

Chapter 446

1979 REPLACEMENT PART

Mobile Homes; Recreational Facilities

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**MOBILE HOME AND OTHER
TOURIST FACILITIES**

446.002 [1953 c.490 §2; 1959 c.562 §1; 1961 c.665 §1; 1967 c.247 §1; 1969 c.533 §11; 1973 c.560 §1; repealed by 1975 c.546 §9 (446.003 enacted in lieu of 446.002)]

446.003 Definitions for ORS 446.003 to 446.200 and 446.220 to 446.280. As used in ORS 446.003 to 446.200 and 446.220 to 446.280, the following definitions shall apply, unless the context requires otherwise, or unless administration and enforcement by Oregon under the existing or revised National Mobile Home Construction and Safety Standards Act would be adversely affected:

(1) "Assistant director" means the Assistant Director for Health.

(2) "Awning" means any stationary structure, permanent or demountable, used in conjunction with a mobile home or trailer, other than 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.

(3) "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.

(4) "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.

(5) "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.

(6) "Dealer" means any person engaged in selling or distributing new mobile homes primarily to persons who in good faith purchase or lease a mobile home for purposes other than resale.

(7) "Department" means the Department of Commerce.

(8) "Director" means the Director of Commerce.

(9) "Distributor" means any person engaged in selling and distributing mobile homes for resale.

(10) "Division" means the Health Division of the Department of Human Resources.

(11) "Federal mobile home construction and safety standard" means a standard for construction, design and performance of a mobile home promulgated by the Secretary of Housing and Urban Development pursuant to the federal National Mobile Home Construction and Safety Standards Act of 1974 (Public Law 93-383).

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

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

(14) "Imminent safety hazard" means an imminent and unreasonable risk of death or severe personal injury.

(15) "Inspecting authority" or "inspector" means the Director of Commerce or representatives as appointed or authorized to administer and enforce provisions of ORS 446.111, 446.160, 446.176, 446.225 to 446.280, 446.990 and this section.

(16) "Lot" means any area or tract of land, or portion of a mobile home park, which is designated or used for occupancy by one mobile home.

(17) "Manufacturer" means any person engaged in manufacturing or assembling mobile homes.

(18) "Minimum safety standards" means standards prescribed by regulations adopted by the division, the Fire Marshal or the Department of Commerce.

(19) "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.

(20) "Mobile home accessory building or structure" means any awning, portable, demountable or permanent cabana, ramada, carport, porch, skirting or steps established for use of the occupant of the mobile home and which are designed or intended to be attached to and which depend, in whole or in part, upon the mobile home for structural support.

(21) "Mobile home construction" means all activities relating to the assembly and manufacture of a mobile home including, but not limited to, those relating to durability, quality and safety.

(22) "Mobile home park" means any place where four or more mobile homes are located 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. "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.160.

(23) "Mobile home safety" means the performance of a mobile home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design or construction of such mobile home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur.

(24) "Municipality" means a city, county or other unit of local government otherwise authorized by law to enact codes.

(25) "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.

(26) "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.

(27) "Sale" means rent, lease or sale.

(28) "Tiedown" means any device designed to anchor a mobile home securely to the ground.

(29) "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. [1975 c.546 §10 (enacted in lieu of 446.002 and 446.004); 1979 c.884 §1]

446.004 [1969 c.295 §2; 1971 c.753 §42; repealed by 1975 c. 546 §9 and by 1975 c.793 §1a (446.003 and 446.005 enacted in lieu of 446.004)]

446.005 Additional definitions for ORS 446.003 to 446.200, 446.220 to 446.280 and 446.425. As used in ORS 446.003 to 446.200, 446.220 to 446.280 and 446.425, unless the context requires otherwise, or unless administration and enforcement by Oregon under the existing or revised National Mobile Home Construction and Safety Standards Act would be adversely affected:

(1) "Issuing authority" means:

(a) With respect to a mobile home park, the Department of Commerce.

(b) With respect to a traveler's accommodation, picnic park, recreation park or organizational camp, the Assistant Director for Health.

(2) "Regulating agency" means:

(a) With respect to a mobile home park, the Department of Commerce.

(b) With respect to a traveler's accommodation, picnic park, recreation park or organizational camp, the Health Division of the Department of Human Resources. [1975 c.793 §1b (enacted in lieu of 446.004)]

446.006 Certificate of sanitation required; single permit process for dual-use parks. (1) No person shall establish, operate, manage or maintain any travelers' accommodation or mobile home park without first securing a certificate of sanitation from the issuing authority as provided in ORS 446.012 to 446.046.

