

Chapter 446

1999 EDITION

Manufactured Dwellings and Structures;
Parks; Tourist Facilities

MOBILE HOME AND MANUFACTURED DWELLING PARKS

- 446.003 Definitions for ORS 446.003 to 446.200 and 446.225 to 446.285 and ORS chapters 195, 196, 197, 215 and 227
- 446.005 "Issuing authority" defined
- 446.055 Four to six manufactured dwellings exempt from ORS 446.003 to 446.140
- 446.062 Rules regulating parks; state building code requirements; approval for new construction or additional lots
- 446.066 Inspection of parks
- 446.072 Uniform enforcement throughout state
- 446.076 Consumer and Business Services Fund; sources; uses
- 446.090 Application of ORS 446.095 to 446.105
- 446.095 Park construction and facilities
- 446.100 Prohibited acts in connection with construction and use of parks
- 446.105 Temporary parks
- 446.111 Regulation of structures in parks
- 446.115 Sanitation of parks; pets to be controlled
- 446.125 Occupancy on private land
- 446.140 Notice of removal from park

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

- 446.155 Sanitation and safety requirements
- 446.160 Inspection; regulations; federal standards
- 446.170 Insignia of compliance required; when displayed
- 446.176 Fees
- 446.180 Safety standards of other states or national organization

- 446.185 Minimum safety standards for equipment, material and installations
- 446.190 Power to enjoin violations
- 446.200 When noncompliance with city or county regulations authorized
- 446.210 Limited maintenance electrician's license required
- 446.225 Administration and enforcement of federal manufactured housing safety and construction standards
- 446.230 Safety and construction standards for installation, support and tiedown; when installer license not required
- 446.240 Rules for adoption and enforcement of safety standards for accessory structures
- 446.245 Permitted uses of manufactured dwellings
- 446.250 Duties of director; agreements with local governments; conditions
- 446.252 Installation permit required
- 446.253 Authority of director; authority of local governments
- 446.255 Revocation of agreement with local government
- 446.260 Notification by manufacturer of manufactured home defect; other disclosures
- 446.265 Transitional housing accommodations; regulation and limitations; definition
- 446.270 Civil penalties; notice; hearing
- 446.280 Manufactured Structures and Parks Advisory Board
- 446.285 Advisory board education programs

TOURIST FACILITIES

- 446.310 Definitions for ORS 446.310 to 446.350
- 446.315 Policy
- 446.320 Tourist facility license required
- 446.321 Fee for tourist facility license; rulemaking
- 446.322 Issuance of license
- 446.323 Failure to apply for or renew license; transferability of license; refunds
- 446.324 Denial, suspension or revocation of license; civil penalty; hearing
- 446.325 Exemptions from license requirement
- 446.330 Rules

- 446.335 Inspection of parks and camps; right of access; notice of reopening seasonal facility
- 446.340 Responsibility of owner or operator for sanitary conditions
- 446.345 Prohibited acts
- 446.347 Civil penalties; notice
- 446.348 Determining amount of penalty; schedule; factors
- 446.349 Civil penalty
- 446.350 Tourist Facility Account

MANUFACTURED DWELLING SITE INFORMATION CLEARINGHOUSE

- 446.380 Functions of manufactured dwelling site information clearinghouse
- 446.385 Scope of information collected
- 446.390 Funding of clearinghouse

LICENSING OF INSTALLERS OF MANUFACTURED DWELLING

- 446.395 License required; issuance; employment of nonlicensed installer prohibited
- 446.400 Procedures for licensing; fees; funding of licensing program
- 446.405 Complaint procedure; inspections; revocation of license
- 446.410 Use of fees and civil penalties
- 446.415 Civil penalty; appeal; recording
- 446.420 License required to maintain action

MISCELLANEOUS

- 446.425 Delegation to county to administer certain sanitation laws; fees
- 446.430 Delegation to county or city to administer rules regulating parks; fees
- 446.435 Nonapplication of ORS 446.003 to 446.140 and 446.310 to 446.350 to sleeping rooms or temporary camping sites
- 446.440 Application of condominium provisions to parks

DISPUTE RESOLUTION FOR MOBILE HOME AND MANUFACTURED DWELLING PARKS

- 446.515 Policy to encourage settlement of disputes
- 446.525 Special assessment; collection

446.533 Mobile Home Parks Account

446.543 Manufactured Dwelling Park Ombudsman; duties

446.547 Mobile home and manufactured dwelling park to establish informal dispute resolution procedure

PENALTIES

446.990 Penalties

CROSS-REFERENCES

Administrative procedures and rules of state agencies, 183.310 to 183.550

Building codes, municipal administration, time periods, 455.153

Civil penalty for violation of chapter, 455.895

Discrimination in places of public accommodation prohibited, 30.670

Recreational vehicles, sealed disposal system required in operating over highways, 815.260

Residential Landlord and Tenant Act, Ch. 90

Tax credit for moving mobile home, 316.153

446.003 to 446.140

Siting mobile home and manufactured dwelling parks, 197.475 to 197.490

Zoning change application, notice to tenants, 227.175

446.006

Pool facilities, 448.005 to 448.090

446.076

Moneys received by Health Division, deposit and use, 431.210, 431.220

446.140

Possessory lien of person storing personal property, 87.152

Tenancy generally, Ch. 91

446.155

Industrialized Housing Development Program, 352.048 to 352.053

446.176

Manufactured Structures and Parks Education Account in Consumer and Business Services Fund, 705.145

446.425

County authority to restrain violation of public health laws, 431.157

446.515 to 446.547

Facility closure, notice to tenants, 90.635

Note: The name of the Department of Human Resources has been changed to the Department of Human Services and the title of the Director of Human Resources to the Director of Human Services. The name and title changes become operative on July 1, 2000. See sections 10 and 11, chapter 421, Oregon Laws 1999. References to the department and the director in this chapter use the name and the title that become operative on July 1, 2000.

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

MOBILE HOME AND MANUFACTURED DWELLING PARKS

446.003 Definitions for ORS 446.003 to 446.200 and 446.225 to 446.285 and ORS chapters 195, 196, 197, 215 and 227. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS chapters 195, 196, 197, 215 and 227, the following definitions shall apply, unless the context requires otherwise, or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected, and except as provided in ORS 446.265:

(1) "Accessory building or structure" means any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and as further defined by rule by the Director of the Department of Consumer and Business Services.

(2)(a) "Alteration" means any change, addition, repair, conversion, replacement, modification or removal of any equipment or installation which may affect the operation, construction or occupancy of a manufactured structure.

(b) "Alteration" does not mean:

(A) Minor repairs with approved component parts;

(B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

(3) "Approved" means approved, licensed or certified by the Department of Consumer and Business Services or its designee.

(4) "Awning" means any stationary structure, permanent or demountable, used in conjunction with a manufactured structure, other than window awning, for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

(5) "Board" means the Manufactured Structures and Parks Advisory Board.

(6) "Cabana" means a stationary, lightweight structure which may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured structure to provide additional living space.

(7) "Carport" means a stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

(8) "Certification" means an evaluation process by which the department verifies a manufacturer's ability to produce manufactured structures to the department rules and to the department approved quality control manual.

(9) "Conversion" or "to convert" means the process of changing a manufactured structure in whole or in part from one type of vehicle or structure to another.

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

(11) "Department" means the Department of Consumer and Business Services.

(12) "Director" means the Director of the Department of Consumer and Business Services.

(13) “Distributor” means any person engaged in selling and distributing manufactured structures or equipment for resale.

(14) “Equipment” means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured structure.

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

(16) “Fire inspector” means a deputy or assistant of the State Fire Marshal.

(17) “Fire Marshal” means the State Fire Marshal.

(18) “Imminent safety hazard” means an imminent and unreasonable risk of death or severe personal injury.

(19) “Insignia of compliance” means:

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

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

(20) “Inspecting authority” or “inspector” means the Director of the Department of Consumer and Business Services or representatives as appointed or authorized to administer and enforce provisions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

(21) “Installation” in relation to:

(a) “Construction” means the arrangements and methods of construction, fire and life safety, electrical, plumbing and mechanical equipment and systems within a manufactured structure.

