

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

2011 JUL 29 AM 8:45

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: DHHR - Bureau for Public Health TITLE NUMBER: 64

CITE AUTHORITY: WV Code §16-1-4.

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 40

TITLE OF RULE BEING AMENDED: former MOBILE HOME PARKS rule is being amended to
MANUFACTURED HOME COMMUNITIES

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Michael J. Lewis SSP
Authorized Signature

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 64CSR40 Manufactured Home Communities

Type of Rule: X Legislative Interpretive Procedural

Agency: Health and Human Resources

Address: One Davis Square, Suite 100 East
Charleston, West Virginia 2301

Phone Number: 304-356-4122 Email: Ann.A.Goldberg@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what effect this measure will have on costs and revenues of state government.

This rule revises a current rule which was enacted in 1971 and also repeals Interpretive Rule 64CSR41 Design, Information and Procedural Manual for Mobile Home Parks. This rule revision was necessary to reflect changes with the Manufactured Housing Industry over the years. There is no fiscal impact to the state with this rule revision.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

Effect of Proposal	Fiscal Year		
	2011 Increase/Decrease (use "-")	2012 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services			
Current Expenses			
Repairs and Alterations			
Equipment			
Other			
2. Estimated Total Revenues	0	0	0

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

Memorandum

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date

7-28-11

Agency

Department of Health and Human Resources

Authorized Representative

Michael J Lewis ssp

Michael J. Lewis, M.D., Ph.D.

Cabinet Secretary

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 28, 2011

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* Ann Goldberg, Director, Public Health Regulations
DHHR - Bureau for Public Health
350 Capitol Street, Room 702
Charleston, WV 25301 (304) 558- 2971 phone;
(304) 558-1-35 fax
ann.a.goldberg@wv.gov

LEGISLATIVE RULE TITLE: _____
MANUFACTURED HOME COMMUNITIES - 64CSR40

1. Authorizing statute(s) citation _____
WV Code §16-1-4.

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 17, 2011

b. What other notice, including advertising, did you give of the hearing?
rule drafters were in regular contact with the association of Manufactured home community owners and interested parties

c. Date of Public Hearing(s) *or* Public Comment Period ended:
Public comment period ended on July 18, 2011

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July , 2011

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Ann A Goldberg, Director, Public Health Regulations
DHHR/BPH, 350 Capitol Street, Rm. 702
Charleston, WV 25301 (304) 558-2971 phone; (304) 558-1035 fax

ann.a.goldberg@wv.gov

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Brad Cochran, Director, Public Health Sanitation
DHHR/BPH/OEHS 350 Capitol Street, Room 313
Charleston, WV 25301
(304) 558-2981 phone; (304) 558-1071 fax
brad.j.cochran@wv.gov

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

n/a

b. Date of hearing or comment period:

June 17 to July 18, 2011

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

n/a

d. Attach findings and determinations and reasons:

Attached n/a

64CSR40, Manufactured Home Communities
Department of Health and Human Resources
Bureau for Public Health
Office of Environmental Health Services

BRIEF SUMMARY

This proposed rule revises the current rule which became effective in 1971. The Bureau will also be repealing its Interpretive Rule, "Design, Information and Procedural Manual for Mobile Home Parks", 64CSR41, which related to guidelines for the design of a Mobile Home Park. The Manufactured Housing Industry has changed significantly over the intervening 40 years and this rule is being revised to bring it in line with modern industry standards.

STATEMENT OF CIRCUMSTANCES

The current rule was promulgated in 1971 and has not been amended since. The rule is outdated and obsolete. The proposed rule will make many needed amendments to update and bring this rule into agreement with current standards and practices for manufactured home communities.

FILED

2011 JUL 29 AM 8:45

TITLE 64
LEGISLATIVE RULE
DEPARTMENT OF HEALTH AND HUMAN RESOURCES VIRGINIA
BUREAU FOR PUBLIC HEALTH SECRETARY OF STATE

SERIES 40
~~MOBILE HOME PARKS~~
MANUFACTURED HOME COMMUNITIES

§64-40-1. General.

1.1. Scope. -- ~~These~~ This legislative rule establishes the requirements governing the construction, installation and operation of ~~mobile home parks~~ manufactured home communities.

1.2. Authority. -- W.Va. Code ~~§16-1-7~~ §16-1-4.

1.3. Filing Date. -- ~~August 25, 1971~~.

1.4. Effective Date. -- ~~October 1, 1971~~.

§64-40-2. Application and Enforcement.

2.1. Application - ~~These~~ This legislative rule ~~apply~~ applies to the owners and operators of ~~mobile home parks~~ manufactured home communities.

2.2. Enforcement - The enforcement of ~~these~~ this legislative rule is vested with the ~~director~~ Commissioner of the West Virginia Bureau for Public Health ~~department of health~~ or his or her lawful designee.

§64-40-3. Definitions.

3.1. Approved. -- A procedure of operation, installation, or construction which is in accordance with the standards, specifications, and instructions established by the ~~state department of health~~ Commissioner.