(2) Notwithstanding other provisions of this chapter, the Assistant Director for Health of the Department of Human Resources and the Director of the Department of Commerce shall adopt rules and make interagency agreements as necessary to assure that only one state agency is the issuing authority responsible for a single certificate of sanitation and inspection for its issuance to any park operated for both recreational vehicles and mobile homes. Such agreement shall be designed to encourage delegation for local operation of the program. [1953 c.490 §3; 1967 c.247 §2; 1969 c.533 §12; 1973 c.560 §2; 1975 c.793 §2; 1979 c.789 §1]

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

regulating agency and shall contain the name and address of the applicant and any other information which the regulating agency may require. [1953 c.490 §4; 1971 c.650 §22; 1975 c.793 §3]

446.015 Policy. In the interest of protecting public health and safety, of protecting migrant and seasonal farmworkers and of assuring the maintenance of an adequate agricultural labor work force, it is the policy of the State of Oregon to develop health and housing standards for farm labor camps. [1971 c.588 §1]

446.016 Certificate fee. (1) Every applicant for a certificate of sanitation shall pay to the issuing authority a fee as required by ORS 446.006 or 446.320 in an amount to be determined as follows:

(a) For mobile home parks an amount determined by the following schedule:

| Number of spaces or other rental units | Fee in dollars |
|--|---|
| Up to 25 | \$ 25 |
| 26 to 50 | 50 |
| 51 to 75 | 75 |
| 76 to 100 | 100 |
| 101 and over | 100 plus 50 cents for each unit over 100. |

(b) For each picnic park or organizational camp as defined in ORS 446.310, a fee established by division rule. The fee shall not exceed \$30.

(c) For each travelers' accommodation or recreation park a fee established by division rule. The fee shall be determined by the following schedule:

| Number of Spaces or lodging units | Fee in dollars |
|-----------------------------------|--|
| 1 - 50 | \$ 80 |
| 51 - 75 | \$120 |
| 76 - 100 | \$160 plus \$1.50 for each space or lodging unit over 100. |

(2) Rules adopted pursuant to paragraphs (b) and (c) of subsection (1) of this section shall be adopted in accordance with ORS 183.310 to 183.500.

(3) For a mobile home park there shall be an additional fee of \$4.75 per lot, for the purpose of sanitary and other code inspections.

The fee shall be paid by the mobile home park owner or owner's representative on all licensed lots.

(4) The fees paid under subsection (3) of this section may be separately billed to the tenant of each lot on the first month of the year or the first month of occupancy, if the lot is occupied after the month of collection. Notice provided by ORS 91.740 shall not be required. There shall be no additional charge for fee collection or remittance of the fee to the department or enforcing agency. [1953 c.490 §5; 1973 c.560 §3; 1975 c.793 §4; 1979 c.342 §1; 1979 c.696 §3a]

446.020 [Repealed by 1953 c.490 §21]

446.022 [1953 c.490 §6; 1969 c.533 §13; repealed by 1973 c.560 §22]

446.026 Renewal of certificates. (1) All certificates issued under ORS 446.003 to 446.200 and 446.220 to 446.280 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 446.003 to 446.200 and 446.220 to 446.280, 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 446.003 to 446.200 and 446.220 and 446.280 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 446.003 to 446.200 and 446.220 to 446.280 and the rules promulgated pursuant thereto, the issuing authority shall issue a certificate of sanitation on such forms as the regulating authority prescribes.

(2) All certificates of sanitation shall be posted in plain and open view in the place serving as office of the establishment licensed under ORS 446.003 to 446.200 and 446.220 to 446.280. [1953 c.490 §10; 1973 c.560 §4; 1975 c.793 §5]

446.050 [Repealed by 1953 c.490 §21]

446.052 Denial, suspension or 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 446.003 to 446.200 and 446.220 to 446.280 or the rules promulgated pursuant thereto.

(2) Whenever, in the judgment of the issuing authority, any applicant for a certificate or any person to whom a certificate has been issued fails to comply with the provisions of ORS 446.003 to 446.200 and 446.220 to 446.280 or with the rules promulgated pursuant thereto, the issuing authority may deny issuance of, suspend or revoke the certificate.