(b) “Siting” means the manufactured structure and cabana foundation support and tiedown, the structural, fire and life safety, electrical, plumbing and mechanical equipment and material connections and the installation of skirting and temporary steps.

(22) “Installer” means any individual licensed by the director to install, set up, connect, hook up, block, tie down, secure, support, install temporary steps, install skirting for or make electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides consultation or supervision for any of these activities, except architects licensed under ORS 671.010 to 671.220 or engineers licensed under ORS 672.002 to 672.325.

(23) “Limited installer” means any individual with a limited license issued by the director who is engaged in the occupation of installing, setting up, connecting, hooking up, supporting, blocking, tying down, securing, installing temporary steps, installing skirting or making electrical, plumbing or mechanical connections to manufactured dwellings or cabanas under the direct supervision of a licensed installer.

(24) “Listed” means equipment or materials included in a list, published by an organization concerned with product evaluation acceptable to the department that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or materials meets appropriate standards or has been tested and found suitable in a specified manner.

(25) “Lot” means any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured structure.

(26)(a) “Manufactured dwelling” means:

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

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

(C) Manufactured home:

(i) For any purpose other than that set forth in subparagraph (ii) of this subparagraph, “manufactured home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction; or

(ii) For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, “manufactured home” has the meaning given the term in the contract.

(b) “Manufactured dwelling” does not mean any building or structure constructed to conform to the State of

Oregon Structural Specialty Code or the One and Two Family Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

(27) “Manufactured dwelling park” means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

(28)(a) “Manufactured structure” means a:

(A) “Recreational vehicle” as set forth in this section;

(B) “Manufactured dwelling” as set forth in this section; or

(C) “Recreational structure” as set forth in this section.

(b) “Manufactured structure” does not apply to any building or structure regulated under the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code.

(29) “Manufacturer” means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured structures or equipment.

(30) “Manufacturing” means the building, rebuilding, altering or converting of manufactured structures that bear or are required to bear an Oregon insignia of compliance.

(31) “Minimum safety standards” means the plumbing, mechanical, electrical, thermal, fire and life safety, structural and transportation standards prescribed by rules adopted by the director.

(32) “Mobile home park” means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Mobile home park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

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

(34) “Provider” means any person approved by the director to provide instruction for the purpose of licensing manufactured dwellings and cabana installers or certifying manufactured dwelling inspectors.

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

(36) “Recreational structure” means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric structures or similar structures as further defined, by rule, by the director.

(37) “Recreational vehicle” means a vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the director.

(38) “Sale” means rent, lease, sale or exchange.

(39) “Skirting” means a weather resistant material used to enclose the space below the manufactured structure.

(40) “Tiedown” means any device designed to anchor a manufactured structure securely to the ground.

(41) “Transitional housing accommodations” means accommodations described under ORS 446.265.

(42) “Utilities” means the water, sewer, gas or electric services provided on a lot for a manufactured structure.

[1975 c.546 s.10 (enacted in lieu of 446.002 and 446.004); 1979 c.884 s.1; 1983 c.707 s.1; 1987 c.274 s.1; 1987 c.414 s.21; 1989 c.527 s.1; 1989 c.648 ss.1,1a; 1989 c.683 s.1; 1989 c.919 s.6b; 1991 c.226 s.1; 1991 c.844 s.21; 1993 c.744 s.47; 1995 c.251 s.1; 1997 c.205 s.1; 1999 c.758 s.7]

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

446.005 “Issuing authority” defined. As used in ORS 446.003 to 446.200, 446.225 to 446.285 and 446.425,

unless the context requires otherwise, or unless administration and enforcement by Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected, “issuing authority” means with respect to mobile home or manufactured dwelling park plans review and construction, the Department of Consumer and Business Services. [1975 c.793 s.1b (enacted in lieu of 446.004); 1981 c.190 s.7; 1983 c.707 s.2; 1989 c.648 s.2]

446.006 [1953 c.490 s.3; 1967 c.247 s.2; 1969 c.533 s.12; 1973 c.560 s.2; 1975 c.793 s.2; 1979 c.789 s.1; 1981 c.190 s.3; repealed by 1983 c.707 s.29]

446.010 [Repealed by 1953 c.490 s.21]

446.012 [1953 c.490 s.4; 1971 c.650 s.22; 1975 c.793 s.3; repealed by 1983 c.707 s.29]

446.015 [1971 c.588 s.1; repealed by 1983 c.707 s.29]

446.016 [1953 c.490 s.5; 1973 c.560 s.3; 1975 c.793 s.4; 1979 c.342 s.1; 1979 c.696 s.3a; 1981 c.190 s.4; repealed by 1983 c.707 s.29]

446.020 [Repealed by 1953 c.490 s.21]

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

446.026 [1953 c.490 s.7; repealed by 1983 c.707 s.29]

446.030 [Repealed by 1953 c.490 s.21]

446.032 [1953 c.490 s.16; repealed by 1959 c.562 s.16]

446.036 [1953 c.490 s.8; 1969 c.533 s.14; 1981 c.190 s.5; repealed by 1983 c.707 s.29]

446.040 [Repealed by 1953 c.490 s.21]

446.042 [1953 c.490 s.9; repealed by 1983 c.707 s.29]

446.046 [1953 c.490 s.10; 1973 c.560 s.4; 1975 c.793 s.5; repealed by 1983 c.707 s.29]

446.050 [Repealed by 1953 c.490 s.21]

446.052 [1953 c.490 s.11; 1967 c.247 s.3; 1971 c.734 s.63; 1973 c.560 s.5; 1975 c.793 s.6; repealed by 1983 c.707 s.29]

446.055 Four to six manufactured dwellings exempt from ORS 446.003 to 446.140. Four to six manufactured dwellings may be sited on a lot or parcel or aggregation of lots or parcels without meeting the requirements of ORS 446.003 to 446.140. However, four to six manufactured dwellings shall be sited in conformance with the comprehensive plan and land use regulations for other dwellings of similar capacity within the zone in which the manufactured dwellings are sited. [1993 c.437 s.2]

446.056 [1953 c.490 s.12; 1973 c.560 s.6; 1975 c.793 s.7; repealed by 1983 c.707 s.29]

446.060 [Repealed by 1953 c.490 s.21]

446.062 Rules regulating parks; state building code requirements; approval for new construction or additional lots. (1)(a) The Director of the Department of Consumer and Business Services shall issue rules under ORS 183.310 to 183.550 to regulate mobile home or manufactured dwelling parks. These rules shall conform to ORS

446.090 to 446.140.

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

(2) Mobile home or manufactured dwelling parks are subject to ORS 446.003, 446.055, 446.072 to 446.100, 446.140, 446.270, the state building code, as defined in ORS 455.010, and the rules adopted thereunder by the director under ORS 183.310 to 183.550.

(3) The Department of Consumer and Business Services shall review plans and inspect construction of mobile home or manufactured dwelling parks to insure compliance with subsection (2) of this section. The director shall adopt rules under ORS 183.310 to 183.550 to provide a schedule for plan review fees and construction inspection fees.

