

Chapter 446

1989 EDITION

Manufactured Dwellings and Structures; Parks; Tourist Facilities

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MOBILE HOME AND MANUFACTURED DWELLING 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446.002 [1953 c.490 §2, 1959 c.562 §1; 1961 c.665 §1, 1967 c.247 §1, 1969 c.533 §11; 1973 c.560 §1; repealed by 1975 c.546 §9 (446.003 enacted in lieu of 446.002)]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 and ORS chapters 196, 197, 215 and 227. As used in ORS 446.003 to 446.200 and 446.225 to 446.280, and for the purposes of ORS chapters 196, 197, 215 and 227, the following definitions shall apply, unless the context requires otherwise, or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected:

(1) "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 manufactured dwelling and which are designed or intended to be attached to and which depend, in whole or in part, upon the manufactured dwelling for structural support.

(2) "Administrator" means the State Building Code Administrator.

(3) "Agency" means the Building Codes Agency.

(4) "Apprentice installer" means any individual with a limited license issued by the agency who is engaged in the occupation of installing, setting up, connecting, hooking up, supporting, blocking, tying down or securing manufactured dwellings or cabanas under the direct supervision of a licensed installer.

(5) "Approved" means approved, licensed or certified by the Building Codes Agency or its designee.

(6) "Awning" means any stationary structure, permanent or demountable, used in conjunction with a manufactured dwelling, 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.

(7) "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 manufactured dwelling to provide additional living space meant to be moved with the manufactured dwelling.

(8) "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.

(9) "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.

(10) "Dealer" means any person engaged in selling or distributing new manufactured structures, primarily to persons who in good faith purchase or lease a manufactured dwelling for purposes other than resale.

(11) "Distributor" means any person engaged in selling and distributing manufactured structures for resale.

(12) "Federal manufactured housing construction and safety standard" means a standard for construction, design and performance of a manufactured dwelling promulgated by the Secretary of Housing and Urban Development pursuant to the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

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

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

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

(16) "Insignia of compliance" means:

(a) For a manufactured dwelling built to HUD standards for such dwellings, the HUD label; or

(b) For all other manufactured structures, the insignia issued by this state indicating compliance with state law.

(17) "Inspecting authority" or "inspector" means the State Building Code Administrator 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.

(18) "Installer" means any individual licensed by the agency to install, set up, connect, hook up, block, tie down, secure or support manufactured dwellings or cabanas or who provides consultation or supervision for any of these activities, except architects licensed under ORS 671.010 to 671.220 or engineers licensed under ORS 672.002 to 672.325.

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

(20)(a) "Manufactured dwelling" means:

(A) Residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

(B) Mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(C) Manufactured home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

(b) Does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

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

(22) "Manufactured dwelling park" means any place where four or more manufactured dwellings 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. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling 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) "Manufactured dwelling safety" means the performance of a manufactured dwelling 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 manufactured dwell-

ing, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur.

(24)(a) "Manufactured structure" means a:

(A) "Recreational vehicle" as set forth in subsection (31) of this section or "camping vehicle" as set forth in subsection (8) of this section; or

(B) "Manufactured dwelling" as set forth in subsection (20) of this section.

(b) "Manufactured structure" does not apply to any building or structure regulated under the State of Oregon Structural Speciality Code.

(25) "Manufacturer" means any person engaged in manufacturing or assembling structures.

(26) "Minimum safety standards" means the plumbing, mechanical, electrical, thermal, fire and life safety, structural and transportation standards prescribed by rules adopted by the agency.

(27) "Manufactured dwelling park" means any place where four or more manufactured structures 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. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling 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.

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

(29) "Provider" means any person or entity approved by the administrator to provide instruction for the purpose of licensing mobile homes and cabana installers.

(30) "Ramada" means a stationary structure having a roof extending over a manufactured structure, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain.

(31) "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 gross floor space of less than 400 square feet. "Recreational vehicle" includes camping

trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter.

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

(33) "Tiedown" means any device designed to anchor a manufactured dwelling 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; 1987 c.274 §1, 1987 c.414 §21; 1989 c.527 §1, 1989 c.648 §§1, 1a, 1989 c.683 §1; 1989 c.919 §6b;]

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 Manufactured Housing Construction and Safety Standards Act would be adversely affected, "issuing authority" means with respect to mobile home or manufactured dwelling park plans review and construction, the Building Codes Agency. [1975 c.793 §1b (enacted in lieu of 446.004), 1981 c.190 §7; 1983 c.707 §2, 1989 c.648 §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; 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 parks; state building code requirements; approval for new construction or additional lots. (1)(a) The agency shall issue rules under ORS 183.310 to 183.550 to regulate mobile home

or manufactured dwelling parks. These rules shall conform to ORS 446.090 to 446.145.