(3) Hearings on denial, suspension or revocation of a certificate of sanitation shall be conducted as a contested case in accordance with ORS 183.310 to 183.500. [1953 c.490 §11; 1967 c.247 §3; 1971 c.734 §63; 1973 c.560 §5; 1975 c.793 §6]

446.056 Reinstatement of suspended or revoked certificate; issuance of previously denied certificate. The issuing authority may reinstate any certificate of sanitation which has been suspended or revoked, or issue one which has been denied when the issuing authority is satisfied that the applicant or former holder is complying with ORS 446.003 to 446.200 and 446.220 to 446.280 and the rules promulgated pursuant thereto. [1953 c.490 §12; 1973 c.560 §6; 1975 c.793 §7]

446.060 [Repealed by 1953 c.490 §21]

446.062 Rules for tourist facilities and parks; furnishing copy to applicant. (1) The Health Division shall, under ORS 183.310 to 183.500, 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) (a) The Department of Commerce shall issue rules under ORS 183.310 to 183.500 to regulate mobile home parks. These rules shall conform to ORS 446.090 to 446.145, and, except as provided in paragraph (b) of this subsection, shall pertain to the same matters as those listed in subsection (1) of this section for rules concerning the construction and operation of travelers' accommodations.

(b) The Health Division shall issue rules under ORS 183.310 to 183.500 pertaining to water sources and drainage.

(3) A copy of rules issued pursuant to this section pertaining to the applicant shall be furnished by the regulating authority to each applicant for a certificate under ORS 446.003 to 446.200 and 446.220 to 446.280. [1953 c.490 §13; 1959 c.562 §13; 1969 c.533 §15; 1975 c.793 §8]

446.066 Inspection of tourist and travelers' facilities. (1) The assistant director or his duly authorized representative may inspect every travelers' accommodation in order to determine whether it conforms with the provisions of ORS 446.003 to 446.200 and 446.220 to 446.280 and the standards set by the rules of the division. Any person operating such facilities shall at all reasonable times, upon request of the assistant director permit access to all parts of the facilities.

(2) The Department of Commerce may inspect every mobile home park in order to determine whether it conforms with the provisions of ORS 446.003 to 446.200 and 446.220 to 446.280 and the rules promulgated pursuant thereto. Any person operating such facilities shall at all reasonable times, upon request of the department, permit access to all parts of the facilities.

(3) Operators of seasonal facilities which customarily are closed for 120 days or more in any 12-month period shall notify the issuing authority in writing of their intention to re-

open at the beginning of a season. Such notice shall be given at least 30 days prior to such reopening. [1953 c.490 §14; 1969 c.533 §16; 1973 c.560 §7; 1975 c.793 §9]

446.070 [Repealed by 1953 c.490 §21]

446.072 Uniform enforcement throughout state. (1) Except as provided in subsection (2) of this section, the Health Division shall make such surveys as are necessary to assure uniform enforcement of ORS 446.003 to 446.200, 446.220 to 446.280, and subsections (1) and (2) of 446.990 throughout the state.

(2) The Department of Commerce shall make the surveys described in subsection (1) of this section with respect to mobile home parks. [1953 c.490 §17; 1959 c.562 §14; 1975 c.793 §10]

446.076 Disposition of moneys collected; Tourist Facilities Account; Building Code Account. (1) All moneys received by the assistant director shall be paid into the State Treasury and shall be 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 shall be used only for the administration and enforcement of ORS 446.003 to 446.200 and 446.220 to 446.280 by the division.

(2) All moneys received by the Department of Commerce under ORS 446.003 to 446.200 and 446.220 to 446.280 shall be paid into the Building Code Account created by ORS 456.890. The moneys received under this subsection are continuously appropriated and shall be used only for the administration and enforcement of ORS 446.003 to 446.200 and 446.220 to 446.280 by the department with respect to mobile home parks. [1953 c.490 §15; 1973 c.560 §8; 1975 c.793 §11]

446.080 [Repealed by 1953 c.490 §21]

446.082 [1953 c.490 §19; 1969 c.533 §17; repealed by 1973 c.560 §22]

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 issued thereunder. [1959 c.562 §3; 1967 c.247 §4; 1969 c.533 §18; 1975 c.793 §12]

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 Department of Commerce 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, except as specified in subsection (5) of this section, a separate general play area restricted to that use, if the mobile home park accommodates children who are under 14 years of age. No separate play area shall be less than 2,500 square feet in area. At least 100 square feet of play area shall be provided for each mobile home occupied by children.