(4) A person shall not construct a new mobile home or manufactured dwelling park or add lots to an existing mobile home or manufactured dwelling park without approval by the department. [1953 c.490 s.13; 1959 c.562 s.13; 1969 c.533 s.15; 1975 c.793 s.8; 1981 c.190 s.6; 1983 c.707 s.3; 1987 c.414 s.21a; 1987 c.604 s.11; 1989 c.648 s.3; 1993 c.744 s.48; 1995 c.318 s.1]

446.066 Inspection of parks. The Department of Consumer and Business Services may inspect every mobile home or manufactured dwelling park in order to determine whether it conforms with the provisions of ORS 446.003 to 446.200 and 446.225 to 446.285 and the rules adopted pursuant thereto. Any person operating such facilities shall at all reasonable times, upon request of the department, permit access to all parts of the facilities. [1953 c.490 s.14; 1969 c.533 s.16; 1973 c.560 s.7; 1975 c.793 s.9; 1983 c.707 s.4; 1989 c.648 s.4]

446.070 [Repealed by 1953 c.490 s.21]

446.072 Uniform enforcement throughout state. The Department of Consumer and Business Services shall make surveys necessary to assure uniform enforcement throughout the state with respect to mobile home or manufactured dwelling parks. [1953 c.490 s.17; 1959 c.562 s.14; 1975 c.793 s.10; 1983 c.707 s.5; 1989 c.648 s.5]

446.076 Consumer and Business Services Fund; sources; uses. All moneys received by the Department of Consumer and Business Services under ORS 446.003 to 446.200 and 446.225 to 446.280 shall be paid into the Consumer and Business Services Fund created by ORS 705.145. The moneys received under this section are continuously appropriated and shall be used only for the administration and enforcement of ORS 446.003 to 446.200 and 446.225 to 446.285 by the department with respect to mobile home or manufactured dwelling parks. [1953 c.490 s.15; 1973 c.560 s.8; 1975 c.793 s.11; 1983 c.707 s.6; 1987 c.414 s.21b; 1989 c.648 s.6; 1993 c.744 s.49]

446.080 [Repealed by 1953 c.490 s.21]

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

446.090 Application of ORS 446.095 to 446.105. ORS 446.095 (3), 446.100 (1)(c) and 446.105 do not apply to a mobile home park that was constructed before August 5, 1959. However, any changes or additions made in any mobile home or manufactured dwelling park after August 5, 1959, shall conform to ORS 446.095 to 446.105 and the rules issued thereunder. [1959 c.562 s.3; 1967 c.247 s.4; 1969 c.533 s.18; 1975 c.793 s.12; 1985 c.565 s.72; 1989 c.648 s.7; 1995 c.318 s.4]

446.095 Park construction and facilities. The owner or operator of a mobile home or manufactured dwelling park shall:

(1) Construct well-drained and hard-surfaced park streets at least 20 feet in width, unobstructed and open to traffic within the mobile home or manufactured dwelling park. If the owner or operator permits parking of motor vehicles on the park streets, the owner or operator shall construct the park streets at least 30 feet in width.

(2) Provide to each tenant an adequate supply of healthful water and adequate electric power and sewerage facilities. All plumbing shall be installed in compliance with ORS 447.010 to 447.160 and the rules of the Department of Consumer and Business Services adopted thereunder.

(3) Provide, except as specified in subsection (4) of this section, a separate general play area restricted to that use, if the mobile home or manufactured dwelling park accommodates children who are under 14 years of age. No separate play area shall be less than 2,500 square feet in area. At least 100 square feet of play area shall be provided for each

manufactured dwelling occupied by children.

(4) Not be required to provide a separate play area if the mobile home or manufactured dwelling park was in existence before March 13, 1989, and rented spaces as an all adult park. [1959 c.562 s.4; 1967 c.247 s.5; 1969 c.491 s.1; 1969 c.533 s.19; 1973 c.560 s.9; 1989 c.648 s.8; 1991 c.226 s.2; 1995 c.318 s.2]

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

(a) Construct a mobile home or manufactured dwelling park at a place that is unsuitable due to swampy terrain, lack of adequate drainage or proximity to the breeding places of insects or rodents.

(b) Install a manufactured dwelling closer than five feet from a property boundary line.

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

(2) The Director of the Department of Consumer and Business Services shall adopt rules pursuant to the rulemaking provisions of ORS 183.310 to 183.550 specifying minimum distances between adjacent manufactured dwellings and between manufactured dwellings and other structures. In adopting these rules, the director shall take into consideration the standards established by the National Fire Protection Association and standards recommended by the State Fire Marshal. In no case shall the rules provide for less than 10 feet of space between manufactured dwellings. [1959 c.562 s.5; 1969 c.533 s.20; 1981 c.506 s.1; 1989 c.648 s.9; 1991 c.226 s.3]

446.105 Temporary parks. (1) The Director of the Department of Consumer and Business Services may issue a permit for the establishment of a temporary mobile home or manufactured dwelling park to a construction company, timber company, government entity or farm if:

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

(b) A mobile home or manufactured dwelling park is necessary for the proper housing of employees until the project is finished.

(2) Upon approval by the Department of Consumer and Business Services and the county or city planning commission, a permit may be issued to a person to establish a temporary mobile home or manufactured dwelling park on the person's own premises in areas having a critical housing shortage due to large construction projects. The permit shall expire upon completion of the project. [1959 c.562 s.6; 1967 c.247 s.6; 1969 c.533 s.21; 1973 c.560 s.10; 1975 c.793 s.13; 1989 c.648 s.10; 1991 c.226 s.4; 1993 c.744 s.50; 1995 c.318 s.3]

446.110 [Repealed by 1959 c.562 s.16]

446.111 Regulation of structures in parks. No stationary structure may be erected within a mobile home or manufactured dwelling park without the consent of the owner or operator; and when giving consent, it shall be the duty of the mobile home or manufactured dwelling park manager to advise the tenant or builder of the standards required by ORS 446.003 to 446.200 and 446.225 to 446.285 and the rules issued thereunder. [1961 c.665 s.3; 1967 c.247 s.7; 1969 c.533 s.22; 1973 c.560 s.11; 1975 c.546 s.11; 1989 c.648 s.11]

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

(2) No person shall allow a pet animal of the person to run at large or to create any health hazard within a mobile home or manufactured dwelling park. [1959 c.562 ss.8,9; 1967 c.247 s.8; 1969 c.533 s.23; 1973 c.560 s.12; 1989 c.648 s.12]

446.120 [Repealed by 1959 c.562 s.16]

446.125 Occupancy on private land. A person may occupy a manufactured dwelling or a camping vehicle on private land with the consent of the owner of the land if:

(1) The lot, tract or parcel of land upon which the manufactured dwelling or camping vehicle is situated has an area adequate to provide safe, approved water supply and sewage disposal facilities and is not in conflict with ORS 446.310 (9).

(2) The person complies with all applicable standards of sanitation, water, plumbing and electrical and sewerage installations prescribed by the laws of this state and the rules issued thereunder, or by local authorities. [1959 c.562 s.10; 1967 c.247 s.9; 1969 c.533 s.24; 1983 c.707 s.7; 1989 c.648 s.13]

446.130 [Repealed by 1959 c.562 s.16]

446.135 [1959 c.562 s.11; 1967 c.247 s.10; repealed by 1969 c.533 s.27]

446.140 Notice of removal from park. No person, firm or corporation shall remove a manufactured dwelling from a mobile home or manufactured dwelling park without first giving the owner or operator of the park 72 hours' notice. [1959 c.562 s.12; 1967 c.247 s.11; 1969 c.533 s.25; 1985 c.473 s.16; 1989 c.648 s.14]

446.145 [1959 c.562 s.7; 1967 c.247 s.12; 1969 c.533 s.26; 1989 c.648 s.15; repealed by 1995 c.318 s.5]

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

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

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

(a) Plumbing equipment, unless such equipment meets the requirements of the Department of Consumer and Business Services;

(b) Heating equipment, unless such equipment meets the requirements of the State Fire Marshal; or

(c) Electrical equipment, unless such equipment meets the requirements of the department.

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

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

(b) Thermal, fire and life safety equipment, material and installations that meet the minimum safety standards of the department; or

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

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

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

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

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

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

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

(5) Persons manufacturing, remanufacturing, converting, altering or repairing manufactured structures or equipment within the state or for use within the state after July 1, 1991, shall comply with all applicable construction and safety rules of the department and the following:

(a) Alterations performed on a manufactured dwelling by the manufacturer or dealer before or at the time of sale to the first consumer shall be performed in conformance with the National Manufactured Housing Construction and Safety Standards Act.

(b) After the initial sale to a consumer by a manufacturer or dealer, all alterations to a manufactured dwelling, except as identified by the Director of the Department of Consumer and Business Services by rule, shall be in conformance with the specialty codes as described in ORS 455.010 to 455.740 and 479.855.

(c) Solid fuel burning appliances shall be in conformance with the National Manufactured Housing Construction and Safety Standards Act and standards adopted by the department.

