

Chapter 446

1985 REPLACEMENT PART

Mobile Homes; Tourist Facilities

MOBILE HOME PARKS

- 446 003 Definitions for ORS 446 003 to 446.200 and 446.225 to 446.280
- 446 005 "Issuing authority" defined
- 446 062 Rules regulating mobile home parks, state building code requirements; approval for new construction or additional lots
- 446 066 Inspection of mobile home parks
- 446 072 Uniform enforcement throughout state
- 446.076 Disposition of moneys collected, Building Code Account
- 446 090 Application of ORS 446 095 to 446 105
- 446 095 Park construction and facilities
- 446 100 Prohibited acts in connection with construction and use of parks
- 446.105 Temporary parks
- 446 111 Regulation of structures in parks
- 446 115 Sanitation of parks, pets to be controlled
- 446.125 Occupancy on private land
- 446 140 Notice of removal from park
- 446.145 Records to be maintained at parks
- 446 260 Notification by manufacturer of mobile home defect
- 446 270 Civil penalties; notice, hearing
- 446 280 Mobile Home Construction and Safety Standard Advisory Board

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

- 446 155 Sanitation and safety requirements for mobile homes
- 446.160 Inspection, regulations, federal standards
- 446 170 Insigne of compliance required, when displayed
- 446 176 Fees
- 446 180 Safety standards of other states
- 446.185 Minimum safety standards for equipment and installations
- 446 190 Power to enjoin violations
- 446.200 When noncompliance with city or county regulations authorized
- 446.210 Limited maintenance electrician's license for work on mobile homes and recreational vehicles
- 446 225 Administration and enforcement of federal mobile home safety and construction standards
- 446 230 Rules for adoption and enforcement of safety standards
- 446 240 Rules for adoption and enforcement of safety standards for accessory structures
- 446 250 Duties of director, agreements with local governments, conditions
- 446 255 Revocation of agreement with local government
- 446 310 Definitions for ORS 446.310 to 446 350
- 446 315 Policy
- 446.320 Tourist facility license required
- 446 321 Fee for tourist facility license, rulemaking
- 446 322 Issuance of license
- 446.323 Failure to apply for or renew license; transferability of license, refunds
- 446 324 Denial, suspension or revocation of license, civil penalty; hearing
- 446 325 Exemptions from license requirement
- 446.330 Rules
- 446 335 Inspection of parks and camps; right of access, notice of reopening seasonal facility
- 446 340 Responsibility of owner or operator for sanitary conditions
- 446.345 Prohibited acts
- 446 347 Civil penalties, notice
- 446.348 Determining amount of penalty; schedule; factors
- 446 349 Notice of assessed penalty, payment date; hearing; effect of nonpayment
- 446 350 Tourist Facility Account
- 446 425 Delegation to county to administer certain sanitation laws, fees
- 446 430 Delegation to county or city to administer rules regulating mobile home parks, fees
- 446 435 Nonapplication of ORS 446 003 to 446 145 and 446 310 to 446 350 to sleeping rooms or temporary camping sites

MISCELLANEOUS

PENALTIES

CROSS REFERENCES

- Administrative procedures and rules of state agencies, 183 310 to 183 550
- Discrimination in places of public accommodation prohibited, 30 670
- Recreational vehicles, sealed disposal system required in operating over highways, 815 260
- Residential Landlord and Tenant Act, 91 760 to 91 895

PUBLIC HEALTH AND SAFETY

446 003 to 446 145

Zoning change application, notice to tenants, 227 175

446 006

Public bathing and swimming facilities, 448 005 to 448 090

446 015

Safe employment act, application to farm labor camps, 1973
c 833

446 076

Moneys received by Health Division, deposit and use, 431 210,
431 220

446 140

Landlord and tenant, Ch 91

Possessory lien of person who stores personal property,
87 152, 91 720

446 425

County authority to restrain violation of public health laws,
431 157

446 435

Application of ORS 624 010 to 624 120 or 624 310 to 624 440,
governing food service facilities, 624 610

MOBILE HOME AND PARKS

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 446.225 to 446.280. As used in ORS 446 003 to 446 200 and 446 225 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, lightweight 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 rules 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 92 190

(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 [1975 c 546 §10 (enacted in lieu of 446 002 and 446 004), 1979 c 884 §1, 1983 c 707 §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 "Issuing authority" defined.