(5) Not be required to provide a separate play area if the mobile home park accommodates children who are under 14 years of age and is constructed so as to provide each space with a minimum of 4,000 square feet.

(6) Construct on each trailer space, adjacent and parallel to the mobile home space one or more wooden decks or 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; 1973 c.560 §9]

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) The Department of Commerce 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 department and the county or city planning commission, a permit may be issued 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) The department 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 promulgated pursuant to ORS 446.003 to 446.200 and 446.220 to 446.280.

(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 446.003 to 446.200 and 446.220 to 446.280. [1959 c.562 §6; 1967 c.247 §6; 1969 c.533 §21; 1973 c.560 §10; 1975 c.793 §13]

446.110 [Repealed by 1959 c.562 §16]

446.111 Regulation of structures in parks. 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 ORS 446.003 to 446.200 and 446.220 to 446.280 and the rules issued thereunder. [1961 c.665 §3; 1967 c.247 §7; 1969 c.533 §22; 1973 c.560 §11; 1975 c.546 §11]

446.115 Sanitation of parks; pets to be controlled. (1) The owner or operator of a mobile home park is responsible for the sanitary condition of the park grounds and buildings.

(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; 1973 c.560 §12]

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 446.310.

(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; 1969 c.605 §54; repealed by 1969 c.533 §27 and by 1969 c.605 §61]

**MOBILE HOME
CONSTRUCTION AND SAFETY
STANDARDS**

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 Department of Commerce.

(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 Department of Commerce.

(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 Department of Commerce.

(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 Department of Commerce. [1961 c.567 §2; 1969 c.295 §3; 1971 c.753 §43]

446.160 Inspection; regulations; federal standards. (1) The Department of Commerce may cause such inspections to be made, approve plans and specifications, provide technical services, issue insigne of compliance, collect fees provided by ORS 446.176 and, in compliance with ORS 183.310 to 183.500, promulgate and enforce such rules and regulations as are reasonably necessary to carry out its duties and insure compliance with those parts of ORS 446.003 to 446.200 and 446.220 to 446.280 within the jurisdiction of the Department of Commerce.

(2) The director shall adopt rules pursuant to ORS 183.310 to 183.500 to insure that manufacturers, distributors and dealers comply with the reporting requirements of the Secretary of Housing and Urban Development as required by the National Mobile Home

Construction and Safety Standards Act of 1974 (Public Law 93-383).

(3) The director is authorized to conduct such inspections and investigations as may be necessary to administer and enforce any federal mobile home construction and safety standards adopted under ORS 446.155 or the National Mobile Home Construction and Safety Standards Act of 1974 (Public Law 93-383). The director shall furnish to the Secretary of Housing and Urban Development or his designee any information obtained indicating noncompliance with such standards for appropriate action.

(4) The director is authorized to enter, at reasonable times and without advance notice, any factory, warehouse, or establishment in which mobile homes are manufactured, stored or held for sale; and to inspect at reasonable times within reasonable limits in a reasonable manner, any such factory, warehouse, or establishment, and to inspect such books, papers, records and documents which are relevant to the manufacture of mobile homes and the manufacturer's, distributor's or dealer's compliance with ORS 446.155 and the National Mobile Home Construction and Safety Standards Act of 1974 (Public Law 93-383). [1961 c.567 §§3, 4; 1969 c.295 §4; 1971 c.753 §44; 1975 c.546 §12]

446.165 [1961 c.567 §5; 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 [1969 c.295 §6; 1971 c.753 §45; repealed by 1975 c.546 §13 (446.176 enacted in lieu of 446.175)]

446.176 Fees. (1) The department, with the approval of the board, shall adopt regulations under the provisions of ORS 183.310 to 183.500 to provide a schedule for plan review fees, insigne fees, inspection fees and other necessary fees based on the cost of administering ORS 446.003, 446.111, 446.160, 446.225 to

446.280, 446.990 and this section and those parts of ORS 446.003 to 446.200 and 446.220 to 446.280 within the jurisdiction of the Department of Commerce.