(b) Any water system serving a mobile home or manufactured dwelling park is subject to ORS 448.115 to 448.285 and the rules adopted pursuant thereto.

(2) Mobile home or manufactured dwelling 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 455.010, and the rules adopted thereunder by the administrator under ORS 183.310 to 183.550.

(3) The agency shall review plans and inspect construction of mobile home or manufactured dwelling parks to insure compliance with subsection (2) of this section. The agency 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 or manufactured dwelling park or add lots to an existing mobile home or manufactured dwelling park without approval by the agency.

(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; 1987 c.414 §21a; 1987 c.604 §11; 1989 c.648 §3]

446.066 Inspection of parks. The Building Codes Agency may inspect every mobile home or manufactured dwelling 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 adopted pursuant thereto. Any person operating such facilities shall at all reasonable times, upon request of the agency, 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, 1989 c.648 §4]

446.070 [Repealed by 1953 c.490 §21]

446.072 Uniform enforcement throughout state. The Building Codes Agency shall make surveys necessary to assure uniform enforcement throughout the state with respect to mobile home or manufactured dwelling parks. [1953 c.490 §17; 1959 c.562 §14; 1975 c.793 §10, 1983 c.707 §5; 1989 c.648 §5]

446.076 Building Code Account; sources; uses. All moneys received by the Building Codes Agency under ORS 446.003 to 446.200 and 446.225 to 446.280 shall be paid into the Building Code Account created by ORS 455.230. The moneys received under this section 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 agency with respect

to mobile home or manufactured dwelling parks. [1953 c.490 §15; 1973 c.560 §8; 1975 c.793 §11; 1983 c.707 §6; 1987 c.414 §21b, 1989 c.648 §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 or manufactured dwelling 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; 1989 c.648 §7]

446.095 Park construction and facilities. The owner or operator of a mobile home or manufactured dwelling 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 or manufactured dwelling 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 Building Codes Agency adopted thereunder.

(3) Provide one box for outgoing mail and another box for incoming mail, if the mobile home or manufactured dwelling 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 or manufactured dwelling 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 manufactured dwelling occupied by children.

(5) Not be required to provide a separate play area if the mobile home or manufactured dwelling 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 space, adjacent and parallel to the manufactured dwelling space one or more wooden decks or slabs or patios of concrete, asphalt, flagstone or the equiv-

alent, 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; 1989 c.648 §8]

446.100 Prohibited acts in connection with construction and use of parks. (1) No person shall:

(a) Construct a mobile home or manufactured dwelling 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 manufactured dwelling closer than five feet from a property boundary line.

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

(2) The administrator shall adopt rules pursuant to the rulemaking provisions of ORS 183.310 to 183.550 specifying minimum distances between adjacent manufactured dwellings and between manufactured dwellings and other structures. In adopting these rules, the administrator 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 manufactured dwellings. [1959 c.562 §5; 1969 c.533 §20; 1981 c.506 §1; 1989 c.648 §9]

446.105 Temporary parks. (1) The Building Codes Agency may issue a permit for the establishment of a temporary mobile home or manufactured dwelling park to a construction company, timber company or farm if:

(a) There is no available space in a mobile home or manufactured dwelling park within a reasonable distance; and

(b) A mobile home or manufactured dwelling 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 agency and the county or city planning commission, a permit may be issued to a person to establish a temporary mobile home or manufactured dwelling 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 agency shall supervise temporary mobile home or manufactured dwelling parks permitted under subsections (1) and (2) of this section to enforce minimum standards of sanitation for temporary mobile home or manufactured dwelling parks prescribed by

the rules promulgated pursuant to ORS 446.003 to 446.200 and 446.225 to 446.280.

(4) Buildings, tents or manufactured dwellings 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; 1989 c.648 §10]

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 or manufactured dwelling park without the consent of the owner or operator; and when giving consent, it shall be the duty of the mobile home or manufactured dwelling 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; 1989 c.648 §11]

446.115 Sanitation of parks; pets to be controlled. (1) The owner or operator of a mobile home or manufactured dwelling 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 or manufactured dwelling park. [1959 c.562 §§8, 9, 1967 c.247 §8; 1969 c.533 §23, 1973 c.560 §12, 1989 c.648 §12]

446.120 [Repealed by 1959 c.562 §16]

446.125 Occupancy on private land. A person may occupy a manufactured dwelling 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 manufactured dwelling 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; 1989 c.648 §13]

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 manufactured dwelling from a mobile home or manufactured dwelling 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; 1989 c.648 §14]