As used in ORS 446 003 to 446 200, 446 225 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, "issuing authority" means with respect to mobile home park plans review and construction, the Department of Commerce [1975 c 793 §1b (enacted in lieu of 446 004), 1981 c 190 §7, 1983 c 707 §2]

446 006 [1953 c 490 §3, 1967 c 247 §2, 1969 c 533 §12, 1973 c 560 §2, 1975 c 793 §2, 1979 c 789 §1, 1981 c 190 §3, repealed by 1983 c 707 §29]

446 010 [Repealed by 1953 c 490 §21]

446 012 [1953 c 490 §4, 1971 c 650 §22, 1975 c 793 §3, repealed by 1983 c 707 §29]

446 015 [1971 c 588 §1, repealed by 1983 c 707 §29]

446 016 [1953 c 490 §5, 1973 c 560 §3, 1975 c 793 §4, 1979 c 342 §1, 1979 c 696 §3a, 1981 c 190 §4, repealed by 1983 c 707 §29]

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 [1953 c 490 §7, repealed by 1983 c 707 §29]

446 030 [Repealed by 1953 c 490 §21]

446 032 [1953 c 490 §16, repealed by 1959 c 562 §16]

446 036 1953 c 490 §8, 1969 c 533 §14, 1981 c 190 §5, repealed by 1983 c 707 §29]

446 040 [Repealed by 1953 c 490 §21]

446 042 [1953 c 490 §9, repealed by 1983 c 707 §29]

446 046 [1953 c 490 §10, 1973 c 560 §4, 1975 c 793 §5, repealed by 1983 c 707 §29]

446 050 [Repealed by 1953 c 490 §21]

446 052 [1953 c 490 §11, 1967 c 247 §3, 1971 c 734 §63, 1973 c 560 §5, 1975 c 793 §6, repealed by 1983 c 707 §29]

446 056 [1953 c 490 §12, 1973 c 560 §6, 1975 c 793 §7, repealed by 1983 c 707 §29]

446 060 [Repealed by 1953 c 490 §21]

446.062 Rules regulating mobile home parks; state building code requirements; approval for new construction or additional lots. (1)(a) The Department of Commerce shall issue rules under ORS 183 310 to 183 550 to regulate mobile home parks. These rules shall conform to ORS 446 090 to 446 145

(b) Any water system serving a mobile home park is subject to ORS 448 115 to 448 285 and the rules adopted pursuant thereto

(2) Mobile home parks are subject to ORS 446 003, 446 072 to 446 100, 446 140, 446 145, 446 270, the state building code, as defined in ORS 456 750 (8), and the rules adopted thereunder by the director under ORS 183 310 to 183 550

(3) The Department of Commerce shall review plans and inspect construction of mobile home parks to insure compliance with subsection (2) of this section. The department shall adopt rules under ORS 183 310 to 183 550 to provide a schedule for plan review fees and construction inspection fees

(4) A person shall not construct a new mobile home park or add lots to an existing mobile home

park without approval by the Department of Commerce

(5) 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 446 225 to 446 280 [1953 c 490 §13, 1959 c 562 §13, 1969 c 533 §15, 1975 c 793 §8, 1981 c 190 §6, 1983 c 707 §3]

446.066 Inspection of mobile home parks. 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 446 225 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. [1953 c 490 §14, 1969 c 533 §16, 1973 c 560 §7, 1975 c 793 §9, 1983 c 707 §4]

446 070 [Repealed by 1953 c 490 §21]

446.072 Uniform enforcement throughout state. The Department of Commerce shall make surveys necessary to assure uniform enforcement throughout the state with respect to mobile home parks [1953 c 490 §17, 1959 c 562 §14, 1975 c 793 §10, 1983 c 707 §5]

446.076 Disposition of moneys collected; Building Code Account. All moneys received by the Department of Commerce under ORS 446 003 to 446 200 and 446 225 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 446 225 to 446 280 by the department with respect to mobile home parks [1953 c 490 §15, 1973 c 560 §8, 1975 c 793 §11, 1983 c 707 §6]

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. ORS 446 095 (3), (4) and (6), 446 100 (1)(c) and 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, 1985 c 565 §72]

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 the owner or operator permits parking of motor vehicles on the driveways, the owner or operator 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 447 160 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, the owner or operator 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. (1) No person shall

(a) 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

(b) Park a mobile home closer than five feet from a property boundary line

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

(2) The director shall adopt rules pursuant to the rulemaking provisions of ORS 183.310 to

183 550 specifying minimum distances between adjacent mobile homes and between mobile homes and other structures. In adopting these rules, the director shall take into consideration the standards established by the National Fire Protection Association and standards recommended by the State Fire Marshal. In no case shall the rules provide for less than 10 feet of space between mobile homes [1959 c 562 §5, 1969 c 533 §20, 1981 c 506 §1]

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 employees 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 the person's 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 446 225 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 446 225 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 446.225 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 a pet animal of the person 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 ORS 446 310 (9)

(2) The person 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, 1983 c 707 §7]

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 Notice of removal from park.

