

REDWOOD COUNTY, MINNESOTA

SEPTEMBER 20, 2015

The Board of County Commissioners met in regular session at 8:30 a.m. in the Commissioners' Room in the Government Center, Redwood Falls, Minnesota.

Present for all or portions of the meeting were Commissioners Priscilla Klabunde, Sharon Hollatz, Jim Salfer, Lon Walling, Denny Groebner and County Administrator Vicki Knobloch. Also present were County Attorney Steve Collins; Auditor/Treasurer Jean Price; Human Resources Coordinator Peter Brown; Economic Development Director Julie Rath, Environmental Director Scott Wold; Planning and Zoning Supervisor Nick Brozek; County Engineer Willy Rabenberg; Technology Coordinator Paul Parsons; Technology Specialist Brian Schulte; Extension Director Stacy Johnson; Regional Extension Director Kia Harries; A.C.E. Executive Director Michelle Baumhoefner and Redwood County A.C.E. Coordinator Karen Christensen and Redwood County Fair Board members Jeff Potter, Kirby Josephson and Jeff Sandgren; Southwest Health and Human Services Environmental Health Manager Jason Kloss; SWHHS Employees Carol Biren and Chris Hanson; Garnette Gardens Rep Betty Zempel; City of Redwood Falls Administrator Keith Muetzel and Building Inspector Tim Hanna; Advantenon Rep David Coudron; Wade Groneau; Gary Myrom

Chair Klabunde called the meeting to order asking for the Pledge of Allegiance to the Flag.

Myrom was present for open forum with concerns regarding the speed limit signs on Normandale Road.

On motion by Walling, second by Salfer, the Board voted unanimously to approve the September 20th revised agenda.

Chair Klabunde asked the Board members to identify any areas for which they had a Conflict of Interest. Klabunde identified a conflict in the Abstract of Bills.

CONSENT AGENDA

- On motion by Hollatz, second by Groebner, and excluding the bill from Klabunde Electric in the amount of \$153.00, the Board voted unanimously to approve the consent agenda.
- On motion by Salfer, second by Walling, with Klabunde abstaining due to conflict of interest, the Board voted to approve the bill from Klabunde Electric in the amount of \$153.00.
 - September 6th minutes
 - Payment of bills as follows:

General Fund	\$ 98,091.38
Building Fund	\$ 515.00
Ditch Maintenance Fund	\$ 14,660.58
Solid Waste Fund	\$ 376.54
Debt Service Fund	\$ 212.50
Health Fund	\$ 52,392.50

EMPLOYEE RECOGNITION

- The Board recognized Linda Roehrl, Assessor’s Department, for 30 Years of Service and Leo Kashmarek, Highway Department, for 25 Years of Service to Redwood County.

ECONOMIC DEVELOPMENT

- Coudron was present to introduce Advantenon’s Quick Launch Internet Service proposal for Redwood County and requested a Letter of Support from the Board for the grant application as part of the Border to Border program.
- On motion by Groebner, second by Hollatz, the Board voted unanimously to direct Knobloch and Rath to submit a letter of support to Advantenon.

TECHNOLOGY

- On motion by Hollatz, second by Groebner, the Board voted unanimously to approve the Sophos anti-virus application for a 36 month contract renewal in the amount of \$6,360.

ENVIRONMENTAL

- Wold and Brozek presented information on a Land Use Seminar that they attended.

ROAD AND BRIDGE

- On motion by Groebner, second by Hollatz, the Board voted unanimously to approve the Agreement with Paxton Township for the Jurisdictional Transfer of Nobles Avenue.
- On motion by Groebner, second by Walling, in a roll-call vote with Groebner, Walling, Hollatz, Salfer and Klabunde all voting aye, the Board voted unanimously to adopt the following resolution:

**RESOLUTION
 COUNTY CONCURRENCE OF REVOKING
 PAXTON TOWNSHIP’S DESIGNATION OF NOBLES AVENUE (TWNS 233)**

WHEREAS, The Township Board of the Township of Paxton did adopt a resolution on September 20, 2016, revoking the designation of Paxton Township Nobles Avenue within the Township of Paxton, as follows:

Beginning at a point on Truck Highway No. 19/U.S. Highway No. 71 at its junction with Nobles Avenue, in the Township of Paxton, said point being on the center line of Nobles Avenue; thence continuing South along Nobles Avenue to a point on County State Aid Highway No. 24, said point being located at the junction of County State Highway No. 24 and Nobles Avenue and there terminating. (See: Attached Map)

NOW, THEREFORE, BE IT RESOLVED: That the County of Redwood does hereby approve said revision.

- On motion by Salfer, second by Groebner, in a roll-call vote with Groebner, Walling, Hollatz, Salfer and Klabunde all voting aye, the Board voted unanimously to adopt the following resolution:

**RESOLUTION
 COUNTY ESTABLISHING NOBLES AVENUE (TWNS 233) AS A COUNTY ROAD**

WHEREAS, it appears to the County Board of the County of Redwood that the road, hereinafter described should be designated County Road under the provisions of Minnesota Law.

NOW, THEREFORE, BE IT RESOLVED by the County of Redwood that the road described as follows, to-wit:

Beginning at a point on Truck Highway No. 19/U.S. Highway No. 71 at its junction with Nobles Avenue, in the Township of Paxton, said point being on the center line of Nobles Avenue; thence continuing South along Nobles Avenue to a point on County State Aid Highway No. 24, said point being located at the junction of County State Highway No. 24 and Nobles Avenue and there terminating. (See: Attached Map)

be, and hereby is established, located and designated a County Road of said County.

BE IT FURTHER RESOLVED, that said road be constructed, improved, and maintained as a County road of the County of Redwood.

- On motion by Groebner, second by Hollatz, the Board voted unanimously to approve the Agreement with Paxton Township for the Jurisdictional Transfer of County Road 53.
- On motion by Hollatz, second by Salfer, in a roll-call vote with Hollatz, Salfer, Groebner, Walling and Klabunde all voting aye, the Board adopted the following resolution:

**RESOLUTION
COUNTY REVOKING COUNTY ROAD 53 AS A COUNTY ROAD**

WHEREAS, it appears to the County Board of the County of Redwood that the road, hereinafter described as a County Road under the provisions of Minnesota Law:

NOW, THEREFORE, BE IT RESOLVED by the County Board of Redwood that the road described as follows, to-wit:

Beginning at a point on County State Aid Highway No. 101 at its junction with County Road 53, the Township of Paxton, said point being on the centerline of County Road 53; thence continuing South along County Road 53 for 1.0 mile; thence East to a point on Trunk Highway No. 67, said point being located at the junction of County Road 53 and Trunk Highway No. 67 and there terminating. (See: Attached Map)

Be, and hereby is revoked as a County Road of said County.

BE IT FURTHER RESOLVED, that the County Administrator is hereby authorized and directed to forward a certified copy of this resolution to Paxton Township of Redwood County, MN.

A.C.E. OF SW MINNESOTA

- Baumhoefner and Christensen presented an overview of the programs offered in 2015.

PUBLIC HEARING – ATV ORDINANCE

- At 10:00 a.m., the Board entered into a Public Hearing for Public Health Youth Camp Ordinance, Public Health Manufactured Home Parks and Recreational Camping Area Ordinance, Public Health Lodging Facility Ordinance, Public Health Food and Beverage Ordinance, Public Health Administrative Ordinance and Public Health Swimming Pool Ordinance.

- Knobloch presented Affidavit of Publication.
- Kloss presented the Ordinances.
- On motion by Walling, second by Salfer, the Board voted unanimously to adopt the Public Health Youth Camp Ordinance.

**REDWOOD COUNTY – PUBLIC HEALTH
YOUTH CAMP ORDINANCE**

The County Board of Redwood County ordains:

SECTION I - - PURPOSE

1.1 An Ordinance Providing for the Licensing and Inspection of Youth Camps, Regulating Their Design, Construction, Operation, and Maintenance, and Providing for the Enforcement of this Ordinance, and the Fixing of Penalties Throughout the Entirety of Redwood County, Thereof be and thereby is established as follows:

- A. This Ordinance shall be applicable to all Youth Camps as defined in Minnesota Statutes, Section 144.71, subdivision 2; or successor statutes. These regulations do not apply to those camps defined in Minnesota Statutes, Section 144.71, subdivision 3; or successor statutes.

1.2 The purpose of this Ordinance is to establish standards for all Youth Camps and to protect the health, safety and general welfare of the residents of Redwood County, including the following general objectives:

- A. Protect the public from unhealthy and unsanitary Youth Camps.
- B. Correct and prevent conditions that may adversely affect persons attending Youth Camps.
- C. Provide minimum standards for the design, construction, operation, and maintenance of Youth Camps.
- D. Meet consumer expectations of the quality and safety of Youth Camps.
- E. Establish inspection requirements and associated procedures involved with administering and enforcing this Ordinance.
- F. Comply with the delegation agreement that Southwest Health and Human Services has entered into with the Minnesota Department of Health.

SECTION II - - AUTHORITY

2.1 This Ordinance is enacted pursuant to Minnesota Statutes Chapter 145A, Section 145A.05, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of Section 145A.05 to perform all or part of the licensing, inspection, and enforcement duties authorized under the provisions of these sections.

SECTION III - - DEFINITIONS

- 3.1 Unless specifically defined in this section, words or phrases used in this Ordinance shall have the meaning given in Minnesota Rules, Chapter 4630; or successor rules, and Minnesota Statutes, Section 157.15; or successor statutes.
- A. **COMMUNITY HEALTH BOARD:** Means the Southwest Health and Human Services Community Health Board or designee authorized by the County Board to carry out or enforce any provision of a County Public Health Ordinance; acting under the provisions of Minnesota Statute 145A.10, as the Board of Health.
 - B. **COUNTY:** Means the County of Redwood.
 - C. **COUNTY BOARD:** Means the Redwood County Board of Commissioners and their authorized representatives.
 - D. **DEPARTMENT:** Means Southwest Health and Human Services and its Environmental Health Services Staff.
 - E. **ENVIRONMENTAL HEALTH SPECIALIST:** Means the Southwest Health and Human Services Community Health Board's Environmental Health Specialist and any related staff acting under the Community Health Board's authority.
 - F. **LICENSE:** Includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by County Public Health Ordinance or State law administered by the County for the operation of any business, service or facility.
 - G. **LICENSEE:** Means the person who has been given the authority by the issuance of a license by the County to establish, operate and/or maintain a facility or activity regulated by County Public Health Ordinances.
 - H. **YOUTH CAMP:** Means a parcel or parcels of land with permanent buildings, tents or other structures, together with appurtenances thereon, established or maintained as living quarters, where both food and lodging, or the facilities therefore are provided for ten or more people, operated continuously for a period of five days or more each year for educational, recreational, or vacation purposes, and the use of the camp is offered to minors free of charge or for payment of a fee. This definition does not include cabin and trailer camps, fishing and hunting camps, resorts, penal and correctional camps, industrial and construction camps, nor does it include homes operated for care or treatment of children, and for the operation of which a license is required under the provisions of Minnesota Statutes Chapter 257.

SECTION IV - - ADMINISTRATION

- 4.1 The Department shall administer and interpret the provisions of this Ordinance. In addition to the duties set forth herein, the Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved, and other official actions.

- 4.2 The Department shall have all powers necessary to administer and enforce the provisions of this Ordinance. In addition to the other powers set forth herein, and without limitation, the Department shall be empowered to do the following:
- A. Prepare reports and recommendations regarding any additional measures that he/she deems necessary to affect the purpose of this Ordinance.
 - B. Obtain assistance and cooperation from other State and local health, legal, and law enforcement officials in the administration and enforcement of the Ordinance.
 - C. Cooperate with local and State personnel in the enforcement of this Ordinance and State regulations, rules, and requirements relating to Youth Camps.
 - D. Arrange for the enforcement of any and all rules, orders, permits, and other requirements established herein or issued pursuant to this Ordinance.
 - E. Enter upon the premises of any Youth Camp at any reasonable time for the purpose of administrating and enforcing this Ordinance.
 - F. The Department may impose additional requirements to protect against health hazards related to the conduct of their operation.
 - G. Interpret the provisions and intent of the Ordinance as may be necessary from time to time.