~~3.2.~~ 3.2. Commissioner.--The Commissioner of the West Virginia Bureau for Public Health or his or her designee.

~~3.2.~~ 3.3. Health officer. -- The state ~~director of health~~ officer or the executive officer of the local board of health or his or her duly authorized representative.

~~3.3.~~ 3.4. Management building. -- A building or structure used for supplying essential goods or services for the use of ~~mobile home park~~ manufactured home community occupants.

~~3.4.~~ 3.5. Mobile home.—A manufactured relocatable living unit designed and intended for year-round occupancy. Manufactured Home. --A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty or more feet in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size

requirements and with respect to which the manufacturer voluntarily files a certificate which complies with the applicable federal standards. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site.

~~3.5. Mobile home lot. — A parcel of land within a mobile home park designated for the placement of a single mobile home and for the exclusive use of its occupants and guests.~~

3.6. Mobile home park. Manufactured home community -- Any individual or contiguous site, area, tract or parcel of land upon which two four or more mobile manufactured homes used or occupied for dwelling purposes are parked either free of charge or for monetary consideration and shall include any roadway, building, structure, installation, enclosure, or vehicle used or intended for use as a part of the facilities of said mobile home park the manufactured home community. All existing mobile home parks which meet this definition shall be renamed as “manufactured home communities” by this rule. The Bureau for Public Health legislative rule, Fees for Permits, 64CSR30, establishes a permit fee for mobile home parks. The established fee shall apply to all manufactured home communities regulated by this rule.

~~3.7. Mobile home park development. — A contiguous parcel of land subdivided into individual lots, each lot individually owned and intended or utilized as the site for placement of a mobile home and its facilities.~~

3.7. Manufactured home site. – A parcel of land for the accommodation of one manufactured home, its accessory building or structures, and accessory equipment for the exclusive use of the occupants.

~~3.8. Mobile Manufactured home stand. -- That part of a mobile manufactured home lot site which has been reserved for the placement of the mobile manufactured home, appurtenant structures or additions.~~

~~3.9. Occupant. -- A person utilizing a mobile manufactured home or a mobile home park manufactured home community as a place of abode dwelling.~~

~~3.10. Operator. -- A person who is in charge of the operation of a mobile home park manufactured home community, or who allows a lot, site, area, tract or parcel of land to be used for the parking or occupancy of two four or more mobile manufactured homes.~~

~~3.11. Permit. -- A written document issued by the health authority giving a person permission to construct, install, alter, remodel, extend or operate a specific mobile home park manufactured home community.~~

~~3.12. Person.-- Individual, partnership, association, syndicate, company, firm, trust, corporation, government, corporation, institution, department, division, bureau, agency, or any entity recognized by law.~~

~~3.13. Potable water. -- Water free from impurities in amounts sufficient to cause disease or harmful physiological effects, with bacteriological, chemical, physical and radiological quality conforming to applicable rules and standards established by the Commissioner.~~

~~3.13. 3.14. Sewer connection. -- The connection consisting of all pipes, fittings, and appurtenances from the waste drain outlet of a mobile manufactured home to the inlet pipe of the corresponding sewer riser pipe of the sewer sewage collection system serving a mobile home park manufactured home community.~~

~~3.14.~~ 3.15. Sewer riser pipe. -- The portion of the sewer system which extends vertically above the ground elevation and terminates at a designated point at each manufactured mobile home lot site.

~~3.15.~~ 3.16. Sewer system. Sewage Collection System -- ~~A system of sewers and appurtenances for the collection, transportation, and treatment of sewage, and operated as a community project by a governmental agency, community residents, or as a commercial enterprise. The system of piping and appurtenances for the collection and transportation of sewage from the individual manufactured home units to either the designated sewage treatment plant or to approved off-site disposal. Piping within the collection system is referred to as sewer pipe.~~

~~3.16.~~ State director of health. -- ~~The administrative head and chief executive officer of the state department of health or his duly authorized representative.~~

3.17. Water connection. -- The connection consisting of all pipes, fittings, and appurtenances from the water connection inlet of a ~~mobile~~ manufactured home to the outlet pipe of the corresponding water riser pipe of the water distribution system serving a ~~mobile home park~~ manufactured home community.

3.18. Water riser pipe. -- That portion of the water supply system serving a ~~mobile home park~~ manufactured home community and which extends vertically above the ground elevation and terminates at a designated point at each ~~mobile~~ manufactured home lot site.

3.19. Water supply system. -- A system ~~of~~ of pipes, appurtenances and equipment for the collection, treatment, storage, or distribution of the water from the source of supply to the ultimate consumer.

§64-40-4. Design, Construction, Installation, Maintenance, and Operation of Mobile Home Parks and Mobile Home Park Developments Manufactured Home Communities.

