drinking establishments.

[1959 c.314 §8]

446.590 Reporting communicable diseases and unusual prevalence of illness. (1) The operator of a farm labor camp shall cause a report to be made to the local health officer immediately if an individual housed in the camp is known to have or is suspected of having any communicable disease or illness. This report shall include the name and address of the individual.

(2) If an outbreak of suspected food poisoning occurs in a farm labor camp, or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting or jaundice is a prominent symptom, the operator of the camp shall immediately report the outbreak or unusual prevalence to the local health officer.

[1959 c.314 §9]

446.600 Rules covering ORS 446.510 to 446.590 to be embodied in health code. The board shall make and enforce reasonable rules to carry out ORS 446.510 to 446.590. These rules shall be embodied in a health code for farm labor camps.

[1959 c.314 §10]

446.610 Adoption and amendment of health code for farm labor camps. (1) Before formulating a draft of the health code, the board shall invite the participation of interested state agencies and representative business, farm, labor and health organizations. These groups may make suggestions relating to the minimum standards to be embodied in the health code which shall be considered by the board. The board shall then prepare a tentative draft of the health code.

(2) Upon the fixing of a time and place

for a hearing or hearings to consider the tentative draft, the board shall cause a notice of the hearing to be published in one or more daily newspapers of general circulation published and circulated in the City of Portland and in such other daily or weekly newspapers of general circulation in various affected areas in this state as will give wide notice of the hearing. Any individuals or groups may participate in the hearing, and submit their comments and suggestions relating to the minimum standards embodied in the tentative draft.

(3) Notice of the adoption and issuance of the health code shall be given in the same manner as notice of the hearing.

(4) The board shall cause copies of the health code and amendments thereto to be distributed to interested persons and state agencies.

(5) The board may amend the health code at any time upon its own motion or upon complaint by an individual or group, in the same manner as the health code was prepared, adopted and distributed under subsections (1) to (4) of this section.

(6) No defect or inaccuracy in a notice or in the publication thereof shall invalidate the health code or any amendment thereto adopted and issued by the board.

[1959 c.314 §§11, 12, 13, 14]

446.620 Closing facility that is not in accordance with health code. (1) Any facility of a farm labor camp that violates any provision of the health code hereby is declared a public nuisance. The local health officer, the Commissioner of the Bureau of Labor or the Director of the Oregon State Employment Service, or his representative, may, 24 hours after posting written notice, close such a facility if in accordance with the health code he considers it to be a serious menace to public health. The official taking this action shall prepare a closing order on forms prescribed by the board. The notice and the closing order shall specify the items which constitute the serious menace to public health. This closing order shall be posted conspicuously at or near the closed facility, and copies of the order shall immediately be sent to the local health officer and to the operator of the farm labor camp. The official closing the facility may after contacting the local health officer reopen it when the condition causing the closure has been corrected.

(2) The local health officer shall review the closing order within 24 hours after it was

issued, and shall within that time rescind the order if he finds that it was erroneously issued or that the facility has been brought into compliance with the health code. The operator of the farm labor camp affected by the closing order shall be given an opportunity to show that the order was erroneously issued or that the facility has been brought into compliance with the health code. If the local health officer does not rescind the order within 24 hours after it was issued, he is considered to have confirmed the order.

(3) If the local health officer confirms a closing order, the operator of the farm labor camp may at any time thereafter demand, orally or in writing, that the facility closed by the order be reinspected. The local health officer shall reinspect the facility within 24 hours after receipt of the demand. If the closing order was erroneously issued or if the facility has been brought into compliance with the health code, the local health officer shall immediately rescind the order.

(4) If the local health officer considers an entire labor camp or place of employment to be a serious menace to public health, he may close it 24 hours after posting written notice. The local health officer taking this action shall prepare a closing order on forms prescribed by the board. The notice and the closing order shall specify the items which constitute the serious menace to public health. This closing order shall be posted conspicuously at or near the closed facility and copies of the order shall immediately be sent to the operator of the farm labor camp.

(5) If the position of local health officer is vacant or the local health officer refuses to act or is otherwise unable to act, the State Health Officer or his authorized representative shall perform the duties required of a local health officer by this section. The provisions of ORS 446.630 shall apply to the State Health Officer or his representative in those instances where the State Health Officer or his representative performs the duties required of a local health officer by this section.