SECTION V - - ADOPTION OF YOUTH CAMP STANDARDS

- 5.1 The standards for Youth Camps outlined in the Minnesota Rules Chapter 4630.2300 to 4630.4700 are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4626 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated agents.

SECTION VI - - FOOD AND BEVERAGE ORDINANCE; LODGING ORDINANCE; MHP/RCA ORDINANCE

- 6.1 The guidelines related to food and beverage establishments of the Redwood County Public Health Food and Beverage Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.
- 6.2 The guidelines related to lodging establishments of the Redwood County Public Health Lodging Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.
- 6.3 The guidelines related to manufactured home parks and recreational camping areas of the Redwood County Public Health MHP/RCA Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.

SECTION VII- - PUBLIC SWIMMING POOL ORDINANCE

- 7.1 The guidelines related to swimming pools and other artificial recreational bathing facilities of the Redwood County Public Health Swimming Pool Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.

SECTION VIII- - PLAN REVIEW OF FUTURE CONSTRUCTION

8.1 General. Whenever a Youth Camp is constructed or remodeled, or whenever an existing structure is converted to be used as a Youth Camp establishment, properly prepared plans and specifications for such Youth Camp area construction, remodeling, or conversion shall be submitted to the Department with applicable fees for review and approval before construction, remodeling, or conversion is begun. The plans and specifications must include, but are not limited to:

- A. Completed plan review applications on forms provided by the Department.
- B. A legal description of the site, lot, field or tract of land upon which the applicant proposes to operate and maintain a Youth Camp.
- C. The source of all the following:
 - 1. Water supplies
 - 2. Sewage treatment methods
 - 3. Disposal of garbage and refuse
 - 4. The method of fire and storm protection
- D. Drawings for new construction or alteration, including food service facilities, lodging facilities, MHP/RCA facilities, buildings, wells, plumbing and sewage treatment systems.
- E. Drawings must show the layout of sleeping rooms, room size, maximum occupancy, exits to hallways or outdoors, fire escapes, window locations and describing ventilation and heating equipment, and floor and wall finishes, and must receive approval by the Department before such work may begun.
- F. The plans and specifications shall be drawn to scale and shall be legible and complete in all details, and must be submitted to the Department for review and approval prior to the start of construction.

8.2 Approval.

- A. The Department shall approve the plans and specifications only if they meet the requirements of the Ordinance, Minnesota Rules Chapter 4626 (MN Food Code), Minnesota Rules 4625, Minnesota Rules 4630, and any other applicable Federal, State or Local laws and regulations.
- B. The establishment shall be constructed and finished in conformance with the approved plans.
- C. The licensee must obtain an inspection from the Department prior to the start of the operation. Construction must be completed and approved before operation can begin.
- D. The licensee is responsible for obtaining written approval for the proposed construction from any other agency or official that may have authority over elements of such proposed construction, including, but not limited to; the Minnesota State Fire Marshal, the Minnesota Department of Labor and Industry Plumbing Division, or the appropriate county, city, or township officials.

SECTION IX - - LICENSING AND COMPLIANCE PROCEDURES

9.1 Licenses needed. It shall be unlawful for any person to operate a Youth Camp within Redwood County who does not possess a valid license issued to them by the Department, as required by this Ordinance. Only a person, who complies with the requirements of this Ordinance, and all other applicable County Public Health Ordinance, shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person, or location to another establishment, person, or location. All licenses expire as of December 31st each year.

9.2 Application for License.

- A. Any person desiring to operate a Youth Camp shall make written application for a license on forms provided by the Department. Each application for a license; shall be completed in full, and together with the appropriate license fee, as described herein, shall be submitted to the Department not later than January 31st each year, following expiration of the previous year's license, or in the case of a new Youth Camp, prior to the opening date of such Youth Camp. Any person who operates a Youth Camp without submitting a license application and appropriate fee shall be deemed to have violated this Ordinance and shall be subject to prosecution as provided for in this Ordinance.
- B. License renewals shall be obtained on an annual basis. License Renewal applications shall be submitted on forms provided by the Department no later than December 31st of the year preceding the year for which application is made.
- C. Proprietors of any Youth Camp shall pay an annual license fee at a rate specified by action of the Community Health Board. This annual license fee may be adjusted from time to time as the Board shall deem appropriate. A penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee and paid by the proprietor, if the annual license fee has not reached the Department office by the dates specified in section 9.2A.
- D. From and after October 1 of each year, the license fee for new youth camps or new operators shall be one-half of the appropriate annual license fees, plus any penalty which may be required.
- E. The fees prescribed by the Community Health Board shall apply to all licenses which become effective on or after January 1 of the licensing year.

SECTION X - - INSPECTIONS

The Department shall inspect Youth Camps according to Minnesota Statutes 157 and rules adopted under Minnesota Statutes 157.

10.1 It shall be the duty of the Department to inspect each licensed or permitted Youth Camp in accordance with Minnesota Department of Health requirements. Re-inspections required, due to non-compliance with correction orders, may be charged an additional fee. The Department shall maintain a written policy for charging re-inspection fees.

- 10.2 The Department, after proper identification, shall be permitted at any reasonable time, to enter any Youth Camp for the purpose of making inspections to determine compliance with this Ordinance, and all other applicable County Public Health Ordinances. The Department shall be permitted to examine the records of the Youth Camp to obtain information pertaining to food and equipment purchased, received, or used, persons employed, and to obtain any other information that may be necessary to determine whether the establishment is in compliance with this Ordinance, and all other applicable County Public Health Ordinances. Any interference with the Department in performance of his/her duties shall be grounds for immediate suspension of the license.
- 10.3 Whenever an inspection of a Youth Camp is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the Youth Camp. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.
- 10.4 The inspection report form shall specify a specific and reasonable period of time for the correction of the violations. Correction of the violations shall be accomplished within the period specified.
- 10.5 The frequency of inspections shall be based on the degree of hazard to the public and comply with the time frames established in Minnesota Statute, Section 157.20; or successor statutes.
- 10.6 Whenever the Department finds that an emergency exists which requires immediate action to protect the public health, the Department may issue an order reciting the existence of such an emergency and require such action be taken as the Department deems necessary to meet the emergency. Any person to whom such order is directed shall comply therewith immediately, but upon filing a written petition with the Department, shall be afforded a hearing prescribed in Section VII of the Redwood County Public Health Administrative Ordinance.

SECTION XI - - ADOPTION OF THE SAFE DRINKING WATER ACT AND STANDARDS OF THE PUBLIC WATER SUPPLIES

- 11.1 The requirements of the Safe Drinking Water Act as outlined in Minnesota Statutes Chapter 144, Sections 144.381 to 144.387 and the standards for Public Water Supplies as outlined in Minnesota Rules Chapter 4720 for carrying out the authority to regulate transient water systems and for carrying out the authority related to wellhead protection are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4720 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.
- 11.2 Every youth camp shall obtain a safe, adequate supply of water from a public community water supply system, a public non-community water supply system, or a source of supply and system which is located, constructed, and operated in accordance with the provisions of Minnesota Rules Chapter 4725.

SECTION XII - - ADMINISTRATIVE ORDINANCE

- 12.1 The guidelines related to licensing, fees and enforcement of licensed establishments of the Redwood County Public Health Administrative Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.

SECTION XIII- - MINNESOTA DEPARTMENT OF HEALTH

- 13.1 Minnesota Department of Health: The requirements contained in this Ordinance are intended to be comparable to the Minnesota Department of Health Rules, and are intended to meet the minimum requirements set forth by the Minnesota Department of Health. Whenever the Minnesota Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this Ordinance, the rules set by the Minnesota Department of Health shall govern and will be considered in the enforcement procedure as part of this Ordinance.

SECTION XIV- - PENALTIES

- 14.1 Penalties. Any person, firm, or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.
- 14.2 In the event of a violation or a threat of violation of this Ordinance, the County Attorney may take appropriate action to enforce this Ordinance, including application of injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations, or threatened violations.

SECTION XV - - SEVERABILITY

- 15.1 If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and for this purpose, the provisions of the Ordinance are severable.
- On motion by Hollatz, second by Klabunde, the Board voted unanimously to adopt the Public Health Manufactured Home Parks and Recreational Camping Area Ordinance.

REDWOOD COUNTY – PUBLIC HEALTH MANUFACTURED HOME PARKS AND RECREATIONAL CAMPING AREAS ORDINANCE

The County Board of Redwood County Ordains:

SECTION I - - PURPOSE

- 1.1 An Ordinance Providing for the Licensing and Inspection of Manufactured Home Parks and Recreational Camping Areas, Regulating Their Design, Construction, Operation and Maintenance, and Providing for the Enforcement of this Ordinance, and the Fixing of

Penalties throughout the entirety of Redwood County, thereof be and thereby is established as follows:

- A. This Ordinance shall be applicable to all Manufactured Home Parks and Recreational Camping Areas as defined in Minnesota Statutes, Chapter 327.

1.2 The purpose of this Ordinance is to establish standards for all Manufactured Home Parks and Recreational Camping Areas, and to protect the health, safety, and general welfare of the residents of Redwood County, including the following general objectives:

- A. Correct and prevent conditions that may adversely affect persons utilizing manufactured home parks or recreational camping areas.
- B. Provide minimum standards for the design, construction, operation, and maintenance of manufactured home parks and recreational camping areas.
- C. Meet consumer expectations of the quality and safety of manufactured home parks and recreational camping areas.
- D. Establish inspection requirements and associated procedures involved with administering and enforcing this Ordinance.
- E. Comply with the delegation agreement that Southwest Health and Human Services has entered into with the Minnesota Department of Health.

SECTION II - - AUTHORITY

2.1 This Ordinance is enacted pursuant to Minnesota Statutes Chapter 145A, Section 145A.05, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of Section 145A.05 to perform all or part of the licensing, inspection, and enforcement duties authorized under the provisions of these sections.

SECTION III - - DEFINITIONS

3.1 Unless specifically defined in this section, words or phrases used in this Ordinance shall have the meaning given in Minnesota Rules, Chapter 4630; or successor rules, and Minnesota Statutes, Section 327.14; or successor statutes.

- A. **COMMUNITY HEALTH BOARD:** Means the Southwest Health and Human Services Board of Health or designee authorized by the County Board to carry out or enforce any provision of a County Public Health Ordinance; acting under the provisions of Minnesota Statute 145A.10, as the Board of Health.
- B. **COUNTY:** Means the County of Redwood.
- C. **COUNTY BOARD:** Means the Redwood County Board of Commissioners and their authorized representatives.
- D. **DEPARTMENT:** Means Southwest Health and Human Services and its Environmental Health Services Staff

- E. **DEPENDENT SITE:** Means recreational camping area sites which do not have sewer connections and are dependent upon a central facility for this utility.
- F. **ENVIRONMENTAL HEALTH SPECIALIST:** Means the Southwest Health and Human Services Community Health Board's Environmental Health Specialist and any related staff acting under the Community Health Board's authority.
- G. **INDEPENDENT SITE:** Means recreational camping area sites which are provided with individual sewer connections.
- H. **LICENSE:** Includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by County Public Health Ordinance or State law administered by the County for the operation of any business, service or facility.
- I. **LICENSEE:** Means the person who has been given the authority by the issuance of a license by the County to establish, operate and/or maintain a facility or activity regulated by County Public Health Ordinances.
- J. **MANUFACTURED HOME PARK:** Means any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation and includes any building, structure, tent vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.
- K. **MUNICIPALITY:** Means any city, town or township, village, in Redwood County, however organized.
- L. **PRIMARY LICENSE:** Means the initial license issued to the first person, firm or corporation to establish and maintain, conduct or operate a manufactured home park or recreational camping area at any one location.
- M. **RECREATIONAL CAMPING AREA:** Means any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents, or recreational camping vehicles free of charge or for compensation.