446.145 Records to be maintained at parks. Whenever a manufactured dwelling or camping vehicle arrives at a mobile home or manufactured dwelling park, the owner or operator of such park shall record the license numbers of the towing vehicle and of the manufactured dwelling or if a self-propelled camping vehicle, the camping vehicle only. Whenever a tenant arrives at a mobile home or manufactured dwelling 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 manufactured dwelling, or camping vehicle, the tenant shall provide the correct color, model and dimensions of the manufactured dwelling or camping vehicle. The owner or operator of the mobile home or manufactured dwelling 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, 1989 c.648 §15]

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

**MANUFACTURED DWELLING,
MANUFACTURED STRUCTURE AND
RECREATIONAL VEHICLE
CONSTRUCTION AND SAFETY
STANDARDS**

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

(a) Plumbing equipment, unless such equipment meets the requirements of the Building Codes Agency.

(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 Building Codes Agency.

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

(a) Plumbing, mechanical and electrical equipment or installations that meet the minimum safety standards of the Building Codes Agency.

(b) Thermal, fire and life safety equipment, material and installations that meet the minimum safety standards of the Building Codes Agency.

(c) Structural and transportation equipment, materials, installations and construction that meet the minimum safety standards of the Building Codes Agency.

(3) No person may rent, lease, build, rebuild or convert for another person or offer for rent or lease within this state a recreational vehicle built after January 1, 1990, unless it bears an insigne of compliance and contains:

(a) Plumbing, mechanical and electrical equipment or installations that meet the minimum safety standards of the Building Codes Agency; and

(b) Thermal, fire and life safety equipment, material and installations that meet the minimum safety standards of the Building Codes Agency.

(4) No person may sell or offer for sale a recreational vehicle after July 1, 1989, built within five years of the time the recreational vehicle is sold or offered for sale, unless it bears an insigne of compliance and contains:

(a) Plumbing, mechanical and electrical equipment or installations that meet the minimum safety standards of the Building Codes Agency; and

(b) Thermal, fire and life safety equipment, material and installations that meet the minimum safety standards of the Building Codes Agency. [1961 c.567 §2; 1969 c.295 §3; 1971 c.753 §43; 1989 c. 527 §2, 1989 c 648 §16a]

446.160 Inspection; regulations; federal standards. (1) The Building Codes Agency 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 Building Codes Agency.

(2) The administrator 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 Building Codes Agency of this state and the Secretary of Housing and Urban Development as required by the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

(3) The administrator is authorized to conduct such inspections and investigations as may be necessary to administer and enforce any federal manufactured dwelling construction and safety standards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety

Standards Act of 1974 (Public Law 93-383). The administrator 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 administrator or a designee is authorized to enter, at reasonable times and without advance notice, any factory, warehouse, or establishment in which manufactured structures 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 manufactured structures and the manufacturer's, distributor's or dealer's compliance with ORS 446.155 and the National Manufactured Housing 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; 1989 c.527 §3, 1989 c 648 §17]

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

446.170 Insigne of compliance required; when displayed. (1) Manufactured structures subject to the provisions of ORS 446.155 to 446.200, and manufactured structures upon which additions, conversions or alterations of installations of equipment and material are made shall have affixed thereto an insigne of compliance.

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

(3) Insigne of compliance may be issued in bulk only to manufacturers, remanufacturers or converters certified and registered with the Building Codes Agency. [1969 c.295 §§7, 11, 1989 c 527 §4]

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 agency, 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 Building Codes Agency.

(2) Fees collected by the agency pursuant to this section shall be deposited in the Building Code Account established by ORS 455.230 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 agency. [1975 c.546 §14 (enacted in lieu of 446.175)]

446.180 Safety standards of other states. If the administrator determines that standards for construction, equipment and material installed in manufactured structures 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 administrator may provide by regulation that manufactured structures approved by such other state shall be considered approved by the administrator. [1969 c.295 §9; 1971 c.753 §46, 1987 c.414 §22, 1989 c.527 §5; 1989 c.648 §18]

446.185 Minimum safety standards for equipment, material 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 Building Codes Agency for manufactured structures as prescribed in ORS 446.155.

(2) Minimum safety standards prescribed in ORS 446.155 to 446.200 shall be reasonably consistent with nationally recognized standards for construction of manufactured structures, and the manufactured structures 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 equipment, material and installations. [1969 c.295 §8, 1971 c.753 §47, 1989 c.527 §6]

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 manufactured structure 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 manufactured structures.

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

(2) A manufactured dwelling 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; 1989 c.648 §20]

446.210 Limited maintenance electrician's license required. (1) Upon payment of a fee required by ORS 479.840 the Building Codes Agency shall issue a limited maintenance electrician's license to a person who has complied with ORS 479.510 to 479.860 and the rules issued thereunder, who passes a written examination administered by the Building Codes Agency on basic electrical principles on repair and maintenance of electrical wiring and equipment used in a manufactured structure, and submits proof satisfactory to the Building Codes Agency that the person has had sufficient experience in the repair and maintenance of such electrical problems of the type and nature found in a manufactured structure.