4.1. In addition to meeting all applicable provisions of ~~these regulations~~ this rule, all ~~mobile home park and mobile home park developments~~ manufactured home communities constructed or installed after ~~October 1, 1971~~, the effective date of ~~these regulations~~ this rule, shall be constructed or installed in accordance with the plans, specifications, and instructions issued by the ~~state department of health Commissioner~~.

4.2. The design, construction, installation, maintenance, and operation of a ~~mobile home park or a mobile park development~~ manufactured home community shall comply with all applicable provisions of ~~these regulations~~ this rule and the minimum standards and engineering practices which are approved and acceptable to the state department of health.

~~4.3. Unless specifically stated otherwise, these regulations shall apply equally to both mobile home parks and mobile home park developments.~~

§64-40-5. Permits, Hearings, and Notices, Orders.

5.1. Construction and installation permits.

5.1.1. On and after ~~October 1, 1971~~, the date ~~these regulations~~ this rule ~~became~~ becomes effective, except for minor repair, no person shall construct or install a ~~mobile home park~~ manufactured home community, or any part thereof, in the State of West Virginia, unless he possesses a permit issued by the ~~state department of health Commissioner~~ in the name of such person for such specific construction

or installation. The terms construct and install shall be construed to mean and include the terms extend and alter.

5.1.2. A permit for the construction or installation of a ~~mobile home park~~ manufactured home community shall not be issued until an application for a construction or installation permit and detailed plans and specifications of ~~mobile home park~~ the manufactured home community construction or installation have been submitted to the ~~state department of health~~ Commissioner for review and approval. Said application, plans, and specifications shall be submitted to the ~~state department of health~~ Commissioner at least forty-five (45) days prior to the date on which such action by that agency is desired.

5.1.3. An application for a permit shall be made in writing and submitted to the ~~state department of health~~ Commissioner on a form prescribed by ~~that agency~~ the Commissioner, signed by the applicant or his or her authorized agent, and shall contain such information as may be requested by the ~~state department of health~~ Commissioner to ~~enable them to~~ determine if the ~~mobile home park~~ manufactured home community construction or installation is in compliance with all applicable provisions of ~~these regulations~~ this rule.

5.1.4. When upon review of the plans, specifications, and application for a permit, the ~~state department of health~~ Commissioner is satisfied that the proposed design, construction or installation of the ~~mobile home park~~ manufactured home community is satisfactory, a permit to proceed with such action shall be issued.

5.1.5. The ~~state department of health~~ Commissioner shall deny a permit if the information on the application form, plans, or specifications is incomplete, inaccurate, false or misleading, or indicates that the applicable provisions of ~~these regulations~~ this rule cannot be met.

5.1.5.a. A permit to construct shall be issued or denied within forty-five (45) days of receipt of the completed application. Reasons for denial shall be in writing.

5.1.6. Only a person who complies with all the applicable provisions of ~~these regulations~~ this rule shall be entitled to receive and retain a permit.

5.1.7. When a permit has been suspended or revoked, any construction or installation of the ~~mobile home park~~ manufactured home community shall immediately cease.

5.1.8. Permits shall not be transferrable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.

5.1.9. If the construction or installation activities have not commenced within ~~6 months~~ two (2) years from the date of issuance of a permit, said permit shall automatically expire.

5.1.10. The ~~mobile home park~~ manufactured home community shall be constructed or installed in accordance with the plans and specifications as approved by the ~~state department of health~~ Commissioner. Any deviation from the approved original plans or specifications must be submitted in writing to the ~~state department of health~~ Commissioner for review, and written approval obtained before such changes are made. Revised plans to construct shall be approved or denied within forty-five (45) days of receipt of the revised application.

5.2. Permit to operate.

5.2.1. ~~Ninety (90) days after the date these regulations become effective,~~ No person directly or indirectly shall in any manner conduct, control, manage, maintain, or operate a ~~mobile home park~~ manufactured home community in the state of West Virginia unless said person has ~~in his possession~~ a valid permit issued by the health officer to operate such specific ~~mobile home park~~ manufactured home community.

5.2.2. An application for a permit to operate a ~~mobile home park~~ manufactured home community shall be made in writing to the health officer on a form prescribed by the ~~state department of health Commissioner,~~ signed by the applicant or his or her authorized agent and shall contain such information as may be requested by the health officer to enable him to determine that the facility and its operation is in compliance with the applicable provisions of ~~these regulations~~ this rule.

5.2.3. The application for a permit shall be made at least fifteen (15) days before the actual or proposed operation of said ~~mobile home park~~ manufactured home community is to be effected.

5.2.4. The health officer shall deny a permit if the information on the application form is incomplete, inaccurate, false, or misleading, or indicates that the applicable provisions of ~~these regulations~~ this rule cannot be met.

5.2.5. Only persons who comply with the applicable provisions of ~~these regulations~~ this rule shall be entitled to receive and retain a permit.