(2) Fees collected by the department pursuant to this section shall be deposited in the Building Code Account established by ORS 456.890 and shall be used exclusively for the administration and enforcement of those matters in ORS 446.003 to 446.200 and 446.220 to 446.280 under the jurisdiction of the department. [1975 c.546 §14 (enacted in lieu of 446.175)]

446.180 Safety standards of other states. If the Director of Commerce determines that standards for the construction of mobile homes and for plumbing, heating, illuminating, cooking and electrical equipment installed in mobile homes and recreational vehicles provided by the statutes or rules and regulations of other states are at least equal to the minimum safety standards prescribed under ORS 446.155 to 446.200, and that such statutes, rules and regulations are being enforced, he may provide by regulation that mobile homes or recreational vehicles approved by such other state shall be considered approved by the director. [1969 c.295 §9; 1971 c.753 §46]

446.185 Minimum safety standards for equipment and installations. (1) In compliance with ORS 183.310 to 183.500, regulations establishing minimum safety standards and requirements shall be adopted and enforced by the Department of Commerce, for plumbing equipment and installations, for heating, illuminating and cooking equipment or installations and for electrical equipment or installations in trailers and recreational vehicles.

(2) Minimum safety standards shall be reasonably consistent with nationally recognized standards for construction of mobile homes and plumbing, heating, illuminating, cooking and electrical equipment and installation in mobile homes, house 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; 1971 c.753 §47]

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 446.003 to 446.200 and 446.220 to 446.280:

(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 Department of Commerce 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 Department of Commerce 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 Department of Commerce 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 Department of Commerce 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]

446.220 Maintenance notice required for mobile homes. The Department of Commerce shall by administrative rule establish and provide a standard notice which mobile home manufacturers shall permanently affix to the mobile home in a location that is noticeable and accessible. The notice shall set forth the most critical items of maintenance, including, but not limited to, instructions for avoiding water, wind and snow damage. [1975 c.566 §2]

446.225 Administration and enforcement of federal mobile home safety and construction standards. (1) The Legislative Assembly intends to provide a procedure to assure that Oregon assumes fullest responsibility for administration and enforcement of federal mobile home safety and construction standards in Oregon in accordance with the National Mobile Home Construction and Safety Standards Act of 1974 (Public Law 93-383).

(2) The director is authorized to apply for and receive grants from the Secretary of Housing and Urban Development for implementation and development of a plan for enforcement and administration of federal mobile home safety and construction standards for mobile homes offered for sale or lease in this state.

(3) The director is authorized to adopt rules pursuant to ORS 183.310 to 183.500 to insure acceptance by the Secretary of Housing and Urban Development of Oregon's plan for administration and enforcement of federal mobile home safety and construction standards in accordance with the National Mobile Home Construction and Safety Standards Act of 1974 (Public Law 93-383). [1975 c.546 §2]

446.230 Rules for adoption and enforcement of safety standards. (1) The director shall, by administrative rule, adopt and enforce safety and construction standards for installation, support and tiedown of mobile homes on a lot. These safety standards shall be reasonably consistent with nationally recognized standards for placement, support and tiedown of mobile homes, and shall be de-

signed to protect the health and safety of occupants of mobile homes against uplift, sliding, rotation and overturning of mobile homes.

(2) The director shall designate wind pressure zones in which the rules for tiedown of mobile homes shall apply.

(3) Nothing contained in this section shall require the connection of the utilities from utility terminations provided on a lot to mobile homes to be performed by a person licensed by the Department of Commerce. [1975 c.546 §3]

446.240 Rules for adoption and enforcement of safety standards for accessory structures. The director shall adopt and enforce rules establishing safety standards for construction and installation of mobile home accessory buildings and structures. Prefabricated and site-built mobile home accessory buildings and structures shall be consistent with the provisions of the state building code adopted pursuant to ORS 456.755 and 456.770 except where application of such standards would conflict with standards adopted under the National Mobile Home Construction and Safety Act of 1974 and would prevent the department from enforcing the federal Act in Oregon. [1975 c.546 §4]

446.250 Duties of director; agreements with local governments; conditions. The director shall cause inspections to be made, approve plans and specifications, provide technical services and issue permits for installation of mobile homes and mobile home accessory buildings and structures on a lot. The director shall appoint or contract with local governments which request such appointment or contract for inspection and issuance of permits for installation of mobile homes and mobile home accessory buildings and structures subject to the following conditions:

(1) The local government employs as local inspectors qualified persons who have been certified by the director for inspection and issuance of permits for installation of mobile homes and mobile home accessory buildings and structures, pursuant to ORS 446.003, 446.111, 446.160, 446.176, 446.225 to 446.280 and 446.990. However, the certification standards under this section shall relate to the inspections to be performed and shall not be more stringent for local government inspectors than those applying to state inspectors.