(d) Notwithstanding subsections (1) and (2) of this section, a previously owned manufactured dwelling may be sold

“as is” provided that the seller discloses in the bill of sale that the manufactured dwelling is being sold on an “as is” or “with all faults” basis, and that the entire risk as to the quality and performance of the manufactured dwelling is with the buyer. If the manufactured dwelling is found to be defective after purchase, the buyer shall assume the entire cost of all servicing and repair. The seller, manufacturer, distributor or retailer is not responsible for any cost for servicing and repair.

(6) Installations of manufactured structures shall be in conformance with the standards adopted by the department for site preparation, foundation support, anchoring, structural and utility connections, electrical and plumbing tests, underfloor enclosures, ventilation, vapor barriers and steps used for access and egress. [1961 c.567 s.2; 1969 c.295 s.3; 1971 c.753 s.43; 1989 c.527 s.2; 1989 c.648 s.16a; 1991 c.409 s.1; 1995 c.251 s.2]

446.160 Inspection; regulations; federal standards. (1) The Department of Consumer and Business Services may cause such inspections to be made, approve plans and specifications, provide technical services, issue insignia of compliance, collect fees provided by ORS 446.176 and, in compliance with ORS 183.310 to 183.550, promulgate and enforce such rules and regulations as are reasonably necessary to carry out its duties and insure compliance with those parts of ORS 446.003 to 446.200, 446.225 to 446.285, 446.310 to 446.350 and 446.395 to 446.440 within the jurisdiction of the department.

(2) The Director of the Department of Consumer and Business Services shall adopt rules pursuant to ORS 183.310 to 183.550 to insure that manufacturers, distributors and dealers comply with the reporting requirements of the Department of Consumer and Business Services of this state and the Secretary of Housing and Urban Development as required by the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

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

(4) The director or a designee is authorized to enter, at reasonable times and without advance notice, any factory, warehouse or establishment in which a manufactured structure or equipment is manufactured, stored or held for sale; and to inspect at reasonable times within reasonable limits in a reasonable manner, any such factory, warehouse or establishment, and to inspect such products, books, papers, records and documents which are relevant to the manufacture of a manufactured structure or equipment and the manufacturer's, distributor's or dealer's compliance with ORS 446.155 and the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383). [1961 c.567 ss.3,4; 1969 c.295 s.4; 1971 c.753 s.44; 1975 c.546 s.12; 1989 c.527 s.3; 1989 c.648 s.17; 1991 c.409 s.2]

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

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

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

(3) Insignia of compliance may be issued in bulk only to manufacturers, remanufacturers or converters certified and registered with the Department of Consumer and Business Services.

(4) Insignia of compliance shall not be transferable and no refund representing any unused insignia shall be made by the department. [1969 c.295 ss.7,11; 1989 c.527 s.4; 1991 c.409 s.3]

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

446.176 Fees. (1) The Director of the Department of Consumer and Business Services, with the approval of the Manufactured Structures and Parks Advisory Board, shall adopt regulations under the provisions of ORS 183.310 to 183.550 to provide a schedule for plan review fees, insignia fees, inspection fees and other necessary fees based on the cost of administering ORS 446.003, 446.111, 446.160, 446.225 to 446.285, 446.990 and this section and those parts of ORS 446.003 to 446.200 and 446.225 to 446.285 within the jurisdiction of the Department of Consumer and Business Services.

(2) Fees collected by the department pursuant to this section shall be deposited in the Consumer and Business Services Fund established by ORS 705.145, with any specifically designated training fees to be deposited in the Manufactured Structures and Parks Education Account of the fund, and shall be used exclusively for the administration and enforcement of those matters in ORS 446.003 to 446.200 and 446.225 to 446.285 under the jurisdiction of the department. [1975 c.546 s.14 (enacted in lieu of 446.175); 1993 c.744 s.51; 1997 c.205 s.2; 1999 c.518 s.2]

446.180 Safety standards of other states or national organization. (1) If the Director of the Department of Consumer and Business Services determines that standards for construction, equipment and material installed in manufactured structures provided by the statutes or rules and regulations of other states are at least equal to the minimum safety standards prescribed under ORS 446.155 to 446.200, and that such statutes, rules and regulations are being enforced, the director may provide by rule that manufactured structures approved by such other state shall be considered approved by the director.

(2) Mobile homes built between September 1, 1969, and June 15, 1976, to the American National Standards Institute Mobile Home Standards A119.1 and which also bear an insignia of compliance from the State of California, Idaho, Nevada or Washington shall be considered to comply with ORS 446.155 (2) provided no alterations have been made to the original structure. [1969 c.295 s.9; 1971 c.753 s.46; 1987 c.414 s.22; 1989 c.527 s.5; 1989 c.648 s.18; 1991 c.226 s.5; 1991 c.912 s.1; 1993 c.744 s.52]

446.185 Minimum safety standards for equipment, material and installations. (1) In compliance with ORS 183.310 to 183.550, rules establishing minimum safety standards and requirements shall be adopted and enforced by the Director of the Department of Consumer and Business Services for manufactured structures and manufactured structure installations as prescribed in ORS 446.155.

(2) Minimum safety standards prescribed in ORS 446.155 to 446.200 shall be reasonably consistent with nationally recognized standards for construction of manufactured structures, and the manufactured structures shall be designed to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe equipment, material and installations. [1969 c.295 s.8; 1971 c.753 s.47; 1989 c.527 s.6; 1991 c.409 s.4; 1993 c.744 s.53; 1995 c.251 s.3]

446.190 Power to enjoin violations. When it appears to an inspecting authority that any person is engaged or about to engage in an act or practice which is in violation of ORS 446.155 to 446.200 or the rules and regulations issued thereunder, the inspecting authority may, without bond, obtain an order from an appropriate circuit court enjoining such act or practice. [1969 c.295 s.10]

446.200 When noncompliance with city or county regulations authorized. (1) Any manufactured structure that meets the requirements prescribed under ORS 446.003, 446.155 to 446.200 and 446.225 to 446.285:

(a) Is not required to comply with any ordinances of a city or county prescribing requirements for plumbing, heating, illuminating, mechanical, structural, transportation, thermal, fire and life safety, cooking or electrical equipment and material installed in manufactured structures.

(b) Is required to comply with this chapter and the administrative rules adopted thereunder regulating plumbing, heating, illuminating, mechanical, structural, transportation, thermal, fire and life safety, cooking and electrical equipment and material installed in manufactured structures.

(2) A manufactured dwelling that is constructed in conformity with the minimum safety standards provided by ORS 446.185 and which bears an insignia of compliance is not required to comply with any additional regulations if it is thereafter placed upon a permanent foundation and affixed to real property. [Formerly 446.165; 1989 c.648 s.20; 1991 c.226 s.6; 1995 c.251 s.4]

446.210 Limited maintenance electrician's license required. (1) Upon payment of a fee required by ORS 479.840 the Director of the Department of Consumer and Business Services shall issue a limited maintenance electrician's license to a person who has complied with ORS 479.510 to 479.945 and the rules issued thereunder, who passes a written examination administered by the department on basic electrical principles on repair and maintenance of electrical wiring and equipment used in a manufactured structure, and submits proof satisfactory to the department that the person has had sufficient experience in the repair and maintenance of such electrical problems of the type and nature found in a manufactured structure.

(2) A person licensed under this section and who has passed a written examination administered by the department

shall be authorized to repair and maintain electrical wiring and equipment used in a manufactured structure. No worker or applicant for a license under this section shall be deemed in violation of ORS 479.510 to 479.945 by reason of electrical repair and maintenance work performed during the period of required experience whenever required prior to September 1, 1969. [1969 c.295 s.12; 1989 c.648 s.21; 1993 c.744 s.54]

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

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

(2) The Director of the Department of Consumer and Business Services is authorized to apply for and receive grants from the Secretary of Housing and Urban Development for implementation and development of a plan for enforcement and administration of federal manufactured housing safety and construction standards for manufactured housing offered for sale or lease in this state.