[1959 c.314 §15; 1963 c.170 §1]

446.630 Appeal to circuit court. Any person aggrieved by a closing order issued under ORS 446.620, or by a failure on the part of a local health officer to cause a prompt reinspection to be made under ORS 446.620 after receiving a demand, may appeal to the circuit court of the county in which the farm labor camp, or the larger

portion thereof, is located. This appeal must be made within 30 days after the date on which the county health officer confirmed the closing order. However, the closing order continues in effect while the appeal is pending and thereafter unless the court orders it suspended or rescinded.

[1959 c.314 §16]

446.635 Notice to local health officer prior to operation of camp. (1) A farm labor camp operator shall notify the local health officer in writing prior to operating a farm labor camp for the current year. He shall furnish his name and address, the address and location of the camp, the number and type of housing units providing sleeping places and the approximate date of maximum occupancy.

(2) Forms of the notice required under subsection (1) of this section shall be provided by the State Board of Health and shall be made available to operators by the State Board of Health, and the local health officer, through local offices of state agencies, including the Oregon State Employment Service.

[1967 c.598 §2]

446.640 Supplying information and assistance to operators of camps. (1) The board shall conduct an educational campaign to inform all operators of farm labor camps and the persons housed therein of the provisions of ORS 446.510 to 446.660 and subsections (4) and (5) of 446.990 and of the health code, and shall encourage the continued improvement of health and sanitation.

(2) The Oregon State Employment Service shall cooperate in the formation of employers' committees and assist them in establishing their own system of inspection, improvement and maintenance of farm labor camps. This system is in addition to the procedures under ORS 446.510 to 446.660.

[1959 c.314 §17]

446.650 Cooperation with and assistance from United States. The board may, in carrying out ORS 446.510 to 446.660 and subsections (4) and (5) of 446.990, contract or cooperate with and receive aid or assistance from the United States or any agency thereof.

[1959 c.314 §18]

446.660 Applicability of Administrative Procedures Act; procedural rules. (1) In addition to the health code, the board may make

procedural rules necessary to carry out ORS 446.510 to 446.660 and subsections (4) and (5) of 446.990.

(2) Except as otherwise specifically provided in ORS 446.610, the health code and all other rules of the board under ORS 446.510 to 446.660 and subsections (4) and (5) of 446.990 shall be adopted and issued under ORS 183.310 to 183.510.

(3) Except as otherwise specifically provided in ORS 446.620 and 446.630, proceedings relating to a closing order are subject to ORS 183.310 to 183.510.

[1959 c.314 §19]

PENALTIES

446.990 Penalties. (1) Except as otherwise provided in subsection (2) of this section, violation of any provision of ORS 446.002 to 446.200 or any rule issued 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 subsection (4) of ORS 446.115 or 446.135 is punishable, upon conviction, by a fine of not more than \$100 or by imprisonment in the county jail for not more than three months, or both.

(3) Violation of ORS 446.150 is punish-

able, upon conviction, by imprisonment in the county jail for not more than 60 days, or by a fine of not more than \$300, or both.

(4) Continued operation by the operator of a farm labor camp of a facility after it has been closed by a closing order under ORS 446.620, or wilful violation of any provision of ORS 446.510 to 446.660 or of the health code, is a misdemeanor; except that wilful failure to notify, as required by ORS 446.635, is punishable, upon conviction, by a fine of not more than \$100, or by imprisonment in the county jail for not more than 30 days, or both.

(5) Wilful misuse, damage or destruction by any person housed in a farm labor camp of any facility required under the health code to protect the health of persons housed in the farm labor camp, or the health of the public, is a misdemeanor, and said person shall be liable for any wilful misuse, damage or destruction.

(6) Violation of ORS 446.320 or subsection (1), (2) or (3) of ORS 446.345 is punishable upon conviction by a fine of not more than \$500, or by imprisonment in the county jail for not more than six months, or both.

[Amended by 1953 c.490 §21; subsection (1) enacted as 1953 c.490 §18; 1959 c.562 §15; subsection (3) enacted as 1959 c.683 §33; subsections (4) and (5) enacted as 1959 c.314 §20; 1967 c.598 §3; subsection (6) enacted as 1969 c.533 §10]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1969.

Robert W. Lundy
Legislative Counsel