(2) The local government already performs some code enforcement under provisions of ORS 456.800. [1975 c.546 §5]

446.255 Revocation of agreement with local government. (1) After written notice and hearing as provided in subsection (2) of this section, the director may revoke the certification of a local inspector certified under ORS 446.250, or the authority of a local government to enforce provisions of ORS 446.003, 446.111, 446.160, 446.176, 446.225 to 446.280 and 446.990, when it appears to him by competent evidence that the inspector or local government has consistently failed to act in the public interest in the enforcement of the provisions of ORS 446.003, 446.111, 446.160, 446.176, 446.225 to 446.280 and 446.990.

(2) Any proceedings under subsection (1) of this section shall be conducted pursuant to the provisions of ORS 183.415 to 183.430, 183.440 to 183.460, 183.470 to 183.485 and 183.490 to 183.500, dealing with contested cases. [1975 c.546 §5a]

446.260 Notification by manufacturer of mobile home defect. (1) Every manufacturer of mobile homes offered for sale or lease in this state shall furnish notification of any defect in any mobile home produced by the manufacturer which he determines, in good faith, relates to a federal mobile home construction or safety standard or contains a defect which constitutes an imminent safety hazard to the purchaser of the mobile home, within a reasonable time after such manufacturer has discovered the defect.

(2) The director is authorized to adopt rules for notification required by subsection (1) of this section. The rules shall conform to notification and correction of defects and record keeping requirements of the Secretary of Housing and Urban Development under the National Mobile Home Construction and Safety Standards Act of 1974 (Public Law 93-383). [1975 c.546 §6]

446.270 Civil penalties; notice; hearing. (1) Whoever violates any provision of ORS 446.003 to 446.200 or 446.220 to 446.280, or the administrative rules issued thereunder, or any regulation or final order issued thereunder, shall be liable to the State of Oregon for a civil penalty of not to exceed \$1,000 for each violation. Each violation of ORS 446.003 to 446.200 or 446.220 to 446.280, or any rule or order issued thereunder, shall constitute a

separate violation with respect to each mobile home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed \$1 million for any related series of violations occurring within one year from the date of the first violation.

(2) Notwithstanding any provision of ORS 183.310 to 183.500, prior to the adoption of any rule under subsection (1) of this section for which a civil penalty may be imposed, the director shall give not less than 30 days' notice, in writing, to every registered mobile home manufacturer, dealer, and any other interested party who shall have requested notice in the manner provided in subsection (7) of ORS 183.335.

(3) Enforcement of a civil penalty under subsection (1) of this section in excess of \$100 shall be brought in small claims court. If the claim exceeds the jurisdiction of the small claims court, the action may be brought in any court of appropriate jurisdiction in that city or county and a reasonable attorney's fee shall be awarded to the prevailing party. [1975 c.546 §7; 1977 c.161 §4; 1979 c.342 §2; 1979 c.593 §32a]

446.280 Mobile Home Construction and Safety Standard Advisory Board. (1) The director shall appoint a Mobile Home Construction and Safety Standard Advisory Board to serve in an advisory capacity to the director in promulgating, administering and enforcing the plan for the administration and enforcement of the National Mobile Home Construction and Safety Standards Act of 1974 (Public Law 93-383) and safety standards pursuant to ORS 446.003 to 446.200 and 446.220 to 446.280.

(2) The board shall consist of nine members, one member representing or engaged in each of the following:

(a) The selling, leasing and distributing of new mobile homes.

(b) The manufacturing, selling, leasing or distributing of recreational vehicles.

(c) The manufacturing or assembling of new mobile homes.

(d) The manufacturing, assembling or selling of mobile home accessory buildings or structures.

(e) Consumer organizations.

(f) Users of low and moderate income housing.

(g) Structural engineering.

(h) Local governments, who shall be selected from a list of not less than three nominees submitted by the League of Oregon Cities and Association of Oregon Counties.

(i) The deputies or assistants to the State Fire Marshal.

(3) The terms of the members first appointed to the board shall expire as follows: Three members, July 1, 1976; three members, July 1, 1977; and three members, July 1, 1978. Thereafter, appointments shall be made for a term of three years.