(3) The director is authorized to adopt rules pursuant to ORS 183.310 to 183.550 to insure acceptance by the Secretary of Housing and Urban Development of Oregon's plan for administration and enforcement of federal manufactured housing safety and construction standards in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383). [1975 c.546 s.2; 1989 c.648 s.22]

446.230 Safety and construction standards for installation, support and tiedown; when installer license not required. (1) The Director of the Department of Consumer and Business Services shall, by administrative rule, adopt and enforce safety and construction standards for installation, support and tiedown of manufactured dwellings on a lot. These safety standards shall be reasonably consistent with nationally recognized standards for placement, support and tiedown of manufactured dwellings, and shall be designed to protect the health and safety of occupants of manufactured dwellings against uplift, sliding, rotation and overturning of manufactured dwellings.

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

(3) Except as provided in ORS 446.395, an installer is not required to be licensed by the director to connect utilities from utility terminations provided on a lot to manufactured dwellings. [1975 c.546 s.3; 1989 c.648 s.23; 1991 c.226 s.7; 1993 c.744 s.55]

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

446.245 Permitted uses of manufactured dwellings. (1) Manufactured dwellings shall be used as single-family dwellings.

(2) Manufactured dwellings shall not be used for commercial purposes.

(3) Exceptions to subsections (1) and (2) of this section are:

(a) Manufactured dwellings may be used for purposes other than as a single-family dwelling when specifically approved for a change in occupancy in accordance with the provisions of the Oregon specialty codes by the authority having jurisdiction. When a manufactured dwelling changes in occupancy it shall lose its identity as a manufactured dwelling and have the insignia removed and returned to the Department of Consumer and Business Services.

(b) Manufactured dwellings may be used by dealers or distributors of manufactured structures as temporary sales offices when no alterations to the design, construction, transportation, fire and life safety, plumbing, mechanical or electrical systems are made to accommodate the office use and when the dealer or distributor continues to offer the manufactured dwelling for sale during the office use.

(c) A portion of a manufactured dwelling may be used for an in-house business when the remainder of the

structure is used as a single-family dwelling by the same person. The type and location of an in-home business shall be approved by the authority having jurisdiction and the local planning commission prior to the use. [1991 c.478 s.2]

Note: 446.245 was added to and made a part of 446.155 to 446.285 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

446.250 Duties of director; agreements with local governments; conditions. The Director of the Department of Consumer and Business Services shall cause inspections to be made, approve plans and specifications, provide technical services and issue permits for alteration of manufactured dwellings and installation of manufactured dwellings and manufactured structure accessory buildings and structures on a lot. The director shall appoint or contract with municipalities that request such appointment or contract for inspection and issuance of permits for alteration of manufactured dwellings and installation of manufactured dwellings and manufactured structure accessory buildings and structures and alterations of installations of plumbing, heating, illuminating, cooking or electrical equipment, provided the municipality employs as local inspectors qualified persons who have been certified by the director for inspection and issuance of permits for alteration of manufactured dwellings and installation of manufactured dwellings and manufactured structure accessory buildings and structures, pursuant to ORS 446.003, 446.111, 446.155, 446.160, 446.176, 446.225 to 446.285 and 446.990. However, the certification standards under this section shall relate to the inspections to be performed and shall not be more stringent for municipal inspectors than those applying to state inspectors. [1975 c.546 s.5; 1983 c.250 s.2; 1989 c.648 s.25; 1989 c.1017 s.4; 1991 c.409 s.5; 1995 c.251 s.5; 1997 c.205 s.3]

446.252 Installation permit required. A person may not install a manufactured dwelling or manufactured structure accessory building or structure without first obtaining from the Department of Consumer and Business Services or a municipality as provided under ORS 446.250 all permits necessary for installing the manufactured dwelling or manufactured structure accessory building or structure on a lot. [1989 c.1017 s.2; 1995 c.251 s.6; 1997 c.205 s.4]

446.253 Authority of director; authority of local governments. (1) The authority of the Director of the Department of Consumer and Business Services under ORS 446.250 shall be in addition to the provisions of ORS chapter 455. Where the provisions of ORS 446.252 and this section conflict with the provisions under ORS chapter 455, the provisions of ORS 446.252 and this section shall control.

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

(3) The director may by order relieve a municipality from compliance with the requirements of subsection (2) of this section under the following conditions:

- (a) Budget limitations of the municipality;
- (b) Inadequate staffing of the municipality;
- (c) Inability to contract services with another municipality; or
- (d) Where the public is inconvenienced by increased cost, travel distance or time loss.

(4) The Department of Consumer and Business Services, subject to ORS 183.310 to 183.550, may revoke any authority of a local government to conduct inspections, administration or enforcement of manufactured dwelling installations and manufactured structure accessory building installations and manufactured dwelling alterations under ORS 455.150 if the director determines that the municipality is not effectively carrying out duties assumed by the municipality. [1989 c.1017 s.3; 1991 c.226 s.17; 1991 c.409 s.6; 1993 c.744 s.56; 1995 c.251 s.7; 1997 c.205 s.5]

446.255 Revocation of agreement with local government. (1) After written notice and hearing as provided in subsection (2) of this section, the Director of the Department of Consumer and Business Services may revoke the certification of a local inspector certified under ORS 446.250, or the authority of a local government to enforce provisions of ORS 446.003, 446.111, 446.160, 446.176, 446.225 to 446.285 and 446.990, when it appears by competent evidence that the inspector or local government has consistently failed to act in the public interest in the enforcement of the provisions of ORS 446.003, 446.111, 446.160, 446.176, 446.225 to 446.285 and 446.990.

(2) Any proceedings under subsection (1) of this section shall be conducted pursuant to the provisions of ORS 183.415 to 183.430, 183.440 to 183.460, 183.470 to 183.485 and 183.490 to 183.550, dealing with contested cases. [1975 c.546 s.5a]

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

(2) The Director of the Department of Consumer and Business Services is authorized to adopt rules for notification required by subsection (1) of this section. The rules shall conform to notification and correction of defects and record keeping requirements of the Secretary of Housing and Urban Development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

(3)(a) In addition to the notification required under subsection (1) of this section, the director may adopt rules to identify the disclosures required of a dealer or distributor prior to the sale of new manufactured structures more than eight feet six inches wide in travel mode. Disclosure required under this subsection shall be limited to information regarding permissible uses, roof snow loads and anchoring of manufactured structures.

(b) The Department of Consumer and Business Services shall develop and make available to all dealers and distributors of manufactured structures a standard disclosure. The disclosure shall be completed in writing by the dealer or distributor of any affected manufactured structure prior to sale. A completed disclosure shall be presented to the purchaser for signature at the time of sale and a copy of the signed disclosure provided to the purchaser. The signed disclosure shall be retained by the dealer or distributor for not less than five years following the date of sale. [1975 c.546 s.6; 1989 c.648 s.26; 1991 c.226 s.8; 1997 c.205 s.6; 1999 c.59 s.124]

446.265 Transitional housing accommodations; regulation and limitations; definition. (1) A municipality may approve the establishment of a campground inside an urban growth boundary to be used for providing transitional housing accommodations. The accommodations may consist of separate facilities, in the form of yurts, for use as living units by one or more individuals or by families. The person establishing the accommodations may provide access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The accommodations shall provide parking facilities and walkways.

(2) Transitional housing accommodations described under subsection (1) of this section shall be limited to persons who lack permanent shelter and cannot be placed in other low income housing. A municipality may limit the maximum amount of time that an individual or a family may use the accommodations.

(3) Campgrounds providing transitional housing accommodations described under this section may be operated by private persons or nonprofit organizations. The shared facilities of the campgrounds are subject to regulation under the recreation park specialty code described under ORS 446.310 to 446.350. The transitional housing accommodations are not subject to ORS chapter 90.

(4) To the extent deemed relevant by the Department of Consumer and Business Services, the construction and installation of yurts on campgrounds used for providing transitional housing accommodations established under this section is subject to the manufactured structures specialty code described in ORS 446.155. Transitional housing accommodations not appurtenant to a yurt are subject to regulation as provided under subsection (3) of this section.

(5) Campgrounds established for providing transitional housing accommodations shall not be allowed on more than two parcels in a municipality. In approving the use of parcels for a campground, the municipality shall give preference to locations that have access to grocery stores and public transit services.