5.2.6. ~~Mobile home parks~~ Manufactured home communities in operation at the time ~~these regulations~~ this rule becomes effective, and meeting all applicable prior ~~regulations~~ rules, shall be deemed to be eligible for a permit to operate: Provided, that any construction or installation taking place after the effective date of ~~these regulations~~ this rule shall be in compliance with all applicable provisions of ~~these regulations~~ this rule.

5.2.7. ~~Mobile home parks~~ Manufactured home communities put into operation after the date ~~these regulations~~ this rule ~~become~~ becomes effective shall comply in full with all applicable provisions of ~~these regulations~~ this rule.

5.2.8. Permits shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.

5.2.9. A permit to operate shall expire at midnight on the 31st day of December following the date of issuance.

5.2.10. Application for renewal of permit shall be made at least fifteen (15) days prior to expiration date of existing permit.

5.2.11. In the event of ~~an intended change or an actual~~ a change in ownership of a ~~mobile home park,~~ manufactured home community an application for a permit to operate shall be made to the health officer by the person concerned at least fifteen (15) days before the proposed or actual change is affected.

5.2.12. A permit may be suspended or revoked by the health officer if it is found that the ~~mobile home park~~ manufactured home community is maintained or operated in violation of ~~these regulations~~ this rule, or any law, rule, or ordinance applicable thereto, or in violation of the conditions stated on the permit.

5.2.13. A permit to operate shall not be reinstated until an inspection by the health officer determines that the ~~mobile home park~~ manufactured home community is in compliance with all applicable provisions of ~~these regulations~~ this rule or any orders, rules or instructions issued by the health officer.

~~5.2.14. Operational permits shall be posted in a conspicuous place at the mobile home park manufactured home community, and said permit shall be readily available to the health officer.~~

5.3. Hearing, ~~n~~Notices, and orders.

~~5.3.1. Any person whose application for a permit to construct or install a mobile home park has been denied, or whose permit has been suspended or revoked may petition and shall be granted a hearing on the matter within ten (10) days after the state department of health has received a written petition for such hearing.~~

~~5.3.2. Any person whose application for a permit to operate a mobile home park has been denied, or whose permit has been suspended or revoked may petition and shall be granted a hearing on the matter within ten (10) days after the health officer has received a written petition for such hearing.~~

~~5.3.3. Notwithstanding the other provisions of these regulations this rule whenever the health officer finds at a mobile home park manufactured home community insanitary or other conditions that may constitute a potential hazard to public health, he or she may without warning, notice or hearing, issue a written order notice to the operator, citing such conditions, specifying the corrective action to be taken, and the time period in which such action shall be taken, and when deemed necessary, If an imminent health hazard exists, such order notice shall state that the permit to operate is immediately suspended.~~

§64-40-6. Inspection.

~~6.1. Each mobile home park manufactured home community shall be inspected at least once each six (6) months a year. The health officer shall also make as many additional inspections of the mobile home park manufactured home community as he or she deems necessary to determine satisfactory compliance with the provisions of these regulations this rule and any orders, notices, instructions, or specifications issued pursuant thereto.~~

~~6.2. Any consecutive violation of the same item, or items, of these regulations may be considered as just cause for the immediate suspension of a permit to operate.~~

~~6.3. 6.2. A copy of the inspection report shall be filed with the mobile home park manufactured home community operator.~~

~~6.4. The owner or operator of a mobile home park, or the person in charge thereof, shall provide the health officer with free access to such premises for the purpose of inspection, and shall furnish all information and records necessary to make the inspection complete.~~

§64-40-7. Location, Space and Layout.

7.1. General requirements.

~~7.1.1. All mobile home parks shall be located so as not to be exposed to swamps or marshes or to~~

~~objectionable smoke, noxious odors, objectionable noise, sudden flooding, erosion, or other adverse influences which may expose persons or property to health or safety hazards.~~

~~7.1.2. 7.1.1. Ground and paved surfaces in all parts of mobile home parks manufactured home communities shall be graded and equipped to drain all surface water in a safe and efficient manner.~~

~~7.1.3. Exposed ground surfaces in mobile home parks shall be covered with stone, screenings, other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.~~

~~7.1.4. No part of a mobile home park shall be used for nonresidential purposes except for such uses that are required for the direct servicing and well being of the mobile home park occupants and for the maintenance and management of the mobile home park.~~

~~7.1.5. Nothing contained in these regulations shall be construed as prohibiting the sale of a mobile home located on a mobile home stand and connected to pertinent facilities.~~

~~7.1.6. The area of a mobile home park shall be large enough to accommodate:~~

~~(a) The designated number of mobile home lots.~~

~~(b) All necessary streets and walkways.~~

~~(c) Parking areas for motor vehicles.~~

~~(d) Management buildings where applicable and other buildings or structures used for, or intended to be used for, the servicing, maintenance, or management of a mobile home park.~~

~~(e) Recreational areas, where applicable.~~

~~(f) 7.1.2 The area of a manufactured home community shall be large enough to accommodate water supply systems and sewage treatment systems where applicable.~~