(4) Vacancies occurring in the membership of the board for any cause shall be filled by appointment for the balance of the unexpired term.

(5) No member shall serve more than two consecutive terms of office.

(6) The director may remove any member of the board for misconduct, incompetency, or neglect of duty.

(7) The board shall meet at least once in each calendar quarter of each year.

(8) Five members shall constitute a quorum for the transaction of business.

(9) The board shall elect its own chairman, adopt rules for its procedures and meet on call of the chairman or majority of the members. The director shall provide administrative facilities and services for the board.

(10) Members of the board shall be entitled to compensation and expenses as provided by ORS 292.495. [1975 c.546 §8]

RECREATION PARKS AND ORGANIZATIONAL CAMPS

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) "Assistant director" means the Assistant Director for Health.

(2) "Division" means the Health Division of the Department of Human Resources.

(3) "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.

(4) "Health officer" means a local health officer appointed pursuant to ORS 431.418.

(5) "Organizational camp" includes any area designated by the person establishing, operating, managing or maintaining the same for recreational use by groups or organizations which include but are not limited to youth camps, scout camps, summer camps, day camps, nature camps, survival camps, athletic camps, camps which are operated and maintained under the guidance, supervision or auspices of religious, public and private educational systems and community service organizations.

(6) "Recreation park" means any area designated by the person establishing, operating, managing or maintaining the same for picnicking or overnight camping by the general public or any segment of the public. Recreation park includes but is not limited to areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association or common ownership and further includes, but is not limited to those areas divided into two or more lots, parcels, units or other interests for purposes of such use. [1969 c.533 §2; 1973 c.560 §13]

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. (1) No person shall establish, operate, manage or maintain a recreation park or organizational camp without first securing a certificate of sanitation from the assistant director.

(2) ORS 446.012, 446.016, 446.026, 446.042, 446.046, 446.052 and 446.056 apply to the certificate of sanitation required by subsection (1) of this section. However, the assistant director 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. Organizational camps operated under rental or leasehold agreements may be certified either to the landlord or to the tenant provided that the certificate holder shall be responsible for compliance with ORS 446.310 to 446.350 and the rules adopted thereunder. [1969 c.533 §3; 1973 c.560 §14; 1979 c.696 §4; 1979 c.789 §2a]

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 division and securing the approval of the Assistant Director for Health or his designee. The Assistant Director for Health or his designee 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 183.500, the division may promulgate any rules concerning the construction, operation and use of recreation parks and organizational camps 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 division 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, 1973 c.560 §16]

446.335 Inspection of parks and camps; right of access. The assistant director may inspect every recreation park and organizational camp 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 the assistant director access to all of the park at any reasonable time. [1969 c.533 §6; 1973 c.560 §17]

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

(2) If sanitary facilities are not provided in a recreation park or organizational camp 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 division shall not require an owner or operator of a recreation park or organizational camp to provide both toilets and dumping stations.

[1969 c.533 §7; 1973 c.560 §18]

446.342 Failure to comply with rules not necessarily evidence of negligence. Failure of any certificate holder to comply with the organizational camp rules of the Health Division adopted under ORS 446.330 does not constitute evidence of negligence unless it is alleged and proven that the certificate holder's acts or omissions violated the standards of reasonable care under the circumstances. [1979 c.789 §4]

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 division.

(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 division. However, in isolated areas where space is not available in a recreation park or organizational camp 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 or organizational camp, create an insanitary condition or deposit putrescible or nonputrescible waste any place other than in appropriate containers designated for such purposes. [1969 c.533 §8; 1973 c.560 §19]

446.350 Recreation Park Account. 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 assistant director shall be credited to the Recreation Park Account. All moneys in the account are appropriated continuously to the division for the purpose of administering and enforcing ORS 446.310 to 446.350. [1969 c.533 §9; 1973 c.560 §20]

