

MONTANA DEPARTMENT OF HEALTH & HUMAN SERVICES

FOOD & CONSUMER SAFETY SECTION

COGSWELL BUILDING

HELENA, MONTANA 59620

(406) 444-2837

Code for: Campgrounds and Trailer Courts

Montana Code Annotated 2014

Chapter 52. TOURIST CAMPGROUNDS AND TRAILER COURTS

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Part 1. General Provisions

50-52-101. Definitions. As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "Campground" means a parcel of land available to and principally used by the public for camping, where persons can camp, secure tents or cabins, or park trailers for camping and sleeping purposes.
- (2) "Department" means the department of public health and human services provided for in [2-15-2201](#).
- (3) "Establishment" means a campground, trailer court, work camp, or youth camp.
- (4) "Parcel of land" means a unit of land all parts of which are contiguous, including contiguous lots, in the possession of, owned by, or managed by the same person.
- (5) "Person" includes an individual, partnership, corporation, association, or other entity engaged in the business of operating, owning, or offering the services of a campground, trailer court, work camp, or youth camp.
- (6) "Political subdivision" means any county, city, town, or other legally constituted unit of local government in this state.
- (7) (a) "Trailer court" means a parcel of land upon which two or more spaces are available to the public and designated for occupancy by trailers or mobile homes for use as residences.
(b) The term does not include a parcel composed of platted lots, each lot of which:
 - (i) is filed with the county clerk and recorder;
 - (ii) contains only one trailer space; and
 - (iii) is served by a public water supply system and public sewage system that meet the requirements of rules for systems adopted pursuant to Title 75, chapter 6, part 1, and that are located within the boundaries of an incorporated city or town.
- (8) "Work camp" means a parcel of land on which housing is provided by a person for two or more families or individuals living separately, for the exclusive use of the employees of the person and the families, if any, of the employees. For purposes of this subsection, "housing" includes but is not limited to camping spaces; trailer parking spaces; mobile, modular, or permanent barracks or structures; and any appurtenant water supply and distribution system, sewage collection and disposal system, solid waste collection and disposal system, or food service and dining facilities. Housing does not include shelter provided by an employer for persons who are employed to perform agricultural duties on a ranch or farm.
- (9) (a) "Youth camp" means a parcel of land on which permanent buildings, tents, or other structures are maintained as living quarters for 10 or more people and that is used primarily for educational or recreational use by minors. The term includes any appurtenant water supply and distribution system, sewage collection and disposal system, solid waste collection and disposal system, or food service and dining facilities.
(b) The term does not include any site used solely by the members and their families of a private organization that owns the site.

History: En. Sec. 212, Ch. 197, L. 1967; amd. Sec. 1, Ch. 383, L. 1973; R.C.M. 1947, 69-5601; amd. Sec. 1, Ch. 341, L. 1983; amd. Sec. 138, Ch. 418, L. 1995; amd. Sec. 317, Ch. 546, L. 1995.

50-52-102. Department to adopt rules. The department may adopt rules for constructing and operating campgrounds, trailer courts, work camps, and youth camps to protect the public health and safety. The rules may include rules to:

- (1) ensure that establishments have safe and sanitary facilities and systems, including drinking water, sewage disposal, and solid waste disposal systems;

- (2) regulate service buildings or facilities associated with any activity regulated by this chapter, including laundry and food service facilities;
- (3) provide for review and approval of plans and specifications for establishments;
- (4) address nuisances that could cause the spread of disease or illness;
- (5) implement staggered license expiration dates;
- (6) address licensing of establishments under this chapter and operator requirements; and
- (7) provide for reimbursing local governments for inspections and enforcement of this chapter.

History: En. Sec. 213, Ch. 197, L. 1967; amd. Sec. 2, Ch. 383, L. 1973; amd. Sec. 13, Ch. 140, L. 1977; R.C.M. 1947, 69-5602; amd. Sec. 2, Ch. 341, L. 1983; amd. Sec. 7, Ch. 350, L. 1997.