SECTION IV - - ADMINISTRATION

- 4.1 The Department shall administer and interpret the provisions of this Ordinance. In addition to the duties set forth herein, the Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved, and other official actions.
- 4.2 The Department shall have all powers necessary to administer and enforce the provisions of this Ordinance. In addition to the other powers set forth herein, and without limitation, the Department shall be empowered to do the following:
 - A. Prepare reports and recommendations regarding any additional measures that he/she deems necessary to affect the purpose of this Ordinance.
 - B. Obtain assistance and cooperation from other State and Local health, legal, and law enforcement officials in the administration and enforcement of this Ordinance.

- C. Cooperate with Local and State personnel in the enforcement of this Ordinance and State regulations, rules, and requirements relating to Manufactured Home Parks and Recreational Camping Areas.
- D. Arrange for the enforcement of any and all rules, orders, permits, and other requirements established herein or issued pursuant to this Ordinance.
- E. Enter upon the premises of any Manufactured Home Park and/or Recreational Camping Area at any reasonable time for the purpose of administrating and enforcing this Ordinance.
- F. The Department may impose additional requirements to protect against health hazards related to the conduct of their operation.
- G. Interpret the provisions and intent of this Ordinance as may be necessary from time to time.

SECTION V - - ADOPTION OF CAMPS AND MOBILE HOME PARKS STANDARDS

- 5.1 The standards for Manufactured Home Parks and Recreational Camping Areas outlined in Minnesota Rules Chapter 4630 are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4630 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated agents.

SECTION VI - - PUBLIC SWIMMING POOL ORDINANCE

- 6.1 The guidelines related to swimming pools and other artificial recreational bathing facilities of the Redwood County Public Health Swimming Pool Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.

SECTION VII- - LICENSING AND COMPLIANCE PROCEDURES

- 7.1 Licenses needed: It shall be unlawful for any person, firm or corporation to operate a Manufactured Home Park and/or Recreational Camping Area within Redwood County without possessing a valid license issued to them by the Department, as required by this Ordinance. Only those who comply with the requirements of this Ordinance shall be entitled to receive and retain such a license.
 - A. License Requirements
 - 1. Any person, firm or corporation desiring to operate either a manufactured home park or recreational camping area on the same site in connection with the other, need only obtain one license.
 - 2. The license shall state the number of manufactured home sites, independent recreational camping sites and dependent recreational camping sites allowed according to the Department's approval.
 - 3. No renewal license shall be issued if the number of sites specified in the application exceeds those of the original application unless the plans for expansion or the construction for expansion are first approved by the Department.

4. The license shall be conspicuously displayed in the office of the manufactured home park or recreational camping area.
5. Licenses shall not be transferable from one establishment, person, or location to another establishment, person or location.
6. Each primary license or renewal license for year-round establishments shall expire on the 31st day of December each year.

7.2 OTHER PARKS:

- A. STATE PARKS: Nothing in this Ordinance shall be construed to include any of the State operated facilities within parks.
- B. MANUFACTURE HOME PARK: The term “manufactured home park” shall not be construed to include manufactured homes, buildings, tents or other structures temporarily maintained by any individual or company on premises associated with a work project and used exclusively to house labor or other personnel occupied in such work project.
- C. SPECIAL PARKS: Recreational camping area does not include youth camps, industrial camps, migrant labor camps, as defined in Minnesota Statutes and State Commissioner of Health Rules, United States Forest Service Camps, State Forest Service Camps, State Wildlife Management Areas or State owned public access areas which are restricted in use to picnicking and boat landing.
- D. MUNICIPAL/COUNTY PARKS: Any manufactured home park or recreational camping area owned or operated by any municipality or political subdivision of this State shall meet all sanitary and safety provisions of this Ordinance, shall be inspected as herein provided, and make all reports, as herein required of a licensee.

7.3 APPLICATION FOR LICENSE:

- A. Any person desiring to operate a manufactured home park or recreational camping area shall make written application for a license on forms provided by the Department. Each application for a license shall be completed in full, and together with the appropriate license fee, as described herein, shall be submitted to the Department not later than January 31st each year, following expiration of the previous year’s license, or in the case of a new manufactured home park or recreational camping area, prior to the opening date of such manufactured home park or recreational camping area. Any person who operates a manufactured home park or recreational camping area without submitting a license application and appropriate fee shall be deemed to have violated this Ordinance and shall be subject to prosecution as provided for in this Ordinance.
- B. License renewals shall be obtained on an annual basis. License Renewal applications shall be submitted on forms provided by the Department no later than December 31st of the year preceding the year for which application is made.
- C. Proprietors of any manufactured home park or recreational camping area shall pay an annual license fee, at a rate specified by action of the Community Health Board. This annual license fee may be adjusted from time to time as the Community Health Board shall deem appropriate. A penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee, and paid by the proprietor if the

annual license fee has not reached the Department by the dates specified in section 7.3A.

- D. From and after October 1 of each year, the license fee for new manufactured home parks or recreational camping areas, or new operators, shall be one-half of the appropriate annual license fees plus any penalty which may be required.
- E. The fees prescribed by the Community Health Board shall apply to all licenses which become effective on or after January 1st of the licensing year.

SECTION VIII - - INSPECTIONS

The Department shall inspect manufactured home parks and recreational camping areas according to Minnesota Rules, Chapter 4630.

- 8.1 It shall be the duty of the Department to inspect each licensed or permitted manufactured home park and recreational camping area in accordance with Minnesota Department of Health requirements. Re-inspections required due to non-compliance with correction orders may be charged an additional fee. The Department shall maintain a written policy for charging re-inspection fees.
- 8.2 The Department, after proper identification, shall be permitted, at any reasonable time, to enter any manufactured home park and recreational camping area for the purpose of making inspections to determine compliance with this Ordinance. The Department shall be permitted to examine the records of the manufactured home parks and recreational camping areas, to obtain information pertaining to persons employed, and to obtain any other information that may be necessary to determine whether the manufactured home park and recreational camping area is in compliance with this Ordinance. Any interference with the Department in performance of his/her duties shall be grounds for immediate suspension of the license.
- 8.3 Whenever an inspection of a manufactured home park and recreational camping area is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the establishment. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.
- 8.4 The inspection report form shall specify a specific and reasonable period of time for the correction of the violation(s). Correction of the violation(s) shall be accomplished within the period specified.
- 8.5 The frequency of inspections shall be based on the degree of hazard to the public, and to comply with the time frames established in Minnesota Rules 4630.2210.
- 8.6 **EMERGENCY ORDERS:** Whenever the Department finds that an emergency exists which requires immediate action to protect the public health, it may, without notice or hearings, issue an order reciting the existence of such an emergency and require that such action be taken as it deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Department, shall be afforded a hearing before the Appeals Board.

**SECTION IX - - ADOPTION OF THE SAFE DRINKING WATER ACT
AND STANDARDS OF THE PUBLIC WATER SUPPLIES**

- 9.1 The requirements of the Safe Drinking Water Act as outlined in Minnesota Statutes Chapter 144, Sections 144.381 to 144.387 and the standards for Public Water Supplies as outlined in Minnesota Rules Chapter 4720 for carrying out the authority to regulate transient water systems and for carrying out the authority related to wellhead protection are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4720 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.
- 9.2 Every manufactured home park and recreational camping area shall obtain a safe, adequate supply of water from a public community water supply system, a public non-community water supply system, or a source of supply and system which is located, constructed, and operated in accordance with the provisions of Minnesota Rules Chapter 4725.

**SECTION X - - MANUFACTURED HOME PARK AND RECREATIONAL CAMPING
AREAS RULE AND STATUTE**

- 10.1 The Manufactured Home Parks and Recreational Camping Areas Rule and Statutes, found in Minnesota Rules 4630, as amended from time to time, contains regulations for the following that must be adhered to:

- A. LOCATION
- B. SPACING
- C. LOT SIZE
- D. WATER SUPPLY
- E. TOILET, BATHING AND LAUNDRY FACILITIES:
- F. PLUMBING
- G SEWAGE TREATMENT AND DISPOSAL
- H INSECT AND RODENT HARBORAGE, INFESTATION CONTROL
- I GARBAGE AND REFUSE – HANDLING AND DISPOSAL
- J NIGHT LIGHTING
- K COMMUNITY KITCHEN AND DINING ROOMS
- L BARBEQUE PITS, FIREPLACES, STOVES AND INCINERATORS
- M DOMESTIC ANIMALS
- N FIRE PROTECTION AND FIRE EXTINGUISHERS

O BOTTLED GAS

P FUEL OIL SUPPLY SYSTEMS

Q SPEED LIMIT

R PARK SHELTER

S CARETAKER

SECTION XI -- PLAN REVIEW OF FUTURE CONSTRUCTION

11.1 Primary License. Whenever a mobile home park or recreational camping area is constructed or expanded, or whenever an existing area is converted for use as a mobile home park or recreational camping area, properly prepared plans and specifications for such construction, expansion, or conversion shall be submitted to the Department with applicable fees for review and approval before construction, expansion, or conversion is begun. The plans and specifications shall include a land use permit or statement from the local unit of government granting zoning approval for the use of the land as a mobile home park or recreational camping area, a plot plan showing the boundaries of the entire tract of land upon which the mobile home park or recreational camping area is to be located, and showing land area/acreage, locations of proposed and existing facilities on the site for sanitary community buildings or laundry facilities, location of landforms on the property (lakes, streams, ponds, wetlands, etc), the location of all water and sewer lines and electrical hook-ups, the location of all wells, the location of all on site sewage treatment facilities and distances from all wells and water lines, location and dimensions of all roads and driveways, location of vehicle parking areas, location and type of night lights and any other pertinent information. The plans and specifications shall be drawn to scale and shall be legible and complete in all details, and must be submitted to the Department for review and approval prior to the start of construction.

- A. The Department shall approve the plans and specifications only if they meet the requirements of this Ordinance, Minnesota Rules, Chapter 4630 and any other applicable Federal, State or Local laws and regulations.
- B. The establishment shall be constructed and finished in conformance with the approved plans.
- C. Sewage treatment systems must comply with applicable state rules and be designed by a licensed sewage system designer and installed by a licensed installer.
- D. The licensee must obtain an inspection from the Department prior to the start of the operation. Construction must be completed and approved before operation can begin.
- E. The licensee is responsible for obtaining written approval for the proposed construction from any other agency or official that may have authority over elements of such proposed construction, including, but not limited to; the Minnesota State Fire Marshall, the Minnesota Department of Labor and Industry Plumbing Division, or the appropriate county, city or township officials.

SECTION XII - - LOCAL LICENSES

- 12.1 **LOCAL LICENSES PROHIBITED:** No municipality may impose any license: 1) upon any licensed manufactured home park or recreational camping area complying with the provisions of this ordinance; or 2) upon any occupant of a licensed manufactured home park or recreational camping area.
- 12.2 **LOCAL LAW ENFORCEMENT:** Any municipality which enacts or has enacted laws or ordinances relating to the safety and protection of persons and property is empowered to enforce the laws or ordinances within any manufactured home park or recreational camping area located in the municipality, notwithstanding the fact that the park or area may constitute private property.

SECTION XIII - - ADMINISTRATIVE ORDINANCE

- 13.1 The guidelines related to licensing, fees, and enforcement of licensed establishments of the Redwood County Public Health Administrative Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.

SECTION XIV - - MINNESOTA DEPARTMENT OF HEALTH

- 14.1 Minnesota Department of Health. The requirements contained in this ordinance are intended to be comparable to the Minnesota Department of Health Rules, and are intended to meet the minimum requirements set forth by the Minnesota Department of Health. Whenever the Minnesota Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this Ordinance, the rules set by the Minnesota Department of Health shall govern and will be considered in the enforcement procedure as part of this Ordinance.

SECTION XV - - PENALTIES

- 15.1 Penalties. Any person, firm, or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.
- 15.2 In the event of a violation or a threat of violation of this Ordinance, the County Attorney may take appropriate action to enforce this Ordinance, including application of injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations, or threatened violations.

SECTION XVI - - SEVERABILITY

- 16.1 If any provision of this Ordinance or the application thereof, to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and for this purpose, the provisions of this Ordinance are severable.

- On motion by Groebner, second by Hollatz, the Board voted unanimously to adopt the Public Health Lodging Facility Ordinance.