No person, firm or corporation shall remove a mobile home from a mobile home park without first giving the owner or operator of the park 72 hours' notice [1959 c 562 §12, 1967 c 247 §11, 1969 c 533 §25, 1985 c 473 §16]

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, the tenant shall register with the owner or operator of such park and shall provide the correct name, home address and the license numbers of the 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 a mobile home, or camping vehicle, the tenant shall provide the correct color, model and dimensions of the 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 183.550, 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 446 225 to 446 280 within the jurisdiction of the Department of Commerce

(2) The director shall adopt rules pursuant to ORS 183.310 to 183 550 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 a 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 183 550 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 446 225 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 446.225 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, the director 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 183 550, 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 446 225 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 479 855 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 the person 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 [1975 c 566 §2, repealed by 1983 c 65 §1]

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 183.550 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 designed 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 and alterations of installations of plumbing, heating, illuminating, cooking or electrical equipment, 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, 1983 c 250 §2]

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 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 183.550, 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 446 225 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 446 225 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 183 550, 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 ORS 183 335 (7).

(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 fee at trial and on appeal shall be awarded to the prevailing party. [1975 c 546 §7, 1977 c 161 §4, 1979 c 342 §2, 1979 c 593 §32a, 1981 c 897 §51]

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 446 225 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 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, 1981 c 371 §1]

TOURIST FACILITIES

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 official" means a local public health administrator appointed pursuant to ORS 431 418

(5) "Hostel" means any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed or maintained under the sponsorship of a nonprofit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954 as amended

(6) "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.

(7) "Picnic park" means any recreation park which is for day use only and provides no recreation vehicle or overnight camping spaces

(8) "Tourist facility" means any travelers' accommodation, hostel, picnic park, recreation park and organizational camp

(9) "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

(10) "Regulating agency" means, with respect to a tourist facility, the Health Division of the Department of Human Resources

(11) "Travelers' accommodation" includes any establishment, which is not a hostel, having rooms, apartments or sleeping facilities 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

(12) "Department" means the Department of Commerce

(13) "Construction" means work regulated by the state building code as defined in ORS 456 750 [1969 c 533 §2, 1973 c 560 §13, 1981 c 749 §27, 1983 c 707 §8, 1985 c 809 §5]

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 Tourist facility license required. (1) No person shall establish, operate, manage or maintain a tourist facility, without a license from the assistant director

(2) Organizational camps operated under rental or leasehold agreements may be licensed either to the landlord or to the tenant provided that the license 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, 1983 c 707 §9]

446.321 Fee for tourist facility license; rulemaking. (1) Every application for licensing of a tourist facility as defined in ORS 446.310 and required by ORS 446 320 shall pay to the division a fee established by division rule The fee shall not exceed \$60, except that recreation parks shall pay an additional fee not to exceed \$2 for each space

(2) Rules adopted pursuant to subsection (1) of this section shall be adopted in accordance with ORS 183 310 to 183 550 [1983 c 707 §12]

446.322 Issuance of license. Upon receipt of a completed application on a division form, required fee, and after representation by the applicant that the facility is in compliance with the provisions of ORS 446 310 to 446 350, and the rules adopted pursuant thereto, and the requirements of the Department of Commerce the assistant director shall issue a license, unless there is reason to believe noncompliance exists [1983 c 707 §13, 1985 c 809 §1]

446.323 Failure to apply for or renew license; transferability of license; refunds.

(1) Any person failing to apply for licensing within 30 days after engaging in the recreation park or travelers' accommodation business is delinquent and shall pay a penalty fee equal to the license fee plus the fee provided in ORS 446 321

(2) Any person, initially licensed under ORS 446 310 to 446 350 for engaging in the recreation park or travelers' accommodation business who

has failed to renew a license on or before the expiration date is delinquent. If delinquency extends 15 days past the expiration date, a penalty fee of 50 percent of the annual license fee shall be added. The penalty fee shall be increased by 50 percent of the license fee on the first day of each succeeding month of delinquency.