(2) A person licensed under this section and who has passed a written examination administered by the Building Codes Agency shall be authorized to repair and maintain electrical wiring and equipment used in a manufactured structure. No worker or applicant for a license under this section shall be deemed in violation of ORS 479.510 to 479.860 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, 1989 c.648 §21]

446.220 [1975 c.566 §2; repealed by 1983 c.65 §1]

446.225 Administration and enforcement of federal manufactured housing 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 manufactured housing safety and construction standards in Oregon in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

(2) The administrator 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 manufactured housing safety and construction standards for manufactured housing offered for sale or lease in this state.

(3) The administrator 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 manufactured housing safety and construction standards in accordance with the National Manufactured Hous-

ing Construction and Safety Standards Act of 1974 (Public Law 93-383). [1975 c 546 §2; 1989 c.648 §22]

446.230 Rules for adoption and enforcement of safety standards. (1) The administrator shall, by administrative rule, adopt and enforce safety and construction standards for installation, support and tiedown of manufactured dwellings on a lot. These safety standards shall be reasonably consistent with nationally recognized standards for placement, support and tiedown of manufactured dwellings, and shall be designed to protect the health and safety of occupants of manufactured dwellings against uplift, sliding, rotation and overturning of manufactured dwellings.

(2) The administrator shall designate wind pressure zones in which the rules for tiedown of manufactured dwellings shall apply.

(3) Nothing contained in this section shall require the connection of the utilities from utility terminations provided on a lot to manufactured dwellings to be performed by a person licensed by the Building Codes Agency. [1975 c 546 §3, 1989 c 648 §23]

446.240 Rules for adoption and enforcement of safety standards for accessory structures. The administrator shall adopt and enforce rules establishing safety standards for construction and installation of accessory buildings and structures. Prefabricated and site-built accessory buildings and structures shall be consistent with the provisions of the state building code adopted pursuant to ORS 455.020 and 455.110 except where application of such standards would conflict with standards adopted under the National Manufactured Housing Construction and Safety Act of 1974 and would prevent the agency from enforcing the federal Act in Oregon. [1975 c.546 §4; 1989 c 648 §24]

446.250 Duties of administrator; agreements with local governments; conditions. The administrator shall cause inspections to be made, approve plans and specifications, provide technical services and issue permits for installation of manufactured dwellings and manufactured dwelling accessory buildings and structures on a lot. The administrator shall appoint or contract with local governments which request such appointment or contract for inspection and issuance of permits for installation of manufactured dwellings and manufactured dwelling accessory buildings and structures and alterations of installations of plumbing, heating, illuminating, cooking or electrical equipment, provided the local government employs as local inspectors qualified persons who have been certified by the administrator

for inspection and issuance of permits for installation of manufactured dwellings and manufactured dwelling 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. [1975 c 546 §5; 1983 c.250 §2, 1989 c 648 §25; 1989 c 1017 §4]

446.252 Siting permit required. A person may not site a manufactured dwelling or manufactured dwelling accessory building or structure without first obtaining from the agency all permits necessary for installing the manufactured dwelling or manufactured dwelling accessory building or structure on a lot. [1989 c.1017 §2]

446.253 Authority of administrator; authority of local governments. (1) The authority of the administrator under ORS 446.250 shall be in addition to the provisions of ORS 455.010 to 455.530. Where the provisions of ORS 446.252 and this section conflict with the provisions under ORS 455.010 to 455.530, the provisions of ORS 446.252 and this section shall control.

(2) Except as otherwise provided by this subsection, any local government that establishes a program under ORS 455.150, ORS 446.252 and this section to administer and enforce installations of manufactured dwellings and manufactured dwelling accessory buildings and structures shall assume full responsibility for permit issuance and inspections under that program including related electrical, plumbing, structural and mechanical installations for a manufactured dwelling and manufactured dwelling accessory buildings and structures as defined in ORS 446.003 (20) and (21).

(3) The agency, subject to ORS 183.310 to 183.550, may revoke any authority of a local government to conduct inspections, administration or enforcement of manufactured dwelling and manufactured dwelling accessory building installations under ORS 455.150 if the agency determines that the local government is not effectively carrying out duties assumed by the local government. [1989 c.1017 §3]

446.255 Revocation of agreement with local government. (1) After written notice and hearing as provided in subsection (2) of this section, the administrator 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 manufactured dwelling defect. (1) Every manufacturer of manufactured dwellings offered for sale or lease in this state shall furnish notification of any defect in any manufactured dwelling produced by the manufacturer which the manufacturer determines, in good faith, relates to a federal manufactured housing construction or safety standard or contains a defect which constitutes an imminent safety hazard to the purchaser of the manufactured dwelling, within a reasonable time after such manufacturer has discovered the defect.