50-52-103. Duty to obtain license and permit inspections. A person operating an establishment shall:

- (1) possess a current license to do so from the department. However, a campground owned by the state or a political subdivision need not obtain a license but must comply with rules applicable to it adopted by the department.
- (2) permit inspections by state or local health officers, sanitarians, or other authorized persons at all reasonable times.

History: En. Sec. 214, Ch. 197, L. 1967; amd. Sec. 3, Ch. 383, L. 1973; amd. Sec. 14, Ch. 140, L. 1977; R.C.M. 1947, 69-5603; amd. Sec. 3, Ch. 341, L. 1983.

50-52-104. County attorney to prosecute violations. When the department furnishes evidence to the county attorney of a county in this state, the county attorney shall prosecute any person, firm, or corporation violating this chapter or a rule effective under this chapter.

History: En. Sec. 217, Ch. 197, L. 1967; amd. Sec. 81, Ch. 349, L. 1974; amd. Sec. 2, Ch. 506, L. 1975; R.C.M. 1947, 69-5606(3).

50-52-105. Violation of chapter a misdemeanor. (1) A person violating a provision of this chapter or a rule made under it is guilty of a misdemeanor and upon conviction shall be fined an amount not less than \$50 or more than \$100 for the first offense and an amount not less than \$75 or more than \$200 for the second offense, and for the third and subsequent offenses, the person shall be punished by a fine of not less than \$200 and by imprisonment in the county jail for a term not to exceed 90 days.

(2) Fines, except justice's court fines, must be paid to the county treasurer of the county in which the establishment is located. The county treasurer shall send all fines collected to the department of revenue, as provided in [15-1-504](#), for deposit in the state general fund.

History: En. Sec. 218, Ch. 197, L. 1967; amd. Sec. 6, Ch. 383, L. 1973; amd. Sec. 3, Ch. 506, L. 1975; amd. Sec. 15, Ch. 140, L. 1977; R.C.M. 1947, 69-5607; amd. Sec. 4, Ch. 341, L. 1983; amd. Sec. 35, Ch. 557, L. 1987; amd. Sec. 24, Ch. 257, L. 2001.

50-52-106. Injunction. The department or a local board of health may petition the district court to enjoin any action in violation of this chapter or of a rule adopted by the department pursuant to this chapter.

History: En. Sec. 5, Ch. 341, L. 1983.

50-52-107. Civil penalties -- injunctions not barred. (1) An establishment that violates this chapter or rules adopted by the department pursuant to this chapter is subject to a civil penalty not to exceed \$500.

(2) Civil action to impose penalties, as provided under this section, does not bar injunctions to enforce compliance with this chapter or to enforce compliance with a rule adopted by the department pursuant to this chapter.

History: En. Sec. 5, Ch. 731, L. 1991.

50-52-108. Costs and expenses -- recovery by department or county. In a civil action initiated by the department or county under this chapter, the court may, by petition of the department or county, order an establishment that is found in violation of this chapter or rules adopted under this chapter to pay the costs of investigations and any other expenses incurred in enforcing the provisions of this chapter.

History: En. Sec. 6, Ch. 731, L. 1991.

Part 2. Licensing

50-52-201. Application for license. (1) Application for a license is made to the department on forms containing information required by the department.

(2) The department may not issue a license unless it has been validated by the local health officer or, if there is no local health officer, the sanitarian in the county where the establishment is located.

History: En. Sec. 215, Ch. 197, L. 1967; amd. Sec. 4, Ch. 383, L. 1973; amd. Sec. 1, Ch. 506, L. 1975; R.C.M. 1947, 69-5604(part); amd. Sec. 4, Ch. 200, L. 1979.

50-52-202. License fee -- late fee. (1) (a) Each application for a new license required under [50-52-103](#) or a license renewal must be accompanied by a fee as provided in subsection (1)(b).