7.2. Space requirements.

7.2.1. ~~Mobile~~ Manufactured homes including their porches, canopies, and similar appurtenances, shall be separated from other ~~mobile~~ manufactured homes and from other buildings and structures ~~by at least 15 feet~~ by the following spacing distances:

7.2.1.a. Ten (10) feet side to side;

7.2.1.b. Eight (8) feet end to side;

7.2.1.c. Six (6) feet end to end;

7.2.1.d. All accessory buildings or structures shall be located to meet the following spacing distances:

7.2.1.d.1 Three (3) feet from adjacent accessory building or structure, and

7.2.1.d.2. Five (5) feet from adjacent lot if constructed of combustible materials

7.2.2. In no event shall any ~~mobile~~ manufactured home lot site contain less than 3000 square feet or 4,500 square feet for double wide units.

~~7.2.3. Nothing contained in these regulations shall be construed as preventing any county or municipal governmental agency or other lawful entity from requiring mobile home lots of greater size than that required by these regulations.~~

~~7.2.4. The boundary lines of each mobile home lot shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means.~~

7.2.3. Each manufactured home shall be clearly identified with an identification marker at least four (4) inches in height. The marker shall be placed in a visible location on or near the manufactured home.

~~7.2.5. 7.2.4. No occupied mobile~~ manufactured home shall be permitted in a ~~mobile home park~~ manufactured home community unless such ~~mobile~~ manufactured home is situated on a an approved mobile manufactured home stand.

~~7.2.6. 7.2.5. All mobile~~ manufactured homes shall be located at least fifteen (15) feet from any ~~park~~ manufactured home community property boundary line abutting upon a public street or highway and at least ten (10) feet from other ~~park~~ manufactured home community property boundary lines.

~~7.2.7. 7.2.6. There shall be at least ten (10) feet of space between a mobile~~ manufactured home and any ~~mobile home park~~ manufactured home community street, common parking area, or other common use areas.

7.3. ~~Mobile home~~ Manufactured home stands. -- ~~Mobile home~~ Manufactured home stands shall be so ~~constructed~~ maintained as to prevent heaving, shifting, or uneven settling under the weight of the ~~mobile home~~ manufactured home due to frost action, drainage, vibration, or forces acting on the superstructure of the ~~mobile home~~ manufactured home.

7.4. Streets, roads and walkways.

~~7.4.1. All mobile home parks~~ manufactured home communities shall be provided with safe and easily accessible vehicular access to and from abutting public streets or roads. Alignment and gradient shall be properly adapted to topography.

~~7.4.2. Access to mobile home parks~~ manufactured home communities shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets and roads.

~~7.4.3. All access streets and roads leading to or from the mobile home park, and the streets and roads within the mobile home park, shall be of durable all-weather surfacing.~~

~~7.4.4. All mobile home parks shall be provided with a safe, accessible, durable, all-weather surfaced walkway from the individual mobile home to the mobile home park street or road and between locations where pedestrian traffic is concentrated. Sudden changes in alignment and gradient shall be avoided.~~

~~7.4.5. Off street parking areas shall be provided in all mobile home parks for the use of the mobile home park occupants and their guests. All mobile home parks shall be furnished with lighting units so spaced and equipped with luminaries as will provide and maintain sufficient levels of illumination for the safe movement of pedestrians and vehicles at night~~

All streets, roads, walkways, shall be maintained in good repair.

§64-40-8. Water Supply.

8.1. General requirement.

8.1.1. ~~All mobile home parks~~ manufactured home communities shall be provided with an easily accessible, safe, supply of potable ~~supply of~~ water, approved by the ~~state department of health Commissioner.~~

8.1.2. All water supplies, water piping, fixtures or other equipment serving a ~~mobile home park~~ manufactured home community shall be constructed, installed, maintained, ~~and operated, and monitored~~ in accordance compliance with all applicable provisions of ~~these regulations this rule and the plans, specification, and instructions issued by the state health department. Bureau for Public Health legislative rules: Public Water Systems, 64CSR3; Water Well Regulations, 64CSR19; and Cross-Connection Control and Backflow Prevention Regulations, 64CSR15.~~

~~8.1.3. Underground stop and waste valves are prohibited for use on any water line.~~

~~8.1.4.~~ 8.1.3. Drinking fountains, if provided, shall be constructed of easily cleanable impervious material, have an angle-jet nozzle protected by a nonoxidizing guard above the overflow rim of the bowl, be equipped with a pressure regulating device and shall be maintained in a sanitary manner.

8.2. Individual water riser pipes and water connections.

8.2.1. Each ~~mobile~~ manufactured home ~~stand site~~ shall be served by a 3/4 inch in diameter or larger water riser pipe extending vertically at least four (4) inches above ground elevation.

8.2.2. Water riser pipe outlets shall be securely capped when a manufactured ~~mobile~~ home does not occupy the ~~mobile~~ manufactured home ~~stand site~~.

§64-40-9. Sewage System.