(2) The administrator 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 Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383). [1975 c.546 §6; 1989 c.648 §26]

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 manufactured dwelling 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 administrator shall give not less than 30 days' notice, in writing, to every registered manufactured dwelling 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, 1989 c.648 §27]

446.280 Manufactured Structures and Parks Advisory Board. (1) The chairman of the Building, Housing and Real Estate Council shall appoint a Manufactured Structures and Parks Advisory Board to serve in an advisory capacity to the administrator in promulgating, administering and enforcing the plan for the administration and enforcement of the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383) and safety standards pursuant to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.310 to 446.350.

(2) The board shall consist of 11 members, one member representing or engaged in each of the following:

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

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

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

(d) The manufacturing or assembling of new recreational vehicles.

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

(f) The owners and operators of mobile home parks or recreational parks.

(g) Consumer organizations.

(h) Users of low and moderate income housing.

(i) Structural engineering.

(j) 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.

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

(3) 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 chairman of the Building, Housing and Real Estate Council 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) Six 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 administrator 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; 1987 c.414 §22a, 1989 c.527 §7, 1989 c.648 §28]

446.285 Advisory board education programs. To assist the administrator in administration and enforcement of the National Manufactured Housing Construction and Safety Standards Act of 1974, the Manufactured Structures Construction and Safety Standard Advisory Board may approve or conduct programs of training and education that maintain and advance the professional skills and abilities of persons engaged in manufacturing, delivery, installation, sale or service of manufactured homes. [1987 c.604 §14, 1989 c.648 §29]

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) "Construction" means work regulated by the state building code as defined in ORS 455.010. [1969 c.533 §2; 1973 c.560 §13; 1981 c.749 §27; 1983 c.707 §8, 1985 c.809 §5, 1987 c.414 §23]

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 an agency 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 Building Codes Agency the assistant director shall issue a license, unless there is reason to believe noncompliance exists. [1983 c.707 §13; 1985 c.809 §1; 1987 c.414 §24]

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 and then 455.610 in 1987]

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 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) When an order assessing a civil penalty under this section becomes final by operation of law or on appeal, and the amount of penalty is not paid within 10 days after the order becomes final, the order may be recorded with the county clerk in any county

of this state. The clerk shall thereupon record the name of the person incurring the penalty and the amount of the penalty in the County Clerk Lien 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; 1989 c.706 §14]

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]

MANUFACTURED DWELLING SITE INFORMATION CLEARINGHOUSE

446.380 Functions of manufactured dwelling site information clearinghouse.

(1) The Housing Agency shall develop and administer or contract for the management of a voluntary collection of information to be known as the state's manufactured dwelling site information clearinghouse. The manufactured dwelling site information clearinghouse shall collect, coordinate and prepare information for distribution in response to telephone or written requests.

(2) The information the manufactured dwelling site information clearinghouse collects, coordinates and distributes shall:

(a) Be voluntary;

(b) Be available to manufactured dwelling site residents, owners, managers and the public; and

(c) Concern the information described in ORS 446.385. [1989 c.482 §1]

Note: 446.380 to 446.390 were enacted into law by the Legislative Assembly but were 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.

446.385 Scope of information collected. The Housing Agency may decide the scope of the information the manufactured dwelling site information clearinghouse collects, coordinates and distributes. This information may include, but is not limited to:

(1) The name, address and telephone number of the owners, operators and managers of all mobile home or manufactured dwelling parks in the state.

(2) A list of spaces available to aid the public who wish to locate or relocate in a mobile home or manufactured dwelling park in the state. [1989 c.482 §2]

Note: See note under 446.380.

446.390 Funding of clearinghouse. Costs to operate the manufactured dwelling site information clearinghouse shall be collected from:

(1) A registration fee;

(2) A user fee; or

(3) Any other available federal, state, local or private funding source designed to support the formation or operation of a manufactured dwelling site information clearinghouse. [1989 c.482 §3]

Note: See note under 446.380

LICENSING OF INSTALLERS OF MANUFACTURED DWELLING

446.395 License required; Issuance; Employment of nonlicensed installer prohibited. (1) No person shall install a manufactured dwelling or cabana without first having obtained a license therefor from the agency.

(2) No person required by subsection (1) of this section to obtain a license shall fail to comply with the provisions of ORS 446.003, 446.395 to 446.420 and 455.230 or any rule adopted pursuant thereto.

(3) Licenses may be issued only to individuals and shall not be issued to a business, partnership, company, corporation or any other entity.