MISCELLANEOUS

446.425 Delegation to county or city to administer certain sanitation laws; contracts between Department of Commerce and Health Division. (1) The issuing authority shall delegate to any county board of commissioners or city governing body which requests any of the authority, responsibilities and functions of the issuing authority under ORS 446.006, 446.016, 446.046 to 446.056, 446.066, 446.076, 446.095, 446.105 to 446.115, 446.310, 446.320 and 446.330 to 446.340 and 446.345 to 446.990 if the issuing authority determines that the county or city is willing and able to carry out the rules of the issuing authority relating to fee collection, licensing, inspections, enforcement and issuance and revocation of permits and certificates in compliance with standards for enforcement by the counties or cities and monitoring by the issuing authority. Such standards shall be established by the issuing authority in consultation with the appropriate county or city officials and in accordance with ORS 431.345. The issuing authority shall review and monitor each county's or city's performance under this subsection. In accordance with ORS 183.310 to 183.500, the issuing authority may suspend or rescind a delegation under this subsection. If it is determined that a county or city is not carrying out such rules or the delegation is suspended, the unexpended portion of the fees collected under subsection (2) of this section shall be available to the issuing authority for carrying out the authority, responsibility and functions under this section.

(2) The county or city may determine the amount of, and retain, any fee for any function undertaken pursuant to subsection (1) of this section or use the fee schedule pursuant to ORS 446.016. The county or city, quarterly, shall remit 15 percent of the collected fees to the issuing authority for monitoring county or city programs and for providing the necessary forms, licenses, and informational material necessary to maintain a uniform state program.

(3) In any action, suit or proceeding arising out of county or city administration of functions pursuant to subsection (1) of this section and involving the validity of a rule promulgated by the issuing authority, the issuing authority shall be made a party to the action, suit or proceeding.

(4) The Department of Commerce may contract with the Health Division of the De-

partment of Human Resources to carry out any inspections required under ORS 446.003 to 446.200 and 446.220 to 446.280. [1973 c.560 §21a; 1975 c.790 §1; 1975 c.793 §14]

446.510 [1959 c.314 §1; 1961 c.610 §16; repealed by 1973 c.833 §48]

446.520 [1959 c.314 §2; 1971 c.588 §2; repealed by 1973 c.833 §48]

446.530 [1959 c.314 §3; 1971 c.588 §3; repealed by 1973 c.833 §48]

446.535 [1971 c.588 §13; repealed by 1973 c.833 §48]

446.540 [1959 c.314 §4; repealed by 1973 c.833 §48]

446.545 [1971 c.588 §9; repealed by 1973 c.833 §48]

446.550 [1959 c.314 §5; repealed by 1973 c.833 §48]

446.560 [1959 c.314 §6; repealed by 1973 c.833 §48]

446.570 [1959 c.314 §7; 1971 c.588 §5; repealed by 1973 c.833 §48]

446.575 [1971 c.588 §§11, 12, 14; repealed by 1973 c.833 §48]

446.580 [1959 c.314 §8; repealed by 1973 c.833 §48]

446.590 [1959 c.314 §9; repealed by 1973 c.833 §48]

446.600 [1959 c.314 §10; 1971 c.588 §5a; 1971 c.650 §23; repealed by 1973 c.833 §48]

446.610 [1959 c.314 §§11, 12, 13, 14; 1971 c.734 §64; repealed by 1973 c.833 §48]

446.615 [1971 c.588 §15; repealed by 1973 c.833 §48]

446.620 [1959 c.314 §15; 1963 c.170 §1; 1971 c.588 §5b; repealed by 1973 c.833 §48]

446.630 [1959 c.314 §16; repealed by 1973 c.833 §48]

446.635 [1967 c.598 §2; 1971 c.588 §6; repealed by 1973 c.833 §48]

446.640 [1959 c.314 §17; repealed by 1973 c.833 §48]

446.650 [1959 c.314 §18; repealed by 1973 c.833 §48]

446.655 [1971 c.588 §8; repealed by 1973 c.833 §48]

446.660 [1959 c.314 §19; repealed by 1973 c.833 §48]

PENALTIES

446.990 Penalties. (1) Any individual, or any director, officer, or agent of a corporation who knowingly and wilfully violates ORS 446.003 to 446.200 or 446.220 to 446.280 in a manner which threatens the health or safety of any purchaser commits a Class A misdemeanor.

(2) Violation of ORS 446.345 is punishable upon conviction as a Class B misdemeanor. [Amended by 1953 c.490 §21; 1953 c.490 §18; 1959 c.562 §15; 1959 c.683 §33; 1959 c.314 §20; 1967 c.598 §3; 1969 c.533 §10; 1973 c.560 §21; 1973 c.833 §39; 1974 s.s. c.36 §13; 1975 c.546 §15]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1979.

Thomas G. Clifford
Legislative Counsel