9.1. General requirements.

9.1.1. All ~~mobile home parks~~ manufactured home communities shall be served by a sewage disposal collection and sewage treatment system that is ~~approved the state department of health. in compliance with legislative rule, Sewer Systems, Sewage Treatment Systems and Sewage Tank Cleaners, 64CSR9.~~

9.1.2. All sewage disposal collection or sewage treatment facilities shall be located, maintained, and operated in such a manner as to not create an insanitary condition or a nuisance to the ~~mobile home park~~ manufactured home community occupants or to the owners or occupants of adjacent property.

9.1.3. All plumbing in the ~~mobile home park~~ manufactured home community shall be in

compliance with all applicable state and local plumbing laws, regulations, ordinances and codes.

9.2. Individual sewer connections.

9.2.1. Each ~~mobile~~ manufactured home stand site shall be provided with a sewer riser pipe having a minimum diameter of four (4) inches and extending at least four (4) inches above the ground.

9.2.2. The sewer riser pipe shall be located within the confines of the ~~mobile~~ manufactured home stand site, and so located that the sewer connection to the ~~mobile~~ manufactured home sewer outlet will approximate a vertical position.

9.2.3. The sewer riser pipe shall be at least ten (10) feet from the water riser pipe.

~~9.2.3. The sewer connection at the riser pipe shall consist of one pipe line only without any branch fittings. All joints shall be water tight.~~

9.2.4. All materials used for sewer piping and sewer connections shall be durable, semirigid, corrosive resistant, and nonabsorbent. All joints shall be water tight.

9.2.5. Approved fittings shall be provided for the connection between the ~~mobile-home-park~~ manufactured home community sewer riser pipe and the ~~mobile~~ manufactured home sewer outlet, and shall be made water and odor tight by the use of approved reinforced, durable, impervious semirigid or flexible piping having smooth interior surfaces and not less than three (3) inches internal diameter.

9.2.6. The piping used for sewer connections shall be sealed to prevent gas-tight odor and no longer than necessary to make the connection between the ~~mobile~~ manufactured home sewer outlet and the ~~mobile-home-park~~ manufactured home community sewer riser pipe.

9.2.7. Sewer riser pipes at unoccupied ~~mobile~~ manufactured home stands sites shall be tightly plugged or capped in such manner as to render them water tight.

9.2.8. It shall be the duty of the ~~mobile-home-park~~ manufactured home community operator to keep all occupied ~~mobile~~ manufactured homes properly connected to the sewer riser pipes while said ~~mobile~~ manufactured homes are in the ~~mobile-home-park~~ manufactured home community, and to see that all unoccupied ~~mobile~~ manufactured home stand site sewer riser pipes are plugged or capped in an approved manner.

§64-40-10. Management Buildings and Other Community Service Facilities.

~~10.1. General requirements.~~— Management buildings, if provided, shall include, but shall not be limited to such community services as: management offices, repair shops, storage areas, and toilet, bathing, laundry, recreational and other auxiliary facilities supplying essential goods and services for the use of the ~~mobile-home-park~~ manufactured home community occupants.

~~10.2. Requirements for buildings.~~

~~10.2.1. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements.~~

~~10.2.2. Exterior portions of buildings shall be of such material and be so constructed and~~

protected as to prevent the entrance or penetration of moisture and weather.

~~10.2.3. Where toilet or shower facilities are required or provided, such facilities shall be provided for each sex.~~

~~10.2.4. Water closets shall be located in separate compartments equipped with doors.~~

~~10.2.5. All toilet room doors shall be self-closing.~~

~~10.2.6. Shower stalls shall be of the individual type.~~

~~10.2.7. Toilet and shower rooms shall be constructed so as to prevent direct view of the interior when the exterior doors are open.~~

~~10.2.8. A general illumination level of not less than 10 foot candles shall be provided and maintained with 40 foot candles or more being available at specific areas such as work areas, lavatories, laundry facilities, and toilet and shower rooms.~~

~~10.2.9. Heating equipment shall conform to American National Standards Institute (ANSI), A.G.A., Underwriters Laboratories, Inc., or other national recognized standards.~~

~~10.2.10. Hot and cold running water under pressure shall be furnished to every lavatory, sink, bathtub, shower, and applicable laundry fixture, and cold water shall be furnished to every water closet and urinal.~~

~~10.2.11. 10.2. All floors, walls, ceilings, and attached appurtenances and all fixtures and equipment shall be kept clean and in good repair.~~

§64-40-11. Electrical distribution system.

~~All mobile home park electrical distribution systems shall be installed and maintained in accordance with all applicable state and local electrical law, regulations, ordinances and codes, with the appropriate provisions of these regulations, and the plans, specifications, and instructions issued by the state department of health.~~

§64-40-12 64-40-11. Solid Waste Handling Garbage and Refuse.