(4) No person, dealer or other entity shall employ any individual to install a mobile home or cabana unless the individual is licensed by the agency to perform such work and such individual is in compliance with the provisions of ORS 446.003, 446.395 to 446.420 and 455.230 or any rule adopted pursuant thereto.

(5) Licenses issued pursuant to ORS 446.003, 446.395 to 446.420 and 455.230 shall not be transferable. [1989 c.683 §3]

Note: Section 11, chapter 683, Oregon laws 1989, provides:

Sec. 11. The provisions of subsection (1) of section 3 of this Act [446.395] do not become operative until July 1, 1990. [1989 c.683 §11]

446.400 Procedures for licensing; Fees; Funding of licensing program. (1) In accordance with any applicable provisions of ORS 183.310 to 183.550, the agency, with the approval of the Mobile Home Construction and Safety Standard Advisory Board, shall establish by rule a procedure for the licensing of individuals to install mobile homes and cabanas. Such a procedure shall include, but not be limited to, provisions prescribing:

(a) The form, content and procedures for submitting an application for license issuance and renewal;

(b) The term of the license and the fee for the original issuance and renewal of the license; and

(c) The experience and training requirements for determining the qualifications of license applicants.

(2) In determining the appropriate initial license and renewal fees for installers, the agency, with the approval of the board, shall insure that the annual income to the agency from license and renewal fees not exceed one-third of the total cost of administering and enforcing the provisions of ORS 446.003, 446.395 to 446.420 and 455.230.

(3) The costs of developing and administering ORS 446.003, 446.395 to 446.420 and 455.230 shall be funded:

(a) One-third from license application fees; and

(b) Two-thirds from fees paid by manufacturers under ORS 446.176. [1989 c.683 §4]

446.405 Complaint procedure; Inspections; Revocation of license. (1) If a manufactured dwelling or cabana is not installed in accordance with the rules adopted under ORS 446.003, 446.395 to 446.420 and 455.230, the owner of the manufactured dwelling or cabana, at the time of installation, may, within one year of the completion date of such installation, file a written complaint with the administrator. The administrator shall provide a copy of the complaint to the installer and shall also notify the dealer, if any, that arranged for such installation and may then investigate the complaint. If it is determined by the administrator that the installation fails to comply with licensure requirements as provided by ORS 446.003, 446.395 to 446.420 and 455.230 or the installation rules adopted by the agency, the administrator shall provide notice of such failure to the installer and shall order the installer to bring the installation into compliance within 30 days of date of notice.

(2) The agency shall establish, by rule, fees and a procedure for inspection of mobile homes and cabanas to carry out the provisions of this section.

(3) If the installer fails to bring the installation into compliance as ordered, the administrator may suspend or revoke the installer's license.

(4) If the installer fails to bring the installation into compliance, the agency shall order the dealer, if any, that arranged for such installation to bring the installation into compliance with the provisions of ORS

446.003, 446.395 to 446.420 and 455.230 and the rules adopted pursuant thereto. The dealer is responsible to bring only those installation activities into compliance which the dealer arranged. The dealer shall have 30 days from the date of the order to bring the installation into compliance. If the dealer fails to bring the installation into compliance within 30 days of the date of the order, the dealer shall be subject to civil penalties as provided by ORS 446.415.

(5) Hearings, penalties and appeals resulting from violation of this section shall be carried out in conformance with ORS 183.325 to 183.497 and this section. [1989 c.683 §5]

446.410 Distribution of fees and civil penalties. Fees and civil penalties collected by the agency pursuant to ORS 446.003, 446.395 to 446.420 and 455.230 shall be deposited in the Building Code Account established by ORS 455.230 and shall be used and continuously appropriated for the administration and enforcement of ORS 446.003, 446.395 to 446.420 and 455.230 and the rules adopted pursuant thereto. [1989 c.683 §6]

446.415 Civil penalty; Appeal; Recording. (1) Any person who performs the work of an installer without being licensed by the agency shall be assessed a civil penalty in the amount of not less than \$500 and not more than \$1,000 for each violation.

(2) Any business entity employing or contracting with an unlicensed individual to perform the work of an installer shall be assessed a civil penalty in the amount of not less than \$500 and not more than \$1,000 for each violation.

(3) Any individual found transferring, altering or using another individual's license shall be assessed a civil penalty in the amount of \$1,000 for each violation.

(4) Except as provided in subsections (1) to (3) of this section, any licensed installer failing to comply with the provisions of ORS 446.003, 446.395 to 446.420 and 455.230 or any rules adopted pursuant thereto shall be assessed a civil penalty in an amount determined by the agency not to exceed \$1,000 for each violation.

(5) Any action taken against an individual or business entity by the agency under this section shall be conducted in conformance with the provisions of ORS 183.413 to 183.479.