(6) As used in this section, "yurt" means a round, domed tent of canvas or other weather resistant material, having a rigid framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat. [1999 c.758 s.6]

446.270 Civil penalties; notice; hearing. (1) Whoever violates any provision of ORS 446.003 to 446.200 or 446.225 to 446.285, or the administrative rules issued thereunder, or any regulation or final order issued thereunder, shall be liable to the State of Oregon for a civil penalty of not to exceed \$1,000 for each violation. Each violation of ORS 446.003 to 446.200 or 446.225 to 446.285, or any rule or order issued thereunder, shall constitute a separate violation with respect to each manufactured structure or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed \$1 million for any related series of

violations occurring within one year from the date of the first violation.

(2) Notwithstanding any provision of ORS 183.310 to 183.550, prior to the adoption of any rule under subsection (1) of this section for which a civil penalty may be imposed, the Director of the Department of Consumer and Business Services shall give not less than 30 days' notice, in writing, to every registered manufactured structure manufacturer, dealer, and any other interested party who shall have requested notice in the manner provided in ORS 183.335 (7).

(3) Enforcement of a civil penalty under subsection (1) of this section in excess of \$100 shall be brought in small claims court. If the claim exceeds the jurisdiction of the small claims court, the action may be brought in any court of appropriate jurisdiction in that city or county and a reasonable attorney fee at trial and on appeal shall be awarded to the prevailing party. [1975 c.546 s.7; 1977 c.161 s.4; 1979 c.342 s.2; 1979 c.593 s.32a; 1981 c.897 s.51; 1989 c.648 s.27; 1991 c.226 s.9]

446.280 Manufactured Structures and Parks Advisory Board. (1) The Manufactured Structures and Parks Advisory Board is established in the Department of Consumer and Business Services. The Director of the Department of Consumer and Business Services shall appoint the board to serve in an advisory capacity to the director in promulgating, administering and enforcing the plan for the administration and enforcement of the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383) and safety standards pursuant to ORS 446.003 to 446.200, 446.225 to 446.285, 446.310 to 446.350 and 446.395 to 446.420.

(2) The board shall consist of 12 members, one member representing or engaged in each of the following:

- (a) The selling, leasing and distributing of new manufactured homes.
- (b) The selling, leasing and distributing of recreational vehicles.
- (c) The manufacturing or assembling of new manufactured homes.
- (d) The manufacturing or assembling of new recreational vehicles.
- (e) The manufacturing, assembling or selling of manufactured dwelling accessory structures.
- (f) The owners or operators of mobile home or manufactured dwelling parks or recreation parks.
- (g) Consumer organizations.
- (h) Users of low and moderate income housing.
- (i) Structural engineering.
- (j) Local government building official duties.
- (k) The deputies or assistants to the State Fire Marshal.
- (L) The installation of manufactured dwellings.

(3) Appointments shall be made for a term of four years and no member shall be eligible for appointment to more than two full terms of office.

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

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

(6) The board shall meet at least once each year.

(7) Seven members shall constitute a quorum for the transaction of business.

(8) The board shall elect its own chairperson and meet on call of the director, chairperson or majority of the members. The director shall provide administrative facilities and services for the board.

(9) Members of the board shall be entitled to compensation and expenses as provided by ORS 292.495. [1975 c.546 s.8; 1981 c.371 s.1; 1987 c.414 s.22a; 1989 c.527 s.7; 1989 c.648 s.28; 1991 c.226 s.10; 1993 c.744 s.56a; 1995 c.251 s.8]

446.285 Advisory board education programs. To assist the Director of the Department of Consumer and Business Services in administration and enforcement of the National Manufactured Housing Construction and Safety Standards Act of 1974, and safety standards pursuant to ORS 446.003 to 446.200, 446.225 to 446.285, 446.310 to 446.350 and 446.395 to 446.420, the Manufactured Structures and Parks Advisory Board may approve or conduct programs of training and education that maintain and advance the professional skills and abilities of persons engaged in manufacturing, delivery, installation, sale or service of manufactured structures. [1987 c.604 s.14; 1989 c.648 s.29; 1991 c.67 s.119; 1991 c.226 s.11; 1993 c.744 s.57]

TOURIST FACILITIES

446.310 Definitions for ORS 446.310 to 446.350. As used in ORS 446.310 to 446.350, unless the context requires otherwise:

- (1) “Assistant director” means the Assistant Director for Health.
- (2) “Division” means the Health Division of the Department of Human Services.
- (3) “Camping vehicle” means either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet.
- (4) “Health official” means a local public health administrator appointed pursuant to ORS 431.418.
- (5) “Hostel” means any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed or maintained under the sponsorship of a nonprofit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954 as amended.
- (6) “Organizational camp” includes any area designated by the person establishing, operating, managing or maintaining the same for recreational use by groups or organizations which include but are not limited to youth camps, scout camps, summer camps, day camps, nature camps, survival camps, athletic camps, camps which are operated and maintained under the guidance, supervision or auspices of religious, public and private educational systems and community service organizations.
- (7) “Picnic park” means any recreation park which is for day use only and provides no recreation vehicle or overnight camping spaces.
- (8) “Tourist facility” means any travelers' accommodation, hostel, picnic park, recreation park and organizational camp.
- (9) “Recreation park” means any area designated by the person establishing, operating, managing or maintaining the same for picnicking, overnight camping or use of recreational vehicles by the general public or any segment of the public. “Recreation park” includes but is not limited to areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association or common ownership and further includes, but is not limited to those areas divided into two or more lots, parcels, units or other interests for purposes of such use.
- (10) “Regulating agency” means, with respect to a tourist facility, the Health Division of the Department of Human Services.
- (11) “Travelers' accommodation” includes any establishment, which is not a hostel, having rooms, apartments or sleeping facilities rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities.
- (12) “Construction” means work regulated by the state building code as defined in ORS 455.010. [1969 c.533 s.2; 1973 c.560 s.13; 1981 c.749 s.27; 1983 c.707 s.8; 1985 c.809 s.5; 1987 c.414 s.23; 1997 c.259 s.1]

446.315 Policy. It is the public policy of this state to encourage construction of recreation parks by public agencies and private industry to satisfy the demand for outdoor recreation while establishing standards for recreationists and landowners so that these parks are maintained in a safe and sanitary condition. [1969 c.533 s.1]

446.320 Tourist facility license required. (1) No person shall establish, operate, manage or maintain a tourist facility, without a license from the Assistant Director for Health.

(2) Organizational camps operated under rental or leasehold agreements may be licensed either to the landlord or to the tenant provided that the license holder shall be responsible for compliance with ORS 446.310 to 446.350 and the rules adopted thereunder. [1969 c.533 s.3; 1973 c.560 s.14; 1979 c.696 s.4; 1979 c.789 s.2a; 1983 c.707 s.9]

446.321 Fee for tourist facility license; rulemaking. (1) Every application for licensing of a tourist facility as defined in ORS 446.310 and required by ORS 446.320 shall pay to the division a fee established by Health Division rule. The fee shall not exceed \$60, except that recreation parks shall pay an additional fee not to exceed \$2 for each space.

(2) Rules adopted pursuant to subsection (1) of this section shall be adopted in accordance with ORS 183.310 to 183.550. [1983 c.707 s.12]

446.322 Issuance of license. Upon receipt of a completed application on a Health Division form, required fee, and after representation by the applicant that the facility is in compliance with the provisions of ORS 446.310 to 446.350, and the rules adopted pursuant thereto, and the requirements of the Department of Consumer and Business Services,

the Health Division shall issue a license, unless there is reason to believe noncompliance exists. [1983 c.707 s.13; 1985 c.809 s.1; 1987 c.414 s.24; 1993 c.744 s.58; 1995 c.79 s.223]

446.323 Failure to apply for or renew license; transferability of license; refunds. (1) Any person failing to apply for licensing within 30 days after engaging in the recreation park or travelers' accommodation business is delinquent and shall pay a penalty fee equal to the license fee plus the fee provided in ORS 446.321.

(2) Any person, initially licensed under ORS 446.310 to 446.350 for engaging in the recreation park or travelers' accommodation business who has failed to renew a license on or before the expiration date is delinquent. If delinquency extends 15 days past the expiration date, a penalty fee of 50 percent of the annual license fee shall be added. The penalty fee shall be increased by 50 percent of the license fee on the first day of each succeeding month of delinquency.