~~12.1. 11.1. The storage, collection, transportation, and/or disposal of solid waste garbage and refuse shall be so conducted as to not create prevent odor, insanitary conditions, nuisances, rodent, harborages, insects breeding areas, accident or fire hazards, or air pollution, and other nuisance conditions.~~

~~12.2. 11.2. All solid waste garbage and refuse shall be stored in flytight, watertight, rodent proof containers which shall be covered when not in continuous use and maintained in a clean condition and in good repair.~~

~~12.3. 11.3. Containers shall be provided in sufficient number and capacity to properly store contain all solid waste garbage and refuse.~~

~~12.4. 11.4. Concrete platforms, metal racks, or holders shall be provided for all solid waste containers and such platforms, racks, or holders shall be so designed and constructed as to prevent the containers from being tipped, to minimize spillage, and to facilitate cleaning around the containers. If a central~~

location is provided for garbage and refuse containers, the location shall be constructed of non-absorbent material, such as concrete or asphalt, shall be smooth, durable and sloped to drain and shall be of sufficient capacity to accommodate all containers.

~~12.5. 11.5. Solid waste All garbage and refuse shall be collected at least one (1) time per week an interval not to exceed seven (7) days. Where approved collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service.~~

~~12.6. All solid waste shall be collected and transported in a leak proof covered vehicle or covered containers.~~

~~12.7. 11.6. Where approved municipal or private solid waste garbage and refuse disposal service is not available, the mobile home park manufactured home community operator shall dispose of the solid waste garbage and refuse in accordance with the applicable provisions of the West Virginia Board of Health Solid Waste Regulations laws.~~

~~§64-40-13~~ **64-40-12. Insect and Rodent Control.**

~~13.1. 12.1. Grounds, common buildings, and structures shall be maintained free of insect breeding areas, rodent harborage, and infestation of insect or rodents of public health significance.~~

~~13.2. 12.2. All exterior openings of management buildings or other applicable structures shall be effectively screened or insects and rodents excluded by other effective means.~~

~~13.3. The growth of grass, brush, and weeds, shall be controlled to prevent the harborage of noxious insects.~~

~~13.4. Mobile home parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, and other noxious plants considered detrimental to health and well being.~~

~~13.5. Insect and rodent control measures and the control of noxious plants shall be effectively conducted upon written order issued by the health officer to the mobile home park operator.~~

~~§64-40-14~~ **64-40-13. Fuel Supply and Storage.**

~~14.1. The fuel distribution system, equipment, installations, and storage facilities shall be designed, constructed, installed, operated, and maintained in accordance with all applicable state and local laws, regulations, ordinances and codes, the applicable provisions of these regulations, and with the plans, specifications, and instructions issued by the state department of health.~~

~~14.2. Natural gas system.~~

~~14.2.1. Gas lines shall not be installed under any mobile home: Provided, that this section shall not preclude the installation of an individual gas service line that serves a particular mobile home.~~

~~14.2.2. All mobile home lot gas outlets shall be equipped with an approved cap or plug to prevent discharge of gas when the outlet is not in use.~~

~~14.2.3. All gas outlet risers, regulators, motors, valves, or other exposed equipment shall be protected from mechanical damage by vehicles or other causes.~~

~~14.3. Liquefied petroleum gas systems.~~

~~14.3.1. 13.1. LPG systems (Liquefied Petroleum Gas) or fuel oil systems shall have at least one (1) approved, identified, and readily accessible means of shutting off the entire supply. Such means shall be located outside the mobile home and shall be maintained in an effective operating condition.~~

~~14.3.2. All LPG piping outside the mobile home shall be well supported and protected against mechanical injury.~~

~~14.3.3. Undiluted LPG in liquid form shall not be conveyed through any piping equipment or fuel system within mobile a home.~~

~~14.3.4. LPG containers shall be securely, but not permanently fastened to prevent accidental overturning. Valves and connectors shall be listed standard fittings installed and maintained so as to prevent leaks.~~

~~14.3.5. 13.2. LPG containers or fuel oil storage containers shall not be located within or beneath any mobile manufactured home, building, or any other type of enclosed structure.~~

~~14.3.6. 13.3. LPG containers or fuel oil storage containers shall not be located within 5 feet of a door way of a mobile manufactured home, building, or similar structure.~~

~~14.4. Fuel oil system~~

~~14.4.1. All piping from outside fuel oil storage containers shall be properly installed and securely fastened in place.~~

~~14.4.2. Fuel oil storage containers shall not be located beneath or within a mobile home, building, or any other type of enclosed structure.~~

~~14.4.3. Fuel oil connectors from the storage container to the mobile home shall be of brass or copper tubing or approved flexible metal hose not smaller than 3/8 inches in diameter and shall be protected from possible physical damage. The use of aluminum tubing or piping is prohibited.~~

~~14.4.4. Valves and connectors shall be listed standard fittings installed and maintained liquid tight to prevent leaking of fuel oil.~~

~~14.4.5. Fuel oil storage containers shall be vented by means of a metal pipe of at least 1/4 inch in diameter and so designed and installed as to prevent the entrance of rain, dust, dirt, and debris.~~