**REDWOOD COUNTY – PUBLIC HEALTH
LODGING FACILITIES ORDINANCE**

The County Board of Redwood County ordains:

SECTION I - - PURPOSE

1.2 An Ordinance Providing for the Licensing and Inspection of Lodging Facilities, Regulating Their Design, Construction, Operation and Maintenance, and Providing for the Enforcement of this Ordinance, and the Fixing of Penalties throughout the entirety of Redwood County, thereof be and thereby is established as follows:

B. This Ordinance shall be applicable to all lodging facilities such as hotels, motels, lodging establishments, bed and breakfasts and resorts as defined in Minnesota Statutes, Chapter 157 and Chapter 327.

1.3 The purpose of this Ordinance is to establish standards for all lodging facilities, and to protect the health, safety, and general welfare of the residents of Redwood County, including the following general objectives:

F. Correct and prevent conditions that may adversely affect persons utilizing lodging facilities.

G. Provide minimum standards for the design, construction, operation, and maintenance of lodging facilities.

H. Meet consumer expectations of the quality and safety of lodging facilities.

I. Establish inspection requirements and associated procedures involved with administering and enforcing this Ordinance.

J. Comply with the delegation agreement that Southwest Health and Human Services has entered into with the Minnesota Department of Health.

SECTION II - - AUTHORITY

2.2 This Ordinance is enacted pursuant to Minnesota Statutes Chapter 145A, Section 145A.05, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of Section 145A.05 to perform all or part of the licensing, inspection, and enforcement duties authorized under the provisions of these sections.

SECTION III - - DEFINITIONS

3.1 Unless specifically defined in this section, words or phrases used in this Ordinance shall have the meaning given in Minnesota Rules, Chapter 4625; or successor rules, and Minnesota Statutes, Section 157.15; or successor statutes.

- A. **COMMUNITY HEALTH BOARD:** Means the Southwest Health and Human Services Board of Health or designee authorized by the County Board to carry out or enforce any provision of a County Public Health Ordinance; acting under the provisions of Minnesota Statute 145A.10, as the Board of Health.
- B. **COUNTY:** Means the County of Redwood.
- C. **COUNTY BOARD:** Means the Redwood County Board of Commissioners and their authorized representatives.
- D. **DEPARTMENT:** Means Southwest Health and Human Services and its Environmental Health Services Staff.
- E. **ENVIRONMENTAL HEALTH SPECIALIST:** Means the Southwest Health and Human Services Community Health Board's Environmental Health Specialist and any related staff acting under the Community Health Board's authority.
- F. **LICENSE:** Includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by County Public Health Ordinance or State law administered by the County for the operation of any business, service or facility.
- G. **LICENSEE:** Means the person who has been given the authority by the issuance of a license by the County to establish, operate and/or maintain a facility or activity regulated by County Public Health Ordinances.
- H. **LODGING FACILITY:** Shall mean a hotel or motel, lodging establishment, resort or similar facility where sleeping facilities are offered to the public, or as given the meaning in Minnesota Statutes, section 157.15 or successor statutes.

SECTION IV - - ADMINISTRATION

- 4.1 The Department shall administer and interpret the provisions of this Ordinance. In addition to the duties set forth herein, the Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved, and other official actions.
- 4.2 The Department shall have all powers necessary to administer and enforce the provisions of this Ordinance. In addition to the other powers set forth herein, and without limitation, the Department shall be empowered to do the following:
 - A. Prepare reports and recommendations regarding any additional measures that he/she deems necessary to affect the purpose of this Ordinance.
 - B. Obtain assistance and cooperation from other State and Local health, legal, and law enforcement officials in the administration and enforcement of this Ordinance.
 - C. Cooperate with Local and State personnel in the enforcement of this Ordinance and State regulations, rules, and requirements relating to lodging facilities.
 - D. Arrange for the enforcement of any and all rules, orders, permits, and other requirements established herein or issued pursuant to this Ordinance.

- E. Enter upon the premises of any lodging facility at any reasonable time for the purpose of administrating and enforcing this Ordinance.
- F. The Department may impose additional requirements to protect against health hazards related to the conduct of their operation.
- G. Interpret the provisions and intent of this Ordinance as may be necessary from time to time.

SECTION V - - ADOPTION OF LODGING FACILITY STANDARDS

- 5.1 The standards for Lodging Facilities outlined in Minnesota Rules Chapter 4625 are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4625 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated agents.

SECTION VI - - PUBLIC SWIMMING POOL ORDINANCE

- 6.1 The guidelines related to swimming pools and other artificial recreational bathing facilities of the Redwood County Public Health Swimming Pool Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.

SECTION VII - - ADOPTION OF THE SAFE DRINKING WATER ACT AND STANDARDS OF THE PUBLIC WATER SUPPLIES

- 7.1 The requirements of the Safe Drinking Water Act as outlined in Minnesota Statutes Chapter 144, Sections 144.381 to 144.387 and the standards for Public Water Supplies as outlined in Minnesota Rules Chapter 4720 for carrying out the authority to regulate transient water systems and for carrying out the authority related to wellhead protection are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4720 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.
- 7.2 Every lodging facility shall obtain a safe, adequate supply of water from a public community water supply system, a public non-community water supply system, or a source of supply and system which is located, constructed, and operated in accordance with the provisions of Minnesota Rules Chapter 4725.

SECTION VIII - - LODGING RULE AND STATUTE

- 8.1 The following Lodging Rule and Statute, found in Minnesota Rules 4625.0100-4625.2355, as amended from time to time, contains regulations for the following that must be adhered to:
 - A. BUILDING REQUIREMENTS
 - B. FLOOR REQUIREMENTS
 - C. WALL AND CEILING REQUIREMENTS

D. SCREENING REQUIREMENTS

E. LIGHTING AND VENTILATION REQUIREMENTS

F. SPACE REQUIREMENTS

G. BEDDING AND LINEN REQUIREMENTS

H. ROOM FURNISHING REQUIREMENTS

I. TOILETS REQUIREMENTS.

J. WATER SUPPLY

K. HANDWASHING REQUIREMENTS

L. EATING UTENSILS AND DRINKING VESSELS PROVIDED IN GUEST ROOMS

M. WASTE DISPOSAL

N. INSECT AND RODENT CONTROL

O. PERSONNEL HEALTH AND CLEANLINESS

P. CLEANLINESS OF PREMISES

Q. FIRE PROTECTION

R. PLUMBING AND SWIMMING POOLS

S. SANITARY DISPENSING OF ICE

SECTION IX - - LICENSING AND COMPLIANCE PROCEDURES

9.1 Licenses needed. It shall be unlawful for any person to operate a lodging facility within Redwood County who does not possess a valid license issued to them by the Department, as required by this Ordinance. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person, or location to another establishment, person, or location. All licenses expire as of December 31st each year.

9.2 Application for License.

F. Any person desiring to operate a lodging facility shall make written application for a license on forms provided by the Department. Each application for a license shall be completed in full, and together with the appropriate license fee, as described herein, shall be submitted to the Department not later than January 31st each year, following expiration of the previous year's license, or in the case of a new lodging facility, prior to the opening date of such lodging facility. Any person who operates a lodging facility without submitting a license application and appropriate fee shall be deemed to

have violated this Ordinance and shall be subject to prosecution as provided for in this Ordinance.

- G. License renewals shall be obtained on an annual basis. License Renewal applications shall be submitted on forms provided by the Department no later than December 31st of the year preceding the year for which application is made.
- H. Proprietors of any lodging facility shall pay an annual license fee, at a rate specified by action of the Community Health Board. This annual license fee may be adjusted from time to time as the Community Health Board shall deem appropriate. A penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee, and paid by the proprietor if the annual license fee has not reached the Department by the dates specified in section 9.2A.
- I. From and after October 1 of each year, the license fee for new lodging facilities, or new operators, shall be one-half of the appropriate annual license fees plus any penalty which may be required.
- J. The fees prescribed by the Community Health Board shall apply to all licenses which become effective on or after January 1st of the licensing year.

SECTION X - - INSPECTIONS

The Department shall inspect lodging facilities according to Minnesota Statute 157 and rules adopted under Minnesota Statutes 157.

- 10.1 It shall be the duty of the Department to inspect each licensed or permitted lodging facility in accordance with Minnesota Department of Health requirements. Re-inspections required due to non-compliance with correction orders may be charged an additional fee. The Department shall maintain a written policy for charging re-inspection fees.
- 10.2 The Department, after proper identification, shall be permitted, at any reasonable time, to enter any lodging facility for the purpose of making inspections to determine compliance with this Ordinance. The Department shall be permitted to examine the records of the lodging facility, to obtain information pertaining to persons employed, and to obtain any other information that may be necessary to determine whether the establishment is in compliance with this Ordinance. Any interference with the Department in performance of his/her duties shall be grounds for immediate suspension of the license.
- 10.3 Whenever an inspection of a lodging facility is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the establishment. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.
- 10.4 The inspection report form shall specify a specific and reasonable period of time for the correction of the violation(s). Correction of the violation(s) shall be accomplished within the period specified.

10.5 The frequency of inspections shall be based on the degree of hazard to the public, and to comply with the time frames established in Minnesota Statute, Section 157.20; or successor statutes.

10.6 EMERGENCY ORDERS: Whenever the Department finds that an emergency exists which requires immediate action to protect the public health, it may, without notice or hearings, issue an order reciting the existence of such an emergency and require that such action be taken as it deems necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Department, shall be afforded a hearing before the Appeals Board.

SECTION XI - - PLAN REVIEW OF FUTURE CONSTRUCTION

11.2 General. Whenever a lodging facility is constructed or remodeled, or whenever an existing structure is converted to use as a lodging facility, properly prepared plans and specifications for such lodging construction, remodeling, or conversion shall be submitted to the Department with applicable fees for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall show layout, mechanical, plumbing, and electrical specifications, construction materials, and location and type of equipment and facilities and shall be filed by its owner in the office of the Department. The plans and specifications shall be drawn to scale and shall be legible and complete in all details, and must be submitted to the Department for review and approval prior to the start of construction.

- F. The Department shall approve the plans and specifications only if they meet the requirements of this Ordinance, Minnesota Rules, Chapter 4625.0300 to 4625.2200 and any other applicable Federal, State or Local laws and regulations.
- G. The establishment shall be constructed and finished in conformance with the approved plans.
- H. The licensee must obtain an inspection from the Department prior to the start of the operation. Construction must be completed and approved before operation can begin.
- I. The licensee is responsible for obtaining written approval for the proposed construction from any other agency or official that may have authority over elements of such proposed construction, including, but not limited to; the Minnesota State Fire Marshall, the Minnesota Department of Labor and Industry Plumbing Division, or the appropriate county, city or township officials.

SECTION XII - - ADMINISTRATIVE ORDINANCE

12.1 The guidelines related to licensing, fees, and enforcement of licensed establishments of the Redwood County Public Health Administrative Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.

SECTION XIII - - MINNESOTA DEPARTMENT OF HEALTH

13.1 Minnesota Department of Health. The requirements contained in this ordinance are intended to be comparable to the Minnesota Department of Health Rules, and are intended

to meet the minimum requirements set forth by the Minnesota Department of Health.

Whenever the Minnesota Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this Ordinance, the rules set by the Minnesota Department of Health shall govern and will be considered in the enforcement procedure as part of this Ordinance.

SECTION XIV - - PENALTIES

- 14.1 Penalties. Any person, firm, or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense. Such person may be enjoined from continuing such violations.
- 14.2 In the event of a violation or a threat of violation of this Ordinance, the County Attorney may take appropriate action to enforce this Ordinance, including application of injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

SECTION XV - - SEVERABILITY

- 15.1 If any provision of this Ordinance or the application thereof, to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and for this purpose, the provisions of this Ordinance are severable.
- On motion by Walling, second by Salfer, the Board voted unanimously to adopt the Public Health Food and Beverage Ordinance.