(3) Licenses issued under ORS 446.310 to 446.350 shall not be transferable and no refund representing any unused portion of any license shall be made. [1983 c.707 s.14]

446.324 Denial, suspension or revocation of license; civil penalty; hearing. (1) If any applicant for licensing or any person to whom a license has been issued fails to comply with the provisions of ORS 446.310 to 446.350 or with the rules adopted pursuant thereto, the Health Division may deny issuance of, suspend or revoke the license or assess a civil penalty.

(2) Hearings on the denial, suspension or revocation of a license or on assessing a civil penalty shall be conducted as a contested case in accordance with ORS 183.310 to 183.550. [1983 c.707 s.15]

446.325 Exemptions from license requirement. (1) Public entities, private persons or nonprofit organizations described under ORS 446.265 (3), timber companies and private utilities shall not establish or operate a recreation park without complying with the rules of the Health Division and securing the approval of the Assistant Director for Health or designee but shall be exempt from the licensing requirement of ORS 446.320. The Assistant Director for Health or designee may delegate, to a health official having sufficient sanitarians, the authority to approve such recreation parks.

(2) ORS 446.310 to 446.350 do not apply to:

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

(b) Any temporary camping sites used solely and incidentally in the course of backpacking, hiking, horseback packing, canoeing, rafting or other expedition, unless the expedition is part of an organizational camp program; or

(c) A yurt, as defined in ORS 446.265, that is used as a living unit in transitional housing accommodations. [1969 c.533 s.4; 1983 c.707 s.10; 1999 c.758 s.8]

446.330 Rules. In accordance with ORS 183.310 to 183.550, the Health Division may adopt any rules necessary for the administration of ORS 446.310 to 446.350 and 446.990, including but not limited to rules, concerning the construction, operation and use of tourist facilities that are necessary to protect the health and welfare of persons using these facilities. The rules shall pertain but not be restricted to water supply, final sewage disposal, surface drainage, maintenance, insect and rodent control, garbage disposal, designation and maintenance of camping space and the cleanliness of the premises. [1969 c.533 s.5; 1973 c.560 s.16; 1983 c.707 s.16; 1985 c.809 s.2]

446.335 Inspection of parks and camps; right of access; notice of reopening seasonal facility. (1) The Assistant Director for Health or designee may inspect every tourist facility to determine whether it conforms with ORS 446.310 to 446.350 and the rules adopted pursuant thereto. A person operating such facility shall permit the assistant director or designee access to all of the facility at any reasonable time.

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

446.337 [1981 c.749 s.26; 1983 c.707 s.18; 1985 c.809 s.4; renumbered 456.837 and then 455.610 in 1987]

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

(2) If sanitary facilities are not provided in a recreation park or organizational camp for the safe disposal of sewage or other wastes from a camping vehicle, a notice shall be posted in a conspicuous place stating that camping vehicles are permitted overnight only if the vehicle's waste holding tanks are used.

(3) Notwithstanding ORS 446.330, the Health Division shall not require an owner or operator of a recreation park or organizational camp to provide both toilets and dumping stations. [1969 c.533 s.7; 1973 c.560 s.18]

446.342 [1979 c.789 s.4; repealed by 1983 c.707 s.29]

446.345 Prohibited acts. No person shall:

(1) Use kitchen or toilet facilities in a camping vehicle being operated on a highway or parked overnight at a place where sanitary facilities are not provided unless the person makes provision whereby sewage and other waste materials can be held in watertight and sanitary containers of a type approved by the Health Division.

(2) Empty a container described in subsection (1) of this section except into a public sewerage system, septic tank or cesspool of a type approved by the division. However, in isolated areas where space is not available in a recreation park or organizational camp and such facilities are not available, these containers may be emptied into the ground if all sewage and other waste materials are buried at least one foot below the surface of the ground.

(3) When using a recreation park or organizational camp, create an insanitary condition or deposit putrescible or nonputrescible waste any place other than in appropriate containers designated for such purposes. [1969 c.533 s.8; 1973 c.560 s.19]

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

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

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

(2) The assistant director may impose the penalty without hearing but only after the notice required by ORS 446.347 (2). In imposing a penalty pursuant to the schedule or schedules adopted pursuant to this section, the assistant director shall consider the following factors:

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

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

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

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

446.349 Civil penalty. (1) Any civil penalty under ORS 446.348 shall be imposed in the manner provided in ORS 183.090.

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

(3) All amounts recovered under this section shall be paid into the State Treasury and credited to the General Fund. [1983 c.707 s.27; 1989 c.706 s.14; 1991 c.734 s.26]

446.350 Tourist Facility Account. The Tourist Facility Account is established in the General Fund of the State Treasury. All moneys received under ORS 446.310 to 446.350 by the Assistant Director for Health shall be credited to the Tourist Facility Account. All moneys in the account are appropriated continuously to the Health Division for the purpose of administering and enforcing ORS 446.310 to 446.350. [1969 c.533 s.9; 1973 c.560 s.20; 1983 c.707 s.19]

446.375 [1981 c.190 s.2; repealed by 1983 c.707 s.29]

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

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

- (a) Be voluntary;
- (b) Be available to manufactured dwelling site residents, owners, managers and the public; and
- (c) Concern the information described in ORS 446.385. [1989 c.482 s.1]

Note: 446.380 to 446.390 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 446 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

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

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

Note: See note under 446.380.

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

- (1) A registration fee;
- (2) A user fee; or
- (3) Any other available federal, state, local or private funding source designed to support the formation or operation of a manufactured dwelling site information clearinghouse. [1989 c.482 s.3]

Note: See note under 446.380.

LICENSING OF INSTALLERS OF MANUFACTURED DWELLING

446.395 License required; issuance; employment of nonlicensed installer prohibited. (1) Except as provided by rule by the Director of the Department of Consumer and Business Services, no person shall install a manufactured dwelling or cabana without first having obtained a license therefor from the department.

(2) No person required by subsection (1) of this section to obtain a license shall fail to comply with the provisions of ORS 446.003 to 446.240, 446.395 to 446.420 and 455.230 or any rule adopted pursuant thereto.

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

(4) No person, dealer or other entity shall employ any individual to install a manufactured dwelling or cabana unless the individual is licensed by the director to perform such work and such individual is in compliance with the provisions of ORS 446.003 to 446.240, 446.395 to 446.420 and 455.230 or any rule adopted pursuant thereto.

(5) Licenses issued pursuant to ORS 446.003, 446.395 to 446.420 and 455.230 shall not be transferable. [1989 c.683 s.3; 1991 c.226 s.12; 1993 c.744 s.59]

446.400 Procedures for licensing; fees; funding of licensing program. (1) In accordance with any applicable provisions of ORS 183.310 to 183.550, the Director of the Department of Consumer and Business Services, with the approval of the Manufactured Structures and Parks Advisory Board, shall establish by rule a procedure for the licensing of individuals to install manufactured dwellings and cabanas. Such a procedure shall include, but not be

limited to, provisions prescribing:

- (a) The form, content and procedures for submitting an application for license issuance and renewal;
- (b) The term of the license and the fee for the original issuance and renewal of the license;
- (c) The experience and training requirements for determining the qualifications of license applicants; and
- (d) The actions and procedures required for license suspension, revocation and reissuance.

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

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

- (a) One-third from license application fees; and
- (b) Two-thirds from fees paid by manufacturers under ORS 446.176.

(4) The board may adopt classifications of installers including, but not limited to, temporary installer, limited installer and installer. [1989 c.683 s.4; 1991 c.67 s.120; 1991 c.226 s.13; 1993 c.744 s.60; 1995 c.251 s.9]

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

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

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

(4) If the installer fails to bring the installation into compliance, the director shall order the dealer, if any, that arranged for such installation to bring the installation into compliance with the provisions of ORS 446.003, 446.395 to 446.420 and 455.230 and the rules adopted pursuant thereto. The dealer is responsible to bring only those installation activities into compliance which the dealer arranged. The dealer shall have 30 days from the date of the order to bring the installation into compliance. If the dealer fails to bring the installation into compliance within 30 days of the date of the order, the dealer shall be subject to civil penalties as provided by ORS 446.415.