(6) Any individual, person or other entity who violates any provision of ORS 446.003, 446.395 to 446.420 and 455.230 or the administrative rules adopted pursuant thereto, or any regulation or final order issued thereunder, shall be liable to the State of Oregon for a civil penalty not to exceed \$1,000 for

each violation. Each violation of ORS 446.003, 446.395 to 446.420 and 455.230 or any rule or order issued thereunder shall constitute a separate violation with respect to each installation 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.

(7) In addition to the provisions of ORS 446.003, 446.395 to 446.420 and 455.230, an installer shall comply with ORS chapters 316, 656, 657 and 701. Failure to comply with any of these statutes shall be a basis for suspension, revocation or refusal to issue or reissue an installer's license.

(8) Civil penalties shall be assessed by the agency. Any person assessed a civil penalty may appeal to the Mobile Home Construction and Safety Standard Advisory Board. Such appeal shall be within 30 days from the date of notice of imposition of civil penalty.

(9) 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 recorded with the county clerk in any county of this state. The clerk shall thereupon record the name of the person incurring the penalty and the amount of the penalty in the County Clerk Lien Record. The penalty provided in the order so recorded becomes a lien upon the title to any interest in real property in the county owned by the person against whom the order is entered. Execution may be issued upon the order in the same manner as execution upon a judgment of a court of record. [1989 c 683 §7]

446.420 License required to maintain action. An installer may not file a lien, or bring or maintain in any court of this state a suit or action, for compensation for the performance of any work requiring a license under ORS 446.003, 446.395 to 446.420 and 455.230 or for the breach of any contract for installation work which is subject to ORS 446.003, 446.395 to 446.420 and 455.230, unless the installer was:

(1) Licensed under ORS 446.003, 446.395 to 446.420 and 455.230 at the time the installer bid or entered into the contract for performance of the work; and

(2) Licensed continuously while performing the work for which compensation is sought. [1989 c 683 §8]

MISCELLANEOUS

446.425 Delegation to county to administer certain sanitation laws; fees. (1) The Assistant Director for Health shall dele-

gate 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 parks; fees. (1) The Building Codes Agency shall delegate to any county board of commissioners or city governing body which requests any of the authority, responsibilities and functions of the agency under ORS 446.062 if the agency determines that the county or city is willing and able to carry out the rules of the agency 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 agency. Such standards shall be established by the agency in consultation with the appropriate county or city officials and in accordance

with ORS 446.062. The agency shall review and monitor each county's or city's performance under this subsection. In accordance with ORS 183.310 to 183.550, the agency 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 agency 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 agency for monitoring county or city programs and for providing informational material necessary to maintain a uniform state program.

(3) The agency shall be made a party to 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 agency. [1983 c 707 §20b, 1987 c.414 §25]

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.

446.440 Application of condominium provisions to parks. (1) The provisions of ORS 94.004 to 94.480 may be applied to a mobile home or manufactured dwelling park as defined in this chapter.

(2) Notwithstanding the provisions of subsection (1) of this section a mobile home or manufactured dwelling park is not a con-

dominium for purposes of local zoning and planning provisions. [1987 c.459 §40; 1989 c.648 §30]

Note: 446.440 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]

DISPUTE RESOLUTION FOR MOBILE HOME AND MANUFACTURED DWELLING PARKS

446.515 Policy to encourage settlement of disputes. (1) It is the policy of the State of Oregon to encourage mobile home and manufactured dwelling park residents and mobile home and manufactured dwelling park owners and managers to settle disputes among themselves without recourse, if possible, to either the court system or intervention by a state agency. It is the policy of the State of Oregon to assist mobile home and manufactured dwelling park residents and mobile home and manufactured dwelling park owners and managers to develop alternative dispute resolution techniques including, but not limited to, providing technical advice in the area of mediation.

(2) The Legislative Assembly recognizes that a significant percentage of its citizens are mobile home and manufactured dwelling park residents, owners or managers and that a proposal which reduces the necessity of court resolution of certain disputes between these residents, owners and managers may help these citizens avoid the expense of going to court.

(3) All citizens of this state benefit when the courts are reserved for the resolution of the types of disputes for which no alternative dispute resolution exists. [1989 c.918 §2]

Note: 446.515 to 446.543 were added to and made a part of ORS chapter 456 by legislative action but were not added to ORS chapter 446 or any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

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

446.525 Special assessment; collection.

(1) A special assessment is levied annually upon each manufactured dwelling that is assessed for ad valorem property tax purposes as personal property. The amount of the assessment is \$3.