REDWOOD COUNTY – PUBLIC HEALTH FOOD AND BEVERAGE ORDINANCE

The County Board of Redwood County ordains:

SECTION I - - PURPOSE

- 1.3 An Ordinance Providing for the Licensing and Inspection of Restaurants and Places of Refreshment and Similar Food Service; Regulating Their Design, Construction, Operation and Maintenance, and Providing for the Enforcement of this Ordinance, and the Fixing of Penalties throughout the entirety of Redwood County, thereof be and thereby is established as follows:
- C. This Ordinance shall be applicable to all food and beverage establishments such as restaurants, boarding houses, and places of refreshment as defined in Minnesota Statutes Chapter 157, and shall include temporary and push cart commissaries, drive-ins, bars, taverns, drive-in cafes, clubs, lodges, eating facilities at resorts, schools, public buildings, and churches, except as exempted by Minnesota Statute 157.15 and all other businesses and establishments where meals, lunches, or drinks are served. In addition, this Ordinance shall serve as the criteria for evaluation of food and beverage service facilities in Youth Camps as defined in Minnesota Statute 144.71, Subdivision 2.

- 1.4 The purpose of this Ordinance is to establish standards for all food and beverage establishments, and to protect the health, safety, and general welfare of the residents of Redwood County, including the following general objectives:
- K. Prevent food borne illness.
 - L. Correct and prevent conditions that may adversely affect persons utilizing food and beverage service establishments.
 - M. Provide minimum standards for the design, construction, operation, and maintenance of food and beverage service establishments.
 - N. Meet consumer expectations of the quality and safety of food and beverage establishments.
 - O. Establish inspection requirements and associated procedures involved with administering and enforcing this Ordinance.
 - P. Comply with the delegation agreement that Southwest Health and Human Services has entered into with the Minnesota Department of Health.

SECTION II - - AUTHORITY

- 2.3 This Ordinance is enacted pursuant to Minnesota Statutes Chapter 145A, Section 145A.05, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of Section 145A.05 to perform all or part of the licensing, inspection, and enforcement duties authorized under the provisions of these sections.

SECTION III - - DEFINITIONS

- 3.1 Unless specifically defined in this section, words or phrases used in this Ordinance shall have the meaning given in Minnesota Rules, Chapter 4626; or successor rules, and Minnesota Statutes, Section 157.15; or successor statutes.
- A. **COMMUNITY HEALTH BOARD:** Means the Southwest Health and Human Services Community Health Board or designee authorized by the County Board to carry out or enforce any provision of a County Public Health Ordinance; acting under provisions of Minnesota Statute 145A.10, as the Board of Health.
 - B. **COUNTY:** Means the County of Redwood.
 - C. **COUNTY BOARD:** Means the Redwood County Board of Commissioners and their authorized representatives.
 - D. **DEPARTMENT:** Means Southwest Health and Human Services and its Environmental Health Services Staff.
 - E. **ENVIRONMENTAL HEALTH SPECIALIST:** Means Southwest Health and Human Services Community Health Board's Environmental Health Specialist and any related staff acting under the Community Health Board's authority.

- F. **FOOD AND BEVERAGE ESTABLISHMENT:** Means any building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be an operation that prepares serves, or otherwise provides food or beverages, or both, for human consumption.
- G. **LICENSE:** Includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by County Public Health Ordinance or State law administered by the County for the operation of any business, service or facility.
- H. **LICENSEE:** Means the person who has been given the authority by the issuance of a license by the County to establish, operate and/or maintain a facility or activity regulated by County Public Health Ordinances.

SECTION IV - - ADMINISTRATION

- 4.1 The Department shall administer and interpret the provisions of this Ordinance. In addition to the duties set forth herein, the Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved, and other official actions.
- 4.2 The Department shall have all powers necessary to administer and enforce the provisions of this Ordinance. In addition to the other powers set forth herein, and without limitation, the Department shall be empowered to do the following:
 - A. Prepare reports and recommendations regarding any additional measures that he/she deems necessary to affect the purpose of this Ordinance.
 - B. Obtain assistance and cooperation from other State and local health, legal, and law enforcement officials in the administration and enforcement of this Ordinance.
 - C. Cooperate with local and State personnel in the enforcement of this Ordinance and State regulations, rules, and requirements relating to food and beverage establishments.
 - D. Arrange for the enforcement of any and all rules, orders, permits, and other requirements established herein or issued pursuant to this Ordinance.
 - E. Enter upon the premises of any food or beverage establishment at any reasonable time for the purpose of administering and enforcing this Ordinance.
 - F. The Department may impose additional requirements to protect against health hazards related to the conduct of their operation, and may prohibit the sale or distribution of any or all foods.
 - G. Interpret the provisions and intent of this Ordinance as may be necessary from time to time.

SECTION V - - ADOPTION OF FOOD & BEVERAGE ESTABLISHMENT STANDARDS

- 5.1 The standards for Food & Beverage Establishments outlined in the Minnesota Food Code Minnesota Rules Chapter 4626 and the Certified Food Manager Requirements for Food Establishments Minnesota Rules 4626.2000 through 4626.2025, are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4626 refers to the Commissioner, Commissioner shall mean Southwest Health and Human Services Community Health Board and its designated agents.

SECTION VI - - EMBARGO, CONDEMNATION, AND TAGGING

- 6.1 General. The Environmental Health Specialist may condemn and cause to be removed, embargo, and/or tag any item deemed to be in violation of Minnesota Rules Chapter 4626, in accordance with Section 4626.1805 through 4626.1815.

SECTION VII - - PLAN REVIEW OF FUTURE CONSTRUCTION

- 7.1 General. Whenever a food and/or beverage service establishment is constructed or remodeled, or whenever an existing structure is converted to use as a food or beverage service establishment, properly prepared plans and specifications for such food service area construction, remodeling, or conversion shall be submitted to the Department with applicable fees for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed equipment layout, room finish materials, plumbing specifications, kitchen exhaust ventilation and make-up air specifications, construction materials of work areas, and the manufacturer's name and model number of proposed equipment and facilities. The plans and specifications shall be drawn to scale and shall be legible and complete in all details, and must be submitted to the Department for review and approval prior to the start of construction.
- J. The Department shall approve the plans and specifications only if they meet the requirements of this Ordinance, the Minnesota Food Code, Minnesota Rules, Chapter 4626 and any other applicable Federal, State or Local laws and regulations.
- K. The establishment shall be constructed and finished in conformance with the approved plans.
- L. The licensee must obtain an inspection from the Department prior to the start of the operation. Construction must be completed and approved before operation can begin.
- M. The licensee is responsible for obtaining written approval for the proposed construction from any other agency or official that may have authority over elements of such proposed construction, including, but not limited to; the Minnesota State Fire Marshall, the Minnesota Department of Labor and Industry Plumbing Division, or the appropriate county, city or township officials.

SECTION VIII - - LICENSING AND COMPLIANCE PROCEDURES

- 8.1 Licenses needed. It shall be unlawful for any person to operate a food and beverage service establishment within Redwood County who does not possess a valid license issued to them

by the Department, as required by this Ordinance. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person, or location to another establishment, person, or location. All licenses expire as of December 31st each year.

8.2 Application for License.

- K. Any person desiring to operate a food and beverage service establishment shall make written application for a license on forms provided by the Department. Each application for a license shall be completed in full, and together with the appropriate license fee, as described herein, shall be submitted to the Department not later than January 31st each year, following expiration of the previous year's license, or in the case of a new food and beverage service establishment, prior to the opening date of such food and beverage service establishment. Any person who operates a food and beverage service establishment without submitting a license application and appropriate fee shall be deemed to have violated this Ordinance and shall be subject to prosecution as provided for in this Ordinance.
- L. License renewals shall be obtained on an annual basis. License Renewal applications shall be submitted on forms provided by the Department no later than December 31st of the year preceding the year for which application is made.
- M. Proprietors of any food and beverage service establishment shall pay an annual license fee, at a rate specified by action of the County Community Health Board. This annual license fee may be adjusted from time to time as the Community Health Board shall deem appropriate. A penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee, and paid by the proprietor if the annual license fee has not reached the Department by the dates specified in section 8.2A.
- N. From and after October 1 of each year, the license fee for new food and beverage establishments, or new operators, shall be one-half of the appropriate annual license fees plus any penalty which may be required.
- O. The fees prescribed by the Community Health Board shall apply to all licenses which become effective on or after January 1st of the licensing year.

SECTION IX - - INSPECTIONS

The Department shall inspect food and beverage establishments according to Minnesota Statute 157 and rules adopted under Minnesota Statutes 157.

- 9.1 It shall be the duty of the Department to inspect each licensed or permitted food and beverage establishment in accordance with Minnesota Department of Health requirements. Re-inspections required due to non-compliance with correction orders may be charged an additional fee. The Department shall maintain a written policy for charging re-inspection fees.
- 9.2 The Department, after proper identification, shall be permitted, at any reasonable time, to enter any food or beverage establishment for the purpose of making inspections to determine compliance with this Ordinance or the Minnesota Food Code. The Department

shall be permitted to examine the records of the food and beverage establishment, to obtain information pertaining to food and equipment purchased, received, or used, and persons employed, and to obtain any other information that may be necessary to determine whether the establishment is in compliance with this Ordinance or the Minnesota Food Code. Any interference with the Department in performance of his/her duties shall be grounds for immediate suspension of the license.

- 9.3 Whenever an inspection of a food service establishment is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the establishment. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.
- 9.4 The inspection report form shall specify a specific and reasonable period of time for the correction of the violation(s). Correction of the violation(s) shall be accomplished within the period specified.
- 9.5 The frequency of inspections shall be based on the degree of hazard to the public, and to comply with the time frames established in Minnesota Statute, Section 157.20; or successor statutes.

SECTION X - - ADOPTION OF THE SAFE DRINKING WATER ACT AND STANDARDS OF THE PUBLIC WATER SUPPLIES

- 10.1 The requirements of the Safe Drinking Water Act as outlined in Minnesota Statutes Chapter 144, Sections 144.381 to 144.387 and the standards for Public Water Supplies as outlined in Minnesota Rules Chapter 4720 for carrying out the authority to regulate transient water systems and for carrying out the authority related to wellhead protection are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4720 refers to the Commissioner, Commissioner shall mean Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.
- 10.2 Every food and beverage establishment shall obtain a safe, adequate supply of water from a public community water supply system, a public non-community water supply system, or a source of supply and system which is located, constructed, and operated in accordance with the provisions of Minnesota Rules Chapter 4725.

SECTION XI - - EMERGENCY CLOSURE

- 11.1 Notwithstanding the other provisions of this Ordinance, whenever the Department finds an imminent health hazard to exist, the establishment shall immediately cease food service operations according to the procedures outlined in this section. The licensee shall not resume operations until authorized by the Department. An imminent health hazard may include, but is not limited to the following:
 - A. Lack of any utilities such as water, electricity, or sewer;
 - B. Evidence of a sewer backup in the food preparation or food storage areas;
 - C. The licensee fails to comply with the orders of the Department;

- D. The presence of a foodservice worker with a communicable disease or infected wound who refuses to comply with the orders of the Department;
- E. An infestation of rodents or insects; or
- F. Evidence of a food borne illness associated with the operation of the establishment.

SECTION XII - - PROCEDURE WHEN INFECTION IS SUSPECTED

- 12.1 When the Department has reasonable cause to suspect the possibility of disease transmission from any food establishment or employee, the Department shall make such investigation as may be indicated, and take appropriate action to protect the health and safety of the employees, customers or the general public. The Department may require any or all of the following measures:
- A. The immediate exclusion of the employee from any and all food service operations until such time as the Department gives clearance for the employee to return to work;
 - B. The immediate closure of the food service establishment until, in the opinion of the Department, no further danger of disease outbreak exists;
 - C. Every person engaged in the operation of a food establishment, as herein defined, shall upon request; furnish suspect food and/or beverage samples free of charge to the Department for laboratory analysis.
 - D. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease, and;
 - E. Conduct medical and laboratory examinations of the employee, or other employees, and their bodily discharges.

SECTION XIII - - ADMINISTRATIVE ORDINANCE

- 13.1 The guidelines related to licensing, fees and enforcement of licensed establishments of the Redwood County Public Health Administrative Ordinance, as amended from time to time, are hereby incorporated in and made part of this Ordinance.