(3) Licenses issued under ORS 446 310 to 446 350 shall not be transferable and no refund representing any unused portion of any license shall be made [1983 c 707 §14]

446.324 Denial, suspension or revocation of license; civil penalty; hearing. (1) If any applicant for licensing or any person to whom a license has been issued fails to comply with the provisions of ORS 446 310 to 446 350 or with the rules adopted pursuant thereto, the division may deny issuance of, suspend or revoke the license or assess a civil penalty.

(2) Hearings on the denial, suspension or revocation of a license or on assessing a civil penalty shall be conducted as a contested case in accordance with ORS 183 310 to 183 550 [1983 c 707 §15]

446.325 Exemptions from license requirement. (1) Public entities, timber companies and private utilities 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 designee but shall be exempt from the licensing requirement of ORS 446 320. The Assistant Director for Health or designee may delegate, to a health official having sufficient sanitarians, the authority to approve such recreation parks.

(2) ORS 446 310 to 446 350 do not apply to

(a) Any structure designed for and occupied as a single family residence in which no more than two sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of six travelers or transients at any one time for a charge or fee paid or to be paid for the rental or use of the facilities, or

(b) Any temporary camping sites used solely and incidentally in the course of backpacking, hiking, horseback packing, canoeing, rafting or other such expedition, unless such expedition is part of an organizational camp program [1969 c 533 §4, 1983 c 707 §10]

446.330 Rules. In accordance with ORS 183 310 to 183 550, the division may adopt any rules necessary for the administration of ORS 446 310 to 446 350 and 446 990, including but not limited to rules, concerning the construction, operation and use of tourist facilities that are

necessary to protect the health and welfare of persons using these facilities. The rules shall pertain but not be restricted to water supply, final sewage disposal, surface drainage, maintenance, insect and rodent control, garbage disposal, designation and maintenance of camping space and the cleanliness of the premises [1969 c 533 §5, 1973 c 560 §16, 1983 c 707 §16, 1985 c 809 §2]

446.335 Inspection of parks and camps; right of access; notice of reopening seasonal facility. (1) The assistant director or designee may inspect every tourist facility to determine whether it conforms with ORS 446 310 to 446 350 and the rules adopted pursuant thereto. A person operating such facility shall permit the assistant director or designee access to all of the facility at any reasonable time.

(2) The operator of a seasonal facility which customarily is closed for 120 days or more in any 12-month period shall notify the assistant director in writing of the intention to reopen at the beginning of a season. Notice shall be given at least 30 days prior to the reopening [1969 c 533 §6, 1973 c 560 §17, 1983 c 707 §17]

446 337 [1981 c 749 §26, 1983 c 707 §18, 1985 c 809 §4, renumbered 456 837]

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 [1979 c 789 §4, repealed by 1983 c 707 §29]

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 the person 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]

446.347 Civil penalties; notice. (1) In addition to any other penalty provided by law, any person who violates any rule of the division relating to the construction, operation or maintenance of a tourist facility or part thereof may incur a civil penalty not to exceed \$1,000 per violation.

(2) No civil penalty prescribed under subsection (1) of this section shall be imposed until the person incurring the penalty has received five days' advance notice in writing from the division or unless the person incurring the penalty shall otherwise have received actual notice of the violation not less than five days prior to the violation for which a penalty is imposed [1983 c 707 §25]

446.348 Determining amount of penalty; schedule; factors. (1) The Assistant Director for Health shall adopt by rule a schedule or schedules establishing the amount of civil penalty that may be imposed for a particular violation.

(2) The assistant director may impose the penalty without hearing but only after the notice required by subsection (2) of ORS 446 347 (2). In imposing a penalty pursuant to the schedule or schedules adopted pursuant to this section, the assistant director shall consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations of statutes, rules, orders and permits pertaining to the water system.

(c) The economic and financial conditions of the person incurring the penalty.

(3) The penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the division considers proper and consistent with the public health and safety [1983 c 707 §26]

446.349 Notice of assessed penalty; payment date; hearing; effect of nonpayment. (1) Any civil penalty imposed under ORS 446 348 shall become due and payable when the person incurring the penalty receives a notice in writing from the assistant director. The notice shall be sent by registered or certified mail, shall conform to the requirements of ORS 183 415 and shall include a statement of the amount of the penalty.