~~14.4.6. An approved, identified, and readily accessible shut off valve shall be installed in the supply line between the fuel oil storage container and the mobile home.~~

~~14.4.7. Fuel oil storage containers shall not be located within 5 feet of a doorway of a mobile home, building, or similar structure.~~

~~§64-40-15. Fire Protection.~~

~~15.1. In addition to complying with all applicable provisions of these regulations, all mobile home~~

~~parks shall comply with all applicable state and local fire prevention laws, regulations, ordinances and codes, and with the plans, specifications, and instructions issued by the state department of health 15.2. Fires shall be permitted only in stoves, incinerators, or other equipment designed specifically for that purpose.~~

~~§64-40-16. Auxiliary Facilities.~~

~~All auxiliary facilities, including, but not limited to, swimming pools, bathing beaches, food service establishments, grocery stores, service stations, and similar facilities shall be constructed, maintained, and operated in compliance with applicable public health laws and the West Virginia Board of Health regulations governing such facilities.~~

~~§64-40-17~~ 64-40-14. Registration of Occupants.

~~17.1. 14.1. Every mobile home park manufactured home community operator shall maintain a register record containing identifying a record of all mobile manufactured homes and occupants permitted to use the mobile home park manufactured home community.~~

~~17.2. 14.2. The register record of occupants shall be readily available to the health officer. Such register record shall be preserved for a period of one (1) year and shall contain the name, mailing address, and physical location of all manufactured home occupants.~~

~~17.2.1. The name and mailing address of all mobile home occupants.~~

~~17.2.2. The make, model, and license number of each motor vehicle or mobile home.~~

~~17.2.3. The country, state or territory issuing the license.~~

~~17.2.4. The dates of arrival and departure of each mobile home.~~

~~§64-40-18~~ 64-40-15. Supervision.

~~18.1. 15.1. The person to whom a permit to operate a mobile home park manufactured home community is issued shall operate the mobile home park manufactured home community in compliance with all applicable provisions of ~~these regulations~~ this rule, all other laws and regulations applicable thereto, and shall provide supervision to maintain the mobile home park manufactured home community and its facilities and equipment in good repair and in a clean and sanitary condition.~~

~~18.2. 15.2. A manufactured mobile home shall not be occupied for dwelling purposes unless it is properly placed on an approved mobile manufactured home stand site and is properly connected to water, sewage, and other essential utilities.~~

~~§64-40-19~~ 64-40-16. Miscellaneous Requirements.

~~19.1. 16.1. The operator of the mobile home park manufactured home community shall ~~notify the make available to the incoming occupants of the mobile home park manufactured home community occupants of all applicable provisions of these regulations~~ a copy of this rule and to inform them of their duties and responsibilities under ~~these regulations~~ this rule.~~

~~19.1.1. 16.2. The operator of the manufactured home community may adopt additional requirements~~

of the manufactured home community occupants provided such requirements are not in conflict with this rule.

~~19.2. The mobile home park operator shall provide qualified supervision of the placement of each mobile home on its mobile home stand, including securing its stability and installing all utility connections.~~

~~19.3. Skirting, porches, awnings and other appurtenances or additions are prohibited unless they are properly constructed, installed and maintained.~~

~~19.4. The space beneath a mobile home shall be used for storage only if permitted by the mobile home park. If permitted, the following conditions shall be satisfied:~~

~~19.4.1. The storage area shall be provided with a base of impervious material.~~

~~19.4.2. Stored items shall be so located as not to interfere with the inspection of the space beneath the mobile home, nor to create an insanitary or unsightly condition.~~

~~19.5. 16.3. Persons owning or in charge of a dog, cat or other pet animal shall not permit such animal to run at large or to commit any nuisance within the limits of the mobile home park or adjoining properties comply with all applicable laws.~~

~~19.6. All dogs or cats under the supervision of an occupant of a mobile home park shall be inoculated against rabies in compliance with the laws of this state.~~

~~§64-40-20. Repeal of Former Regulations.~~

~~All regulations previously adopted by the West Virginia Board of Health which are in conflict with the provisions of these regulations are hereby repealed.~~

~~§64-40-21. Severability.~~

~~If any provision of these regulations, or the application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the provisions or application of these regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations are declared to be severable.~~

~~§64-40-22 64-40-17. Penalty for Violating Provisions of Regulation. Penalties.~~

~~22.1. 17.1. Any person who violates any provision of this rule these regulations shall be guilty of a misdemeanor and shall upon conviction be punished by a fine ~~or~~ of not more than two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days or both fine and imprisonment.~~

~~22.2. 17.2. Each day's failure to comply with any applicable provision of this rule these regulations shall constitute a separate offense.~~

§64-40-18. Administrative Due Process.

Those persons adversely affected by the enforcement of this rule desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so in a manner prescribed in the West Virginia

Bureau for Public Health's Procedural Rule, Rules of Procedure for Contested Case Hearings and Declaratory Rulings, 64CSR1.