SECTION XIV- - MINNESOTA DEPARTMENT OF HEALTH

- 14.1 Minnesota Department of Health: The requirements contained in this Ordinance are intended to be comparable to the Minnesota Department of Health Rules and are intended to meet the minimum requirements set forth by the Minnesota Department of Health. Whenever the Minnesota Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this Ordinance, the rules set by the Minnesota Department of Health shall govern and will be considered in the enforcement procedure as part of this Ordinance.

SECTION XV- - PENALTIES

- 15.1 Penalties. Any person, firm, or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false

statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.

- 15.2 In the event of a violation or a threat of violation of this Ordinance, the County Attorney may take appropriate action to enforce this Ordinance, including application of injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations, or threatened violations.

SECTION XVI - - SEVERABILITY

- 16.1 If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and for this purpose, the provisions of this Ordinance are severable.

- On motion by Hollatz, second by Walling, the Board voted unanimously to adopt the Public Health Administrative Ordinance.

REDWOOD COUNTY - PUBLIC HEALTH ADMINISTRATIVE ORDINANCE

The County Board of Redwood County ordains:

SECTION I -- APPLICATION OF ORDINANCE

- 1.1 APPLICATION: Where a provision of the Redwood County Public Health Ordinance requires a permit or license, or procedure for revocation, suspension, renewal or fee, the provisions contained herein shall apply.

SECTION II -- AUTHORITY

- 2.1 This ordinance is enacted pursuant to Minnesota Statutes Chapter 145A, Section 145A.05, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of Section 145A.05 to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of these sections.

SECTION III -- DEFINITIONS:

- 3.1 COMMUNITY HEALTH BOARD: Means the Southwest Health and Human Services (SWHHS) Community Health Board or designee authorized by the County Board to carry out or enforce any provision of a County Public Health Ordinance; acting under provisions of Minnesota Statute 145A.10, as the Board of Health.

- 3.2 COUNTY: Means the County of Redwood.

- 3.3 COUNTY BOARD: Means the Redwood County Board of Commissioners and their authorized representatives.

3.4 DEPARTMENT: Means the Southwest Health and Human Service (SWHHS) Agency and its Environmental Health Services Staff.

3.5 LICENSE: Includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by County Public Health Ordinance or State law administered by the County for the operation of any business, service or facility.

3.6 LICENSEE: Means the person who has been given the authority by the issuance of a license by the County to establish, operate and/or maintain a facility or activity regulated by County Public Health Ordinances.

3.7 PERSON: Means any individual, firm, partnership, public or private corporation, municipality or other organization, receiver, trustee, assignee or agent and with respect to acts prohibited or required herein shall include employees or licensees.

SECTION IV -- UNLAWFUL ACTIVITIES

It is unlawful for any person:

4.1 To engage in any activity, trade, profession, business or privilege or to operate any site, facility or establishment for which a license is required by any provision of a County Public Health Ordinance unless such person has first obtained such license.

4.2 To engage in any activity, trade, profession, business or privilege or to operate any site, facility or establishment in the County for which a license is required by any provision of a County Public Health Ordinance when any license granted for the conduct of such activity, trade, profession, business or privilege or operation of such site, facility or establishment has been revoked or suspended.

4.3 Who possesses a valid license issued pursuant to County Public Health Ordinance to engage in any activity or operate any such licensed facility, establishment, profession, business or privilege in such a way as to knowingly violate any requirement of any County Public Health Ordinance applicable to such activity, trade, profession, business, privilege, site, facility or establishment.

4.4 To fail or refuse to correct any condition or method of operation which violates any County Public Health Ordinance applicable to the conduct of any licensed activity, trade, profession, business, privilege, site, facility or establishment after being ordered to do so by the department.

SECTION V -- ENFORCEMENT

5.1 ADMINISTRATION: The Department shall administer and interpret the provisions of this Ordinance. The Department shall have all powers necessary to administer and enforce the provisions of this Ordinance.

5.2 MISDEMEANOR: Any person who violates the provision of this County Public Health Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished therefore as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

5.3 CITATION: The Department or any of its duly authorized representatives charged with the responsibility of administration and enforcement of any County Public Health Ordinance, shall have the power to issue citations for violations of this Ordinance or other applicable County Public Health Ordinances, but this shall not permit such representatives to physically arrest, to take into custody, any violators except on warrant duly issued.

- A. Form of Citations: Citations shall contain at least the following:
1. The name and address of the person charged with the violation, or the owner or person in charge of the premises at which the violation occurs.
 2. The date and place of the violation.
 3. A short description of the violation followed by the section of the ordinance violated.
 4. The date and place at which the person receiving the citation shall appear and a notice that if such person does not respond, a warrant may be issued for such person's arrest.
 5. Such other information as the courts may specify.

B. Issue of Citations: Whenever any representative of the Department discovers any violation of this Ordinance or other applicable County Public Health Ordinances, he/she may issue a citation to the person alleged to have committed the violation.

C. Issuance: The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or implied authorized to accept such issuance.

5.4 EQUITABLE RELIEF: In the event of a violation of this Ordinance or other applicable County Public Health Ordinances, the County Attorney may take appropriate action to enforce, including application for injunctive relief, action to compel performance or other appropriate action in court, if necessary, to prevent, restrain, correct or abate such violations or threatened violations.

SECTION VI -- LICENSING PROCEDURES

The procedure for application, issuance, denial, suspension, and revocation of any license required by the applicable County Public Health Ordinance shall be set forth herein.

6.1 APPLICATION: Application for a license or license renewal shall be made to the Department as charged with enforcement of the County Public Health Ordinances requiring the applicant to be licensed, and shall be on forms furnished by the Department. The applicant shall state the location of the proposed activity and such other facts as are required by the Department for the granting of the license. The license shall be posted in a conspicuous place on the premises of the establishment. Initial and renewal license applications for all licensed sites, facilities or establishments shall be accompanied by the applicable fees as prescribed by the Community Health Board.

- A. Bond and Insurance: Required bonds if any, shall be executed by a surety company and be subject to approval of the Community Health Board. Satisfactory evidence of coverage by bond or insurance shall be filed with the Department to which application is made.

- B. The Community Health Board, by resolution, may establish reasonable fees for the administration of all Redwood County Public Health Ordinances. Such fees may be changed by resolution of the Community Health Board from time to time as they deem appropriate. The fees submitted for the primary license shall be retained by the department, even though the proposed project is not approved and a license is denied.
- C. Payment of Fee: The fees required for a license shall be paid at the office of the Department to which application is made. New businesses or new owners opening after October 1st but before January 1st are required to pay half of the normal fee amount. No license fee shall be refunded. No license shall be issued until the fees therefore have been paid in full.
- D. Penalty for Late Payment: Every person whose licensed activity, trade, profession, business, privilege, site, facility or establishment is licensed by the Department, other than one who has been closed down or who has not operated such activity in the County after the expiration of the licensing year, shall pay to the Department the regular license fee and, in addition thereto, a penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee and paid by the proprietor if the annual license fee has not reached the Department by January 31 of the licensing year.
- E. Late payment of the License Fee without Penalty No Bar to Prosecution for Operating Without a License: The late payment of the license fee, along with the penalty set forth herein, is no bar to any prosecution by the Community Health Board for operating any licensed activity, trade, profession, business, privilege, site, facility or establishment within the County without a license therefore.
- F. Issuance or Denial of License:
1. Unless otherwise provided in the applicable County Public Health Ordinance, under which a license is issued, the Department shall have sixty (60) days to issue or deny the license or renewal.
 2. Once the Department has decided on the disposition of the license application or renewal application, the applicant shall be notified in writing of its decision.
 3. Where a license is denied, the Department shall state the factual basis for its decision and notice of its decision shall be personally served on the applicant or shall be served by registered or certified mail to said applicant at the address designated in the license application. The applicant shall have ten (10) working days, exclusive of the day of service, to request a hearing. The request shall be in writing stating the grounds for appeal and served personally or by registered or certified mail on the Department by midnight of the tenth (10th) County working day following service of the notice of denial. If the applicant fails to request an appeal within the specified time period, any opportunity for a hearing is forfeited and the Department's decision is final. After receipt of an appeal request, the Department shall set a time and place for the hearing.
- G. License Non-transferable: A license obtained pursuant to a County Public Health Ordinance shall not be transferable.

6.2 SUSPENSION OF LICENSE:

- A. Suspension:

1. Any license required under any County Public Health Ordinance may be suspended by the Department for violation of any provision of this Ordinance or of the Ordinance under which the license was issued. Upon written notice to the licensee, said license may be suspended by the Department for a period not longer than sixty (60) days, or until the violation is corrected.
2. Such suspension shall not occur earlier than ten (10) working days after written notice of suspension has been served on the licensee or, if a hearing is requested, until written notice of the Department action has been served on the licensee. Notice to licensee shall be served personally or by registered or certified mail at the address designated in the license application. Such written notice of Departmental suspension shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations have occurred and a statement that if the licensee desires to appeal, he/she must, within ten (10) County working days, exclusive of the day of service, file a request for a hearing. The hearing request shall be in writing stating the grounds for appeal and serviced personally or by registered or certified mail on the Department by midnight of the tenth (10th) County working day following service. Following receipt of a request for a hearing, the Department shall set a time and place for the hearing.
3. If said suspension is upheld and the licensee has not demonstrated, within the sixty (60) day period, that the provisions of the applicable County Public Health Ordinance and this Ordinance have been complied with, the Department may serve notice of continued suspension for up to sixty (60) days, or initiate revocation procedures.

B. Summary Suspension:

1. If the Department finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered by the Department upon notification of the County Attorney's office and the Community Health Board. Written notice of such summary suspension shall be served by registered or certified mail to said licensee at the address, designated in the license application. In addition, the Department may post copies of the notice of summary suspension of the license on the licensed facility or property being used for the licensed activity. Said posting shall constitute the notice required under this section.
2. The written notice of such cases shall state the effective date of the suspension and the nature of the violation or violations requiring emergency action, the facts which support the conclusion that a violation or violations have occurred, and a statement that if the licensee desires to appeal, he/she must, within ten (10) County working days, exclusive of the day of service, file a request for a hearing. The hearing request shall be in writing stating the grounds for appeal, and served personally or by registered or certified mail on the Department by midnight of the tenth (10th) County working day following service. Following receipt of a request for an appeal, the Department shall set a time and a place for the hearing.
3. The summary suspension shall not be stayed pending an appeal or informal review by the Department head, but shall be subject to dismissal or re-inspection by the Department.

- C. Re-inspections: Upon written notification from the licensee that all the violations for which a suspension or summary suspension was invoked have been corrected, the Department shall re-inspect the facility or activity within a reasonable length of time,

but in no case more than ten (10) County working days after receipt of the notice from the licensee. If the Department finds, upon such re-inspection, that the violations constituting the grounds for the suspension have been corrected, the Department shall immediately dismiss the suspension by written notice to the licensee served personally or by registered or certified mail at the address designated by the license application.

6.3 REVOCATION:

A. Any license granted pursuant to any applicable County Public Health Ordinance may be revoked by the Department for violation of any provision of said Ordinance or this Ordinance.

B. Revocation shall not occur earlier than ten (10) County working days from the time that written notice of revocation is served on the licensee or, if a hearing is requested, until written notice of the Community Health Board action has been served on the licensee. Notice to the licensee shall be served personally or by registered or certified mail at the address designated in the license application. Such written notice of Departmental revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for the revocation, the facts which support the conclusion that a violation or violations have occurred, and a statement that if the licensee desires to appeal, he/she must, within ten (10) working days, exclusive of the day of service, file a request for a hearing. The hearing request shall be in writing stating the grounds for appeal, and served personally or by registered or certified mail on the Department by midnight of the tenth (10th) County working day following service. Following the receipt of a request for a hearing, the Department shall set a time and a place for the hearing.