(2) The person to whom the notice is addressed shall have 20 days from the date of mailing of the notice in which to make written application for a hearing before the division.

(3) All hearings shall be conducted pursuant to the provisions of ORS 183 310 to 183 550 applicable to a contested case.

(4) Unless the amount of the penalty is paid within 10 days after the order becomes final, the order shall constitute a judgment and may be filed in accordance with the provisions of ORS 18.320 to 18 370. Execution may be issued upon the order in the same manner as execution upon a judgment of a court of record.

(5) Failure to remit civil penalty within 10 days after the order becomes final is grounds for license revocation.

(6) All amounts recovered under this section shall be paid into the State Treasury and credited to the General Fund [1983 c 707 §27]

446.350 Tourist Facility Account. The Tourist Facility 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 Tourist Facility 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, 1983 c 707 §19]

446 375 [1981 c 190 §2, repealed by 1983 c 707 §29]

MISCELLANEOUS

446.425 Delegation to county to administer certain sanitation laws; fees. (1) The Assistant Director for Health shall delegate to any county board of commissioners which requests any of the authority, responsibilities and functions of the assistant director under ORS 446 310, 446 320, 446 330 to 446 340, 446 345, 446 350 and 446 990 if the assistant director determines that the county is able to carry out the rules of the Health Division relating to fee collection, inspections, enforcement and issuance and revocation of permits and licenses in compliance

with standards for enforcement by the counties and monitoring by the division. Such standards shall be established by the division in consultation with the appropriate county officials and in accordance with ORS 431.345. The division shall review and monitor each county's performance under this subsection. In accordance with ORS 183.310 to 183.550, the assistant director may suspend or rescind a delegation under this subsection. If it is determined that a county 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 division for carrying out the authority, responsibility and functions under this section.

(2) The county may determine the amount of, and retain, any fee for any function undertaken pursuant to subsection (1) of this section. The amount of the fees shall not exceed the costs of administering the inspection program. The county, quarterly, shall remit 15 percent of an amount equal to the state licensing fee or 15 percent of the county license fee whichever is less, to the division for consultation service and maintenance of the state-wide program.

(3) In any action, suit or proceeding arising out of county administration of functions pursuant to subsection (1) of this section and involving the validity of a rule adopted by the division, the division shall be made a party to the action, suit or proceeding. [1973 c 560 §21a, 1975 c 790 §1, 1975 c 793 §14, 1983 c 250 §1, 1983 c 370 §3, 1983 c 707 §20]

446.430 Delegation to county or city to administer rules regulating mobile home parks; fees. (1) The Department of Commerce shall delegate to any county board of commissioners or city governing body which requests any of the authority, responsibilities and functions of the department under ORS 446.062 if the department determines that the county or city is willing and able to carry out the rules of the department relating to fee collection, plan review, inspections, enforcement and issuance and revocation of permits in compliance with standards for enforcement by the counties or cities and monitoring by the department. Such standards shall be established by the department in consultation with the appropriate county or city officials and in accordance with ORS 446.062. The department shall review and monitor each county's or city's performance under this subsection. In accordance with ORS 183.310 to 183.550, the department 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 por-

tion of the fees collected under subsection (2) of this section shall be available to the department 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. The amount of the fees shall not exceed the costs of administering the inspection program. The county or city, quarterly, shall remit 15 percent of the collected fees to the department for monitoring county or city programs and for providing 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 adopted by the department, the department shall be made a party to the action, suit or proceeding. [1983 c 707 §20b]

446.435 Nonapplication of ORS 446.003 to 446.145 and 446.310 to 446.350 to sleeping rooms or temporary camping sites. Neither ORS 446.003 to 446.145 nor 446.310 to 446.350 apply to

(1) Any structure designed for and occupied as a single family residence in which no more than two sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of six travelers or transients at any one time for a charge or fee paid or to be paid for the rental or use of the facilities, or

(2) Any temporary camping sites used solely and incidentally in the course of backpacking, hiking, horseback packing, canoeing, rafting or other such expedition, unless such expedition is a part of an organizational camp program. [1981 c 650 §4]

Note 446.435 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 446 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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, 446 225 to 446 280 or 446 310 to 446.350 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, 1983 c 707 §21]