(2) On or before July 15, 1990, and on or before July 15 of each year thereafter, the county assessor shall determine and list the manufactured dwellings in the county that are assessed for the current assessment year as personal property. Upon making a determination and list, the county assessor shall cause the special assessment levied under subsection (1) of this section to be entered

on the general assessment and tax roll prepared for the current assessment year as a charge against each manufactured dwelling so listed. Upon entry, the special assessment shall become a lien, be assessed and be collected in the same manner and with the same interest, penalty and cost charges as apply to ad valorem property taxes in this state.

(3) Any amounts of special assessment collected pursuant to subsection (2) of this section shall be deposited in the county treasury, shall be paid over by the county treasurer to the State Treasury and shall be credited to the Mobile Home Parks Account to be used exclusively for implementing the policies described in ORS 446.515.

(4) In lieu of the procedures under subsection (2) of this section, the Administrator of the Housing Agency may make a direct billing of the special assessment to the owners of manufactured dwellings and receive payment of the special assessment from those owners. In the event that under the billing procedures any owner fails to make payment, the unpaid special assessment shall become a lien against the manufactured dwelling and may be collected under contract or other agreement by a collection agency, may be collected under ORS 293.250, or the lien may be foreclosed by suit as provided under ORS chapter 88 or as provided under ORS 87.272 to 87.306. Upon collection under this subsection, the amounts of special assessment shall be deposited in the State Treasury and shall be credited to the Mobile Home Parks Account to be used exclusively for implementing the policies described in ORS 446.515. [1989 c.918 §3]

Note: See note under 446.515

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

446.533 Mobile Home Parks Account. There hereby is established in the General Fund the Mobile Home Parks Account of the Housing Agency. Except as otherwise provided by law, all moneys appropriated or credited to the Housing Agency hereby are appropriated continuously for and shall be used by the Administrator of the Housing Agency for the purpose of carrying out the duties and responsibilities imposed under ORS 105.138 and 446.515 to 446.547. Interest earned on the account shall be credited to the account. [1989 c.918 §4]

Note: See note under 446.515.

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

446.537 Mediation and arbitration of rental agreements. (1) Notwithstanding ORS 90.245 (1)(a), the parties to a rental agreement to which ORS 90.500 to 90.775 apply shall provide for a process establishing mediation and arbitration of disputes which

may arise concerning the rental of a manufactured dwelling or floating home space.

(2) No agreement under this section shall require arbitration or mediation of those disputes relating to:

(a) Park closure;

(b) Sale of the park; or

(c) Rent, including the amount of rent, rent increases and nonpayment of rent. [1989 c.918 §5]

Note: See note under 446.515.

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

446.543 Mobile Home Park Ombudsman; duties; cities and counties to report.

(1) A Mobile Home Park Ombudsman is established in the Housing Agency.

(2) The ombudsman shall:

(a) Undertake, participate in or cooperate with persons and agencies in such conferences, inquiries, meetings or studies as might lead to improvements in mobile home and manufactured dwelling park landlord and tenant relationships;

(b) Develop and implement a centralized resource referral program for tenants and landlords to encourage the voluntary resolution of disputes;

(c) Maintain a current list of mobile home and manufactured dwelling parks in the state, indicating the total number of spaces, and vacancy rates by county, updated monthly;

(d) Prepare an annual summary by March 1 of each year, of city and county actions related to permit applications and their status on an ongoing basis;

(e) Prepare and make available a model mobile home and manufactured dwelling park landlord and tenant agreement; and

(f) Not be affiliated, currently or previously, in any way with a mobile home and manufactured dwelling park.

(3) Cities and counties shall report to the Mobile Home Park Ombudsman by February 1 of each year all actions for the previous calendar year on applications for new or expanded mobile home and manufactured dwelling parks within urban growth boundaries and the reasons for such actions. Such report shall also include an inventory of lots or parcels of five acres or more zoned, but undeveloped, for mobile home and manufactured dwelling parks in urban growth boundaries. [1989 c.918 §8]

Note: See note under 446.515.

Note: Section 11, chapter 918, Oregon Laws 1989, provides:

Sec. 11. The Mobile Home Park Ombudsman shall compile a report of all mobile home and manufactured dwelling park rent increases, plus percentage increases

in utilities and local property taxes, for an 18-month period and shall submit the report to the Speaker of the House of Representatives and the President of the Senate for referral to the appropriate interim committees of the Sixty-sixth Legislative Assembly; [1989 c.918 §11]

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

446.547 Mobile home and manufactured dwelling park to establish informal dispute resolution procedure. Each mobile home and manufactured dwelling park shall establish an informal dispute resolution procedure that insures each issue with merit shall be given a fair hearing within 30 days of receipt of a formal complaint. [1989 c 918 §10]

Note: 446.547 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.

446.550 [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 ss c 36 §13; 1975 c.546 §15, 1983 c 707 §21]