6.4 VARIANCE:

A. Variance Request: A party may ask the Department to grant a variance based on the applicable parts of MN Rules 4717.7000 to 4717.7040 and 4626.1690 to 4626.1715. A party may request a variance from the applicable MN Rules listed in 4717.7000 Subpart 1. Variances for public swimming pools are issued by the Minnesota Department of Health. This Department will not grant variance requests for MN Rule 4717.7000 Subpart 1J. Also a variance shall not be requested nor shall one be granted from the parts of MN Rules listed in 4626.1690A. The party requesting the variance must submit the variance request in writing to the Department along with any applicable fee. A request must contain:

1. The specific language in the rule or rules from which the variance is requested;
2. The reason why the rule cannot be met;
3. The alternative measures that will be taken to assure a comparable degree of protection to health or the environment if a variance is granted;
4. The length of time for which the variance is requested;
5. A statement that the party applying for the variance will comply with the terms of the variance, if granted;
6. Other relevant information the commissioner determines necessary to properly evaluate the request for the variance.

B. Criteria for Decision: A variance may be granted provided that:

1. The conditions causing the hardships are unique to the property, applicant or licensee.

2. The variance is proved necessary in order to secure for the applicant a right or rights enjoyed by other persons in the same area or district.
 3. Granting of the variance will not be contrary to public interest or damaging to the rights of other persons or of properties in the same area or district.
 4. The granting of the variance will not be contrary to the policy and intent of the applicable County Public Health Ordinance, or detrimental to the public health, safety and welfare.
 5. No variance shall be granted simply because there are no objections, because those who do not object outnumber those who do, or for any reason other than a proved hardship.
- C. Informal Administrative Hearing: Unless otherwise provided, the Department shall conduct an informal administrative hearing within thirty (30) days of receipt of an application for variance. The applicant or his/her designated representative shall attend the hearing and present the facts or conditions upon which the application for the variance is based. The Department shall prepare a written decision with its reasons therefore, and serve it personally or by registered or certified mail on the applicant by midnight of the tenth (10th) County working day following the hearing.
- D. Request for Formal Hearing: In the event that the Department decides to deny the application for the variance, the applicant may request a formal hearing on said variance. The request shall be in writing stating the grounds upon which the request is based and served personally or by registered or certified mail on the Department by midnight of the tenth (10th) County working day following said Departmental decision. Following receipt of a request for a formal hearing, the Department shall notify the Community Health Board, and the hearing shall be conducted pursuant to Section VII of this Ordinance.

SECTION VII – HEARINGS

- 7.1 If any applicant or licensee properly requests a hearing on a Departmental denial, suspension or revocation of license or written Departmental denial of a variance, such hearing shall be held before the Community Health Board or a Hearing Examiner, as provided below, and shall be open to the public.
- 7.2 Unless an extension of time is requested by the appellant in writing directed to the Chair of the Community Health Board and is granted, the hearing will be held no later than forty-five (45) calendar days after the date of service or request for a hearing, exclusive of the date of such service. In any event, such hearing shall be held no later than ninety (90) days after the date of service of request for a hearing, exclusive of the date of such service.
- 7.3 The Community Health Board shall mail notice of the hearing to the appellant and to the Department at least fifteen (15) working days prior to the hearing. Such notice shall include:
- A. A statement of time, place and nature of the hearing.
 - B. A statement of the legal authority and jurisdiction under which the hearing is to be held.
 - C. A reference to the particular section of the applicable County Public Health Ordinance and rules involved.

- 7.4 Hearing Examiner: The Community Health Board may by resolution appoint an individual, to be known as the Hearing Examiner, to conduct the hearing and to make findings of fact, conclusions and recommendations to the Community Health Board. The Hearing Examiner shall submit the findings of fact, conclusions and recommendations to the Community Health Board in a written report, and the Community Health Board may adopt, modify or reject the report.
- 7.5 Conduct of the Hearing: The applicant or licensee may be represented by counsel. The Department, the licensee or applicant, and additional parties, as determined by the Community Health Board or Hearing Examiner, in that order, shall present evidence. All testimony shall be sworn under oath. All parties shall have opportunity to respond to and present evidence, cross-examine witnesses, and present argument. The Community Health Board or Hearing Examiner may also examine witnesses.
- 7.6 The Department shall have the burden of proving its position by a preponderance of the evidence, unless a different burden is provided by substantive law. All findings of fact, conclusions, and decisions by the Community Health Board shall be based on evidence presented and matters officially noticed.
- 7.7 All evidence which possesses probative value, including hearsay, may be admitted if it is the type of evidence on which prudent persons are accustomed to rely in the conduct of their serious affairs. Evidence which is incompetent, irrelevant, immaterial, or unduly repetitious, may be excluded. The hearing shall be confined to matters raised in the Department's written notice of suspension, summary suspension or termination, or in the appellant's written request for a hearing.
- 7.8 The Community Health Board and/or Hearing Examiner, within 3 (three) days after such hearing, shall sustain, modify, or withdraw the notice of closure, suspension, or revocation depending on its findings. A copy of the decision shall be served by mail to the petitioner or petitioners. Any person aggrieved by the decision by the Community Health Board and/or Hearing Examiner may seek relief there from in any court of competent jurisdiction as provided by the laws of the state.
- 7.9 At the request of any party or upon motion of the Community Health Board or Hearing Examiner, a pre-hearing conference shall be held. The pre-hearing conference shall be conducted by the Hearing Examiner, if the Community Health Board has chosen to use one, or by a designated representative of the Community Health Board. The pre-hearing conference shall be held no later than five (5) County working days before the hearing. The purpose of the pre-hearing conference is to:
- A. Clarify the issues to be determined at the hearing.
 - B. Provide an opportunity for discovery of all relevant documents, photographic or other demonstrative evidence in the possession of each party. The Hearing Examiner or the Community Health Board Representative may require each party to supply a reasonable number of copies of relevant evidence capable of reproduction.
 - C. Provide an opportunity for discovery of the full name and address of all witnesses who will be called at the hearing and a brief description of the facts and opinions to which each is expected to testify. If the names and addresses are not known, the party shall describe them thoroughly by job duties and involvement with the facts in issue.

7.10 If a pre-hearing conference is held, evidence not divulged as provided above shall be excluded at the hearing unless the party advancing the evidence took all reasonable steps to divulge it to other adverse party prior to the hearing and:

A. The evidence was not known to the party at the time of the pre-hearing conference; or

B. The evidence is in rebuttal to matter raised for the first time at or subsequent to the pre-hearing conference.

7.11 If the applicant or licensee fails to appear at the hearing, he shall forfeit any right to a public hearing before the Community Health Board or Hearing Examiner.

SECTION VIII -- INSPECTION

8.1 Routine inspection and evaluation of activities, trades, professions, businesses, privileges, sites, facilities and establishments shall be made by the Department charged with enforcement of the particular ordinance in such frequency as to insure consistent compliance by the applicant or licensee with the provisions of the County Public Health Ordinances. The licensee shall be provided with written and documented notice of any deficiencies, recommendations for their correction, and the date when the corrections shall be accomplished. The licensee shall be required to allow free access to authorized representatives of the Department, Community Health Board, or to authorized representatives of any other governmental agency at any reasonable time for the purpose of making inspections as may be necessary to determine compliance with the requirements of this Ordinance or any other applicable ordinance or regulation. Failure of applicant or licensee to permit such inspection shall be grounds for revocation, suspension, or denial of license.

8.2 The Department shall have the right to inspect private property to determine if applicant or licensee is in compliance with the provisions of this Ordinance or any other applicable County Public Health Ordinance.

SECTION IX – SEVERABILITY

9.1 If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and for this purpose the provisions of the Ordinance are severable.

SECTION X -- PROVISIONS ACCUMULATIVE

10.1 The provisions of this Ordinance are cumulative and are additional limitations upon all other rules and ordinances heretofore passed covering any subject matter.

SECTION XI -- NO CONSENT

11.1 Nothing contained in this Ordinance shall be deemed to be consent, license, or permit to locate, construct, or maintain any site, facility, or establishment, or to carry on any activity, trade, profession, or privilege.

SECTION XII -- EFFECTIVE DATE

12.1 This Ordinance shall be effective upon passage by the County Board and publication according to law.

- On motion by Groebner, second by Salfer, the Board voted unanimously to adopt the Public Health Swimming Pool Ordinance.

**REDWOOD COUNTY – PUBLIC HEALTH
SWIMMING POOL ORDINANCE**

The County Board of Redwood County ordains:

SECTION I - - PURPOSE

1.1 An Ordinance Providing for the Licensing and Inspection of public pools; regulating their design, construction, operation and maintenance and providing for the enforcement of this Ordinance and the fixing of penalties throughout the entirety of Redwood County, thereof be and thereby is established as follows:

- A. This Ordinance shall be applicable to all public pools as defined in Minnesota Rules Chapter 4717.0150 – 4717.3975.

1.2 The purpose of this Ordinance is to establish standards for all public swimming pools and to protect the health, safety and general welfare of the residents of Redwood County, including the following general objectives:

- A. Provide a minimum standard for the design, construction, operation and maintenance of public swimming pools;
- B. Correct and prevent conditions that may adversely affect persons utilizing public swimming pools; and
- C. Meet consumer expectations for the quality and safety of public swimming pools.
- D. Comply with the delegation agreement that Southwest Health and Human Services has entered into with the Minnesota Department of Health.

SECTION II - - AUTHORITY

2.1 This Ordinance is enacted pursuant to Minnesota Statutes Chapter 145A, Section 145A.05, which authorizes the Commissioner of Health to enter into an agreement with counties or cities organized under the provisions of Section 145A.05, to perform all or part of the licensing, inspection, and enforcement duties authorized under the provisions of these sections.

SECTION III - - DEFINITIONS

3.1 Unless specifically defined in this section, words or phrases used in this Ordinance shall have the meaning given in Minnesota Rules, Chapter 4717.0150 – 4717.3975; or successor rules, and Minnesota Statutes, Section 144.1222; or successors Statutes. The following definitions shall apply in the interpretation and the enforcement of this Ordinance.

- A. **COMMUNITY HEALTH BOARD:** Means the Southwest Health and Human Services Community Health Board or designee authorized by the County Board to carry out or enforce any provision of a County Public Health Ordinance; acting under the provisions of Minnesota Statute 145A.10, as the Board of Health.
- B. **COUNTY:** Means the County of Redwood.
- C. **COUNTY BOARD:** Means the Redwood County Board of Commissioners and their authorized representatives.
- D. **DEPARTMENT:** Means Southwest Health and Human Services and its Environmental Health Services Staff.
- E. **ENVIRONMENTAL HEALTH SPECIALIST:** Means the Southwest Health and Human Services Community Health Board's Environmental Health Specialist and any related staff acting under the Community Health Board's authority.
- F. **LICENSE:** Includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by County Public Health Ordinance of State law administered by the County for the operation of any business, service or facility.
- G. **LICENSEE:** Means the person who has been given the authority by the issuance of a license by the County to establish, operate and/or maintain a facility or activity regulated by County Public Health Ordinances.
- H. **PUBLIC POOL:** Means any pool, other than a private residential pool, that is: (1) open to the public generally, whether for a fee or free of charge; (2) and has the meaning given in Minnesota Statutes, section 144.1222, subdivision 4, paragraph (d) with the exception of swimming pools at family day care homes licensed under Minnesota Statute 245A.14, subdivision 11, paragraph (a).

SECTION IV - - ADMINISTRATION

- 4.1 This Ordinance shall provide for the licensing and inspection of all public swimming pools; regulation of the design, construction, operation and maintenance of such pools; and the enforcement of violations of this Ordinance.
- 4.2 This Ordinance shall be applicable to all public swimming pools as defined in Minnesota Rules Chapter 4717.0150 – 4717.3975.
- 4.3 The Department shall administer and interpret the provisions of this Ordinance. In addition to the duties set forth herein, the Department shall maintain adequate files and records relating to all licenses or permits issued, inspections made, work approved, and other official actions.
- 4.4 The Department shall have all powers necessary to administer and enforce the provisions of this Ordinance. In addition to the other powers set forth herein, and without limitation, the Department shall be empowered to do the following:

- A. Prepare reports and recommendations regarding any additional measures that he/she deems necessary to affect the purpose of this Ordinance.
- B. Obtain assistance and cooperation from other State and local health, legal, and law enforcement officials in the administration and enforcement of this Ordinance.
- C. Cooperate with local and State personnel in the enforcement of this Ordinance and State regulations, rules, and requirements relating to public swimming pools.
- D. Arrange for the enforcement of any and all rules, orders, permits, and other requirements established herein or issued pursuant to this Ordinance.
- E. Enter upon the premises of any public swimming pool at any reasonable time for the purpose of administrating and enforcing this Ordinance.
- F. The Department may impose additional requirements to protect against health hazards related to the conduct of the operation of a public swimming pool.
- G. Interpret the provisions and intent of this Ordinance as may be necessary from time to time.