(5) Hearings, penalties and appeals resulting from violation of this section shall be carried out in conformance with ORS 183.325 to 183.497 and this section. [1989 c.683 s.5; 1991 c.226 s.14; 1993 c.744 s.61]

446.410 Use of fees and civil penalties. Fees and civil penalties collected by the Department of Consumer and Business Services pursuant to ORS 446.003, 446.395 to 446.420 and 455.230 shall be deposited in the Consumer and Business Services Fund established by ORS 705.145 and shall be used and continuously appropriated for the administration and enforcement of ORS 446.003, 446.395 to 446.420 and 455.230 and the rules adopted pursuant thereto. [1989 c.683 s.6; 1993 c.744 s.62]

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

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

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

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

(5) Any individual, person or other entity who violates any provision of ORS 446.003, 446.395 to 446.420 and 455.230 or the administrative rules adopted pursuant thereto, or any regulation or final order issued thereunder, shall

be liable to the State of Oregon for a civil penalty not to exceed \$1,000 for each violation. Each violation of ORS 446.003, 446.395 to 446.420 and 455.230 or any rule or order issued thereunder shall constitute a separate violation with respect to each installation or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed \$1 million for any related series of violations occurring within one year from the date of the first violation.

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

(7) Civil penalties shall be assessed by the director in the manner provided by ORS 183.090. Any person assessed a civil penalty may apply for a hearing under ORS 183.090. Application for the hearing shall be made to the Manufactured Structures and Parks Advisory Board. Notwithstanding ORS 183.090, application for a hearing shall be made within 30 days of the service of notice of the imposition of the civil penalty. [1989 c.683 s.7; 1991 c.67 s.121; 1991 c.226 s.15; 1991 c.734 s.27; 1993 c.744 s.63]

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

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

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

MISCELLANEOUS

446.425 Delegation to county to administer certain sanitation laws; fees. (1) The Assistant Director for Health shall delegate to any county board of commissioners which requests any of the authority, responsibilities and functions of the assistant director under ORS 446.310, 446.320, 446.330 to 446.340, 446.345, 446.350 and 446.990 if the assistant director determines that the county is able to carry out the rules of the Health Division relating to fee collection, inspections, enforcement and issuance and revocation of permits and licenses in compliance with standards for enforcement by the counties and monitoring by the division. Such standards shall be established by the division in consultation with the appropriate county officials and in accordance with ORS 431.345. The division shall review and monitor each county's performance under this subsection. In accordance with ORS 183.310 to 183.550, the assistant director may suspend or rescind a delegation under this subsection. If it is determined that a county is not carrying out such rules or the delegation is suspended, the unexpended portion of the fees collected under subsection (2) of this section shall be available to the division for carrying out the authority, responsibility and functions under this section.

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

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

446.430 Delegation to county or city to administer rules regulating parks; fees. (1) The Department of Consumer and Business Services shall delegate to any county board of commissioners or city governing body which requests any of the authority, responsibilities and functions of the department under ORS 446.062 if the department determines that the county or city is willing and able to carry out the rules of the department relating to fee collection, plan review, inspections, enforcement and issuance and revocation of permits in compliance with standards for enforcement by the counties or cities and monitoring by the department. Such standards shall be established by the department in consultation with the appropriate county or city officials and in accordance with ORS 446.062. The department shall review and monitor each county's or city's performance under this subsection. In accordance with ORS 183.310 to 183.550, the department may suspend or rescind a delegation under this subsection. If it is determined that a county or city is not carrying out such rules or the delegation is suspended, the unexpended portion of the fees

collected under subsection (2) of this section shall be available to the department for carrying out the authority, responsibility and functions under this section.

(2) The county or city may determine the amount of, and retain, any fee for any function undertaken pursuant to subsection (1) of this section. The amount of the fees shall not exceed the costs of administering the inspection program. The county or city, quarterly, shall remit 15 percent of the collected fees to the department for monitoring county or city programs and for providing informational material necessary to maintain a uniform state program.

(3) The department shall be made a party to any action, suit or proceeding arising out of county or city administration of functions pursuant to subsection (1) of this section and involving the validity of a rule adopted by the department. [1983 c.707 s.20b; 1987 c.414 s.25; 1993 c.744 s.64]

446.435 Nonapplication of ORS 446.003 to 446.140 and 446.310 to 446.350 to sleeping rooms or temporary camping sites. Neither ORS 446.003 to 446.140 nor 446.310 to 446.350 apply to:

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

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

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

446.440 Application of condominium provisions to parks. (1) The provisions of ORS 100.005 to 100.910 may be applied to a mobile home or manufactured dwelling park as defined in this chapter.

(2) Notwithstanding the provisions of subsection (1) of this section a mobile home or manufactured dwelling park is not a condominium for purposes of local zoning and planning provisions. [1987 c.459 s.40; 1989 c.648 s.30]

Note: 446.440 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 446 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

DISPUTE RESOLUTION FOR MOBILE HOME AND MANUFACTURED DWELLING PARKS

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

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

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

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

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

446.525 Special assessment; collection. (1) A special assessment is levied annually upon each manufactured

dwelling that is assessed for ad valorem property tax purposes as personal property. The amount of the assessment is \$6.

(2) On or before July 15, 1990, and on or before July 15 of each year thereafter, the county assessor shall determine and list the manufactured dwellings in the county that are assessed for the current assessment year as personal property. Upon making a determination and list, the county assessor shall cause the special assessment levied under subsection (1) of this section to be entered on the general assessment and tax roll prepared for the current assessment year as a charge against each manufactured dwelling so listed. Upon entry, the special assessment shall become a lien, be assessed and be collected in the same manner and with the same interest, penalty and cost charges as apply to ad valorem property taxes in this state.

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

(4) In lieu of the procedures under subsection (2) of this section, the director of the Housing and Community Services Department may make a direct billing of the special assessment to the owners of manufactured dwellings and receive payment of the special assessment from those owners. In the event that under the billing procedures any owner fails to make payment, the unpaid special assessment shall become a lien against the manufactured dwelling and may be collected under contract or other agreement by a collection agency, may be collected under ORS 293.250, or the lien may be foreclosed by suit as provided under ORS chapter 88 or as provided under ORS 87.272 to 87.306. Upon collection under this subsection, the amounts of special assessment shall be deposited in the State Treasury and shall be credited to the Mobile Home Parks Account to be used exclusively for implementing the policies described in ORS 446.515. [1989 c.918 s.3; 1999 c.676 s.28]

Note: See note under 446.515.

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

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

Note: See note under 446.515.

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

446.537 [1989 c.918 s.5; repealed by 1991 c.844 s.22]

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

446.543 Manufactured Dwelling Park Ombudsman; duties. (1) A Manufactured Dwelling Park Ombudsman is established in the Housing and Community Services Department.

(2) The ombudsman shall:

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

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

(c) Maintain a current list of manufactured dwelling parks in the state, indicating the total number of spaces;

(d) Not be directly affiliated, currently or previously, in any way with a manufactured dwelling park within the preceding two years; and

(e) Take other actions or perform such other duties as the Director of the Housing and Community Services Department deems necessary or appropriate. [1989 c.918 s.8; 1995 c.28 s.1; 1997 c.577 s.45; 1999 c.676 s.29]

Note: See note under 446.515.

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

446.547 Mobile home and manufactured dwelling park to establish informal dispute resolution procedure.

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

Note: 446.547 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 446 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PENALTIES

446.990 Penalties. (1) Any individual, or any director, officer, or agent of a corporation who knowingly and willfully violates ORS 446.003 to 446.200, 446.225 to 446.285 or 446.310 to 446.350 in a manner which threatens the health or safety of any purchaser commits a Class A misdemeanor.

(2) Violation of ORS 446.345 is punishable upon conviction as a Class B misdemeanor. [Amended by 1953 c.490 s.21; 1953 c.490 s.18; 1959 c.562 s.15; 1959 c.683 s.33; 1959 c.314 s.20; 1967 c.598 s.3; 1969 c.533 s.10; 1973 c.560 s.21; 1973 c.833 s.39; 1974 s.s. c.36 s.13; 1975 c.546 s.15; 1983 c.707 s.21]