(b) License fees are:

(i) \$40 annually for a campground or trailer court with no more than 10 spaces available for rental;

(ii) \$60 annually for a campground or trailer court with more than 10 but not more than 25 spaces available for rental; and

(iii) \$120 annually for a campground or trailer court with more than 25 spaces available for rental.

(2) Of the fees collected under subsection (1), the department shall deposit 85% into the local board inspection fund account created in [50-2-108](#), 11.25% into the general fund, and 3.75% into the account provided for in [50-52-210](#).

(3) (a) In addition to the license renewal fee required under subsection (1), the department shall collect a late fee of \$25 from any licensee who has failed to submit a license renewal fee prior to the expiration of the licensee's current license and who operates an establishment governed by this part in the next licensing year.

(b) The late fee must be deposited in the account provided for in [50-52-210](#).

History: En. Sec. 215, Ch. 197, L. 1967; amd. Sec. 4, Ch. 383, L. 1973; amd. Sec. 1, Ch. 506, L. 1975; R.C.M. 1947, 69-5604(part); amd. Sec. 48, Ch. 281, L. 1983; amd. Sec. 3, Ch. 336, L. 1983; amd. Sec. 3,

Ch. 247, L. 1989; amd. Sec. 1, Ch. 731, L. 1991; amd. Sec. 1859, Ch. 56, L. 2009; amd. Sec. 4, Ch. 482, L. 2009.

50-52-203. Expiration date of license. (1) Except as provided in subsection (2), licenses expire on December 31 of the year in which they are issued unless canceled for cause.

(2) The department may amend or issue licenses to provide for staggered expiration dates. The department may provide for initial license terms of greater than 12 months but no more than 23 months in adopting staggered expiration dates. Thereafter, licenses expire annually. License fees for the license term implementing staggered license terms will be prorated by the department.

History: En. Sec. 215, Ch. 197, L. 1967; amd. Sec. 4, Ch. 383, L. 1973; amd. Sec. 1, Ch. 506, L. 1975; R.C.M. 1947, 69-5604(part); amd. Sec. 8, Ch. 350, L. 1997.

50-52-204. Local board to report number of licensees to department. Before June 1 of each year, the local board of health shall submit to the department a list of the establishments in each jurisdiction which are licensed under this part.

History: En. Sec. 215, Ch. 197, L. 1967; amd. Sec. 4, Ch. 383, L. 1973; amd. Sec. 1, Ch. 506, L. 1975; R.C.M. 1947, 69-5604(part).

50-52-205. Cancellation of license. The department may cancel a license if it finds, after proper investigation, that the licensee has violated this chapter or a rule effective under this chapter and the licensee has failed or refused to remedy or correct the violation.

History: En. Sec. 217, Ch. 197, L. 1967; amd. Sec. 81, Ch. 349, L. 1974; amd. Sec. 2, Ch. 506, L. 1975; R.C.M. 1947, 69-5606(part).

50-52-206. Submission of plan of correction as bar to cancellation. Submission to the department of an acceptable plan of correction within 10 days after receipt from the department of written notice of violation and execution of an acceptable plan within the time prescribed in the written notice of approval of the plan by the department shall be a bar to prosecution for violation.

History: En. Sec. 217, Ch. 197, L. 1967; amd. Sec. 81, Ch. 349, L. 1974; amd. Sec. 2, Ch. 506, L. 1975; R.C.M. 1947, 69-5606(part).

50-52-207. Notice and hearing required. A license may not be denied or canceled by the department without delivery to the applicant or licensee of a written statement of the grounds for denial or cancellation or the charge involved and an opportunity to answer at a hearing before the department to show cause, if any, why the license should not be denied or canceled. In this case, the licensee must make a written request to the department for a hearing within 10 days after notice of the grounds or charges has been received.

History: En. Sec. 217, Ch. 197, L. 1967; amd. Sec. 81, Ch. 349, L. 1974; amd. Sec. 2, Ch. 506, L. 1975; R.C.M. 1947, 69-5606(2).