SECTION V - - ADOPTION OF PUBLIC POOL STANDARDS

- 5.1 The standards for Public Pools outlined in Minnesota Rules Chapter 4717.0150 through 4717.3975 and the Abigail Taylor Pool Safety Act; Minnesota Statutes Chapter 144.1222 are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4717 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.

SECTION VI - - ADOPTION OF THE SAFE DRINKING WATER ACT AND STANDARDS OF THE PUBLIC WATER SUPPLIES

- 6.1 The requirements of the Safe Drinking Water Act as outlined in Minnesota Statutes Chapter 144, Sections 144.381 to 144.387 and the standards for Public Water Supplies as outlined in Minnesota Rules Chapter 4720 for carrying out the authority to regulate transient water systems and for carrying out the authority related to wellhead protection are hereby incorporated in and made part of this Ordinance. Wherein Minnesota Rules Chapter 4720 refers to the Commissioner, Commissioner shall mean the Southwest Health and Human Services Community Health Board and its designated Environmental Health Services staff.
- 6.2 Every pool shall obtain a safe, adequate supply of water from a public community water supply system, a public non-community water supply system, or a source of supply and system which is located, constructed, and operated in accordance with the provisions of Minnesota Rules Chapter 4725.

SECTION VII - - PLAN REVIEW OF FUTURE CONSTRUCTION

- 7.1 General. When a public pool in Redwood County, licensed or to be licensed under the provisions of Minnesota Rules Chapter 4717.0150 through 4717.3950, is constructed,

installed, or materially altered, complete plans and specifications shall be submitted to the Minnesota Department of Health as specified in Minnesota Rules 4717.0450, along with the required fee.

SECTION VIII - - LICENSING AND COMPLIANCE PROCEDURES

- 8.1 Licenses needed. It shall be unlawful for any person to operate a public pool within Redwood County who does not possess a valid license issued to them by the Department as required by this Ordinance. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person, or location to another establishment, person, or location. All licenses expire as of December 31st each year.
- 8.2 Application for License.
- A. Any person desiring to operate a public pool shall make written application for a license on forms provided by the Department. Each application for a license shall be completed in full, and together with the appropriate license fee, as described herein, shall be submitted to the Department not later than January 31st each year, following expiration of the previous year's license, or in the case of a new pool, prior to the opening date of such pool. Any person, who operates a public pool without submitting a license application and appropriate fee, shall be deemed to have violated this Ordinance and shall be subject to prosecution as provided for in this Ordinance.
 - B. License renewals shall be obtained on an annual basis. License Renewal applications shall be submitted on forms provided by the Department no later than December 31st, of the year preceding the year for which application is made.
 - C. Proprietors of any public pool shall pay an annual license fee at a rate specified by action of the Community Health Board. This annual license fee may be adjusted from time to time as the Community Health Board shall deem appropriate. A penalty fee, at a rate specified by Community Health Board action, shall be added to the amount of the license fee, and paid by the proprietor if the annual license fee has not reached the Department by the dates specified in section 8.2A.
 - D. From and after October 1 of each year, the license fee for new establishments or new operators shall be one-half of the appropriate annual license fees, plus any penalty which may be required.
 - E. The fees prescribed by the Community Health Board shall apply to all licenses which become effective on or after January 1 of the licensing year.

SECTION IX - - INSPECTION AND CORRECTION

- 9.1 Pursuant to Minnesota Rules, Chapter 4717.0375, the Department shall have the right to enter and have access to the Public Pool at any time during the conduct of business. No persons shall interfere with or hinder the Department in the performance of its duties, or refuse to permit the Department to make such inspections.

- 9.2 The person operating a public pool shall, upon request of the Department and after proper identification, permit access to all parts of the pool at any reasonable time for purpose of inspection, and shall exhibit, and allow, copying of any records necessary to ascertain compliance with the provisions of this Ordinance.
- 9.3 When any of the conditions in items A to F below are found, a public pool must be immediately closed to use when so ordered by the Department. The owner of the pool, or the owner's agent, must place a sign at the entrance to the pool indicating that the pool is closed. The pool must remain closed until the condition is corrected and approval to reopen is granted by the Department. A pool must be closed when:
- A. The units of lifesaving equipment specified in Minnesota Rules 4717.1450 are not provided;
 - B. The water clarity standard specified in Minnesota Rules 4717.1750, subpart 7, is not met;
 - C. The disinfection residual specified in Minnesota Rules 4717.1750 subpart 3, is not met;
 - D. The pool has been constructed or physically altered without approval of plans as required by Minnesota Rules 4717.0450; or
 - E. All drain covers are not properly secured using the screw or attachment recommended by the manufacturer;
 - F. There is any condition that endangers the health or safety of the public.
- 9.4 Whenever an inspection of a public pool is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the pool. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of pending litigations.
- 9.5 The inspection report form shall specify a specific and reasonable period of time for the correction of the violation(s). Correction of the violation(s) shall be accomplished within the period specified.

SECTION X - - ADMINISTRATIVE ORDINANCE

- 10.1 The guidelines related to licensing, fees and enforcement of licensed establishments of the Redwood County Public Health Administrative Ordinance , as amended from time to time, are hereby incorporated in and made part of this Ordinance.

SECTION XI- - PENALTIES

- 11.1 Penalties. Any person, firm, or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days,

or both. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.

- 11.2 In the event of a violation or a threat of violation of this Ordinance, the County Attorney may take appropriate action to enforce this Ordinance, including application of injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

SECTION XII - - MINNESOTA DEPARTMENT OF HEALTH

- 12.1 Minnesota Department of Health: The requirements contained in this Ordinance are intended to be comparable to the Minnesota Department of Health Rules, and are intended to meet the minimum requirements set forth by the Minnesota Department of Health. Whenever the Minnesota Department of Health amends rules or adopts new rules setting more restrictive sanitary standards than the ones established in this Ordinance, the rules set by the Minnesota Department of Health shall govern and will be considered in the enforcement procedure as part of this Ordinance.

SECTION XIII - - SEVERABILITY

- 13.1 If any provision of this Ordinance or the application thereof, to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and for this purpose, the provisions of this Ordinance are severable.

SECTION XIV - - EFFECTIVE DATE

- 14.1 This Ordinance shall be effective upon passage by the County Board and publication according to law.

- Chair Klabunde closed the Public Hearing at 10:14 a.m.

REDWOOD COUNTY FAIR BOARD

- Potter and Josephson presented the 2016 Redwood County Fair Report and 2016 budget request.

EXTENSION

- Johnson and Harries presented the 2016 4H Report.

AUDITOR/TREASURER

- On motion by Walling, second by Hollatz, the Board voted unanimously to approve the following:
 - Cash Balance Report
 - Investment Summary
 - Budget Reports, General Fund, Building Fund, Ditch Maintenance, Solid Waste, Debt Service Fund.
 - August 2016 Disbursements in the amount of \$1,660,947.63.
- On motion by Walling, second by Groebner, the Board voted unanimously to approve a Petty Cash Fund in the amount of \$210 for the Plum Creek Park.
- On motion by Hollatz, second by Groebner, the Board voted unanimously to approve the 2015 Audit.

- On motion by Walling, second by Groebner, in a roll-call vote with Walling, Groebner, Salfer, Hollatz and Klabunde all voting aye, the following resolution was adopted:

**RESOLUTION SETTING THE SALE OF APPROXIMATELY \$1,210,000
GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN
REFUNDING BONDS, SERIES 2016A**

BE IT RESOLVED By the Board of Commissioners of Redwood County, Minnesota (County) as follows:

1. The County has previously issued its General Obligation Capital Improvement Plan Bonds, Series 2008A (the “2008 Bonds”) for the purpose of financing capital improvements under an approved capital improvements plan, in accordance with authority granted by Minnesota Statutes, Section 373.40.

2. The 2008 Bonds maturing on or after February 1, 2020, in the aggregate principal amount of \$1,610,000 (the “Refunded Bonds”) are subject to redemption on February 1, 2019.

3. It is hereby determined that it is necessary and desirable for the sound financial management of the County that the County proceed to issue and sell its general obligation capital improvement plan refunding bonds (the “Bonds”) in the approximate principal amount of \$1,210,000 pursuant to Minnesota Statutes, Section 475.67, for the purpose of achieving debt service savings through the refunding of the Refunded Bonds.

4. The Bonds will be issued, sold and delivered in accordance with the Terms of Proposal attached as Exhibit A hereto. Springsted Incorporated, financial consultant to the County, is authorized and directed to solicit proposals for purchase of the Bonds to be submitted to this Board for consideration on October 31, 2016.

ADMINISTRATOR

- Knobloch presented the 2017 Preliminary Tax Levy for approval.
- On motion by Salfer, second by Hollatz, the Board voted unanimously to set the Redwood County 2017 Preliminary Certified Tax Levy at \$12,086,233 (\$11,984,240 without Regional Library), with the adjusted tax levy for the 2017 budget set at \$11,785,573 (\$11,683,585 without Regional Library), after deducting County Program Aid and Public Employees Retirement Association representing a 3.7% increase from the 2016 Levy. The County Program Aid decreased \$10,408.
- On motion by Hollatz, second by Groebner, the Board voted unanimously to the Minnesota Trails Assistance Program Maintenance Grant Agreement in the amount of \$87,806.40.
- The Board reviewed the Fall edition of the Redwood County Connection publication.
- Knobloch presented a Certificate of Appreciation from the Redwood Area Education Foundation to Redwood County for the appropriation for the construction project at the RACC.
- August Jail Population was presented to the Board.
- On motion by Walling, second by Groebner, the Board voted unanimously to approve the Redwood County Procurement Policy.

Personnel Action Items:

- On motion by Walling, second by Salfer, the Board voted unanimously to approve to set the 2017 Vision Insurance rates.

- On motion by Walling, second by Salfer, the Board voted unanimously to set 2017 Dental Insurance rates.
 - On motion by Hollatz, second by Walling, the Board voted unanimously to set the Employer VEBA Contribution.
 - On motion by Walling, second by Salfer, the Board voted unanimously to set the rates for Life and Long Term Disability insurance.
 - On motion by Walling, second by Salfer, the Board voted unanimously to set Dearborn National as the provider for Short term disability and Cigna for Accident and Critical Illness Insurance.
 - On motion by Walling, second by Salfer, the Board voted unanimously to approve to set 2017 rates for Short term disability, Accident and Critical Illness Insurance.
 - On motion by Klabunde, second by Hollatz, the Board voted unanimously to approve the 2017 Select Account renewal rates.
- The commissioners reported on meetings they attended:

Groebner:

- Solid Waste/Solar Tower (Welch)
- Redwood/Renville Regional Solid Waste Authority
- Redwood Soil and Water
- AMC Policy Conference

Klabunde:

- AMC Policy Conference
- Annual Township Meeting
- Community Development Strategy Committee Meeting

Walling:

- Redwood/Renville Regional Solid Waste Authority
- Annual Township Meeting

Salfer:

- SW MN Workforce Council
- Annual Township Meeting
- Child Advocacy Center
- AMC Policy Conference

Hollatz:

- Annual Township Meeting
- AMC Policy Conference
- Technology Committee
- Southwest Regional Development
- RADC/EDC

ADJOURN

- There being no further business, Chair Klabunde declared the meeting adjourned at 1:17 p.m.

Priscilla Klabunde, Chair
Board of Commissioners

Attest: _____
Vicki Knobloch
County Administrator