50-52-208. Notification of and validation by local health officer. (1) A license issued by the department under this chapter is not valid until signed by the local health officer in the county where

the establishment is located.

(2) The local health officer shall, within 15 days after the department has notified the local health officer of its decision to issue a license under this chapter, make a final decision on whether the license will be validated.

(3) Failure of the local health officer to validate the license within 15 days after its receipt is a refusal.

History: En. Sec. 5, Ch. 200, L. 1979.

50-52-209. Refusal by local health officer -- appeal to board. (1) The local health officer may refuse to validate a license issued under this chapter only upon a finding that the requirements of this chapter and any rules implementing it are not satisfied. If the local health officer refuses to validate the license, the officer shall notify the applicant and the department in writing stating the officer's reasons. (2) The applicant or any person aggrieved by the decision of the local health officer not to validate a license may appeal the decision to the local board of health within 30 days after receiving written notice of the local health officer's decision. (3) The hearing before the local board of health must be held pursuant to the contested case provisions of the Montana Administrative Procedure Act.

History: En. Sec. 6, Ch. 200, L. 1979; amd. Sec. 1860, Ch. 56, L. 2009.

50-52-210. Special revenue account. There is an account in the state special revenue fund. Money in the account is allocated to the department to be used to administer the provisions of this chapter and the rules adopted under it.

History: En. Sec. 2, Ch. 731, L. 1991.

50-52-211. Right to renewal. (1) The department shall renew licenses as a matter of right, unless conditions exist that are grounds for cancellation or denial of a license.

(2) Renewal may be obtained annually by paying the required annual license fee.

History: En. Sec. 9, Ch. 350, L. 1997.

Part 3. Inspections

50-52-301. Health officers and sanitarians to make investigations and inspections. State and local health officers, sanitarians-in-training, and registered sanitarians shall make investigations and inspections of establishments and make reports to the department as required under rules adopted by the department.

History: En. Sec. 216, Ch. 197, L. 1967; amd. Sec. 5, Ch. 383, L. 1973; R.C.M. 1947, 69-5605; amd. Sec. 6, Ch. 341, L. 1983; amd. Sec. 3, Ch. 731, L. 1991.

50-52-302. Department to pay local board for inspection and enforcement. (1) Before June 30 of each year, the department shall pay to a local board of health, as established under [50-2-104](#), [50-2-106](#), or [50-2-107](#), an amount from the local board inspection fund account created in [50-2-108](#) that must be used only for the purpose of inspecting establishments licensed under this chapter and

enforcing the provisions of this chapter; provided, however, that:

(a) there is a functioning local board of health; and

(b) the local board of health, local health officers, sanitarians-in-training, and registered sanitarians:

(i) assist in inspections and enforcement of the provisions of this chapter and the rules adopted under it; and

(ii) meet minimum program performance standards as established under rules adopted by the department.

(2) The funds received by the local board of health pursuant to subsection (1) must be deposited with the appropriate local fiscal authority and must be used to supplement, but not supplant, other funds received by the local board of health that in the absence of funding received under subsection (1) would be made available for the same purpose.

(3) Funds in the local board inspection fund account not paid to the local board of health as provided in subsection (1) may be used by the department, within any jurisdiction that does not qualify to receive payments from the local board inspection fund, to enforce the provisions of this chapter and the rules adopted under it.

History: En. Sec. 215, Ch. 197, L. 1967; amd. Sec. 4, Ch. 383, L. 1973; amd. Sec. 1, Ch. 506, L. 1975; R.C.M. 1947, 69-5604(part); amd. Sec. 7, Ch. 336, L. 1983; amd. Sec. 4, Ch. 731, L. 1991.

50-52-303. Health officers and sanitarians to have access to establishments. State and local health officers, sanitarians-in-training, and registered sanitarians must be provided free access to establishments at all reasonable hours for the purpose of conducting investigations and inspections as required under this chapter.

History: En. Sec. 7, Ch. 731, L. 1991.