

May 1, 2009

West Virginia Sanitarian's Liaison Committee Meeting Minutes

Ryan's Restaurant, Bridgeport, West Virginia

10:43 a.m. – meeting called to order by Brad Cochran, R.S., Public Health Sanitation Director

Members present – Brad Cochran, Fred Barley, David Thornton, Clarence Christian, Lock Johnson, Gail Sowards, Tim Miller, Susan Plum, Jennifer Walls

Brad – Mike Trantham could not make the meeting today due to a CPO course he is teaching.

Old Business

None

Mobile Home Park Task Force report

Fred – Passed out memorandum highlighting activities of the Task Force. This is attached at the end of this document. Members are to review and give feedback back to Fred before their next MHP meeting (June 9, 2009).

Greywater Systems

Curt Richards replied to Brad's request for topics. Curt wanted discussion on other uses of greywater.

Brad – Rick Hertges gave input. If the lots are ≥ 2 acres, then you could go with an experimental system. Guidance should be obtained from the state office before granting a permit.

Clarence – Perhaps we could add a memorandum to our procedures manual to state the method to follow when an alternative grey water system is proposed.

Brad – California has guidelines, but no regulations. Rick Hertges wanted us to be open minded about this. Brad to get Rick to write a guideline to follow.

Legislative Update

Brad – Three Bills were of importance to OEHS and LHDs this session.

- HB3195 which authorizes legislative and emergency rules to establish a funding mechanism for state aid to LHDs and basic public health services funds. However, there is currently no funding attached to this bill, however this will probably be addressed in a special session. SB 195 which allows DHHR to promulgate Legislative Rules which in this instance is Public Water Supply Rule which is updated annually to meet EPA requirements.
- DHHR Child Care Licensing Rule was amended to allow children to bring their own lunches from home. Under the old rule, this was not allowed. Proper storage must be approved by LHDs. (see handout attached to the end of this memorandum).
- HB2529 which would have required changes to the Sanitarian Law did not pass. The bill passed the House but did not get out of committee on the Senate side. There is movement by the Board to request the Bill be put on the special calendar later this month.

Environmental Update

Brad – Joe Wyatt is not doing well. He still appreciates cards sent to him.

OEHS personnel issues – Fairmont District Sanitarian: Interviews were conducted in February. Due to the unforeseen closure of the Fairmont DHHR Office, OEHS decided to postpone movement on this position until a more permanent location could be secured. The recent directive involving a temporary hiring freeze has put a further damper on filling this position. We were in the process of trying to get a decision as to when we can put a name forward for consideration but a recent decision by DOP and the Governor's office will require a new request to post which must be approved. Now we have received word the process is changing again. ALL VACANCIES OR POSITIONS THAT WERE CURRENTLY BEING CONSIDERED WERE REJECTED AND RETURNED TO THE APPROPRIATE AGENCY. ALL POSITIONS MUST BE APPROVED THROUGH THE NEW FORMAT. In the mean time, should anyone need District Sanitarian county assistance, please contact any of the other District Sanitarians or contact Fred or Brad and we will get someone to assist you. Please bear with us as we try to get this issue resolved. PHS staff should be relocated to the Middletown Mall by the end of May or early June (hopefully). OEHS would like to thank Lloyd White and the Marion County HD for allowing PHS to temporarily relocate to their office. Please continue to forward all mail to the current address until further notice. Phone numbers

for the Fairmont office are operational and remain the same. Fairmont currently has no clerical support staff and we are trying to get permission to post the OA III position for a full time person.

- General Sanitation Program Manager: Originally told will need to be approved for reposting. Have been told to schedule interviews, select a candidate and see if we can then get approval to fill the vacancy. If not approved, will need to wait until new fiscal year.
- OAIII in Charleston: WV-11 had been processed for a candidate but has been rejected due to the new policy. We were initially told we would need to start over...post, interview, etc. but since the guidelines became a little clearer, we are in the process of re-submitting the name through the new format.

Lana Cyrus, OEHS-PHS clerk who retired last year passed away recently.

The PES course was held recently in Fairmont. Twenty people took the course, eighteen people elected to take the PES exam, six Sanitarians passed.

Mid-Year training is coming up May 5-8, 2009 at Cedar Lakes. There are around thirty people enrolled for the FDA Plan Review course, and fifty people enrolled in the EHTER course. The EHTER course is full and the June course is also full. Although not scheduled, OEHS-PHS plans to hold their own course for their personnel sometime this fall in Charleston.

The Sanitarian's training class will start this fall (August 10, 2009) with two returnees and eight new Sanitarians. The agenda is posted on the Internet. Brad reminded everyone that current Sanitarians are allowed to participate in classes if they are interested in a refresher course as long as there is room. Please alert Linda Whaley or Jessica Lucas if interested.

Out-of-state training opportunities include the NEHA annual convention held in Atlanta, Georgia in June and the Interstate Environmental Health Seminar held in Nashville, Tennessee in July. Information for both training opportunities are on our web page.

District/Section Reports/Issues

Beckley District, Clarence – The Interstate Pasteurized Milk Conference was held. Topics included the use of mobile milk parlors and the ability to sell raw milk. Both were voted down. There is a mobile home park in Logan County with a failing sewage system that is involving state and local Sanitarians.

Wheeling District, Lock – Little response to request for topics. Many LHDs are hurting financially. Some Sanitarians are lacking adequate CEUs.

Fred – I will put links on the Internet for online course.

Lock – Does everyone need a foodhandler's card (i.e., bus-boys)?

Brad – This varies from LHD to LHD.

Clarence – It varies from place to place.

Brad – In Marion, everyone received one as past experience showed that when an establishment was short handed, they would use all personnel to handle food, including bus-boys.

Clarence – Is there a definition of food worker in the Code?

Lock – Yes. It falls on the PIC (person in charge). We need a level playing field. Some PICs need more knowledge than others. Also, what about not-for profits?

Brad – We are working on not-for profits now. We hope to have something out soon. Food handler cards are under fees for service and are done locally.

Saint Albans District, Gail – Anita Ray and Bill Harvey are up to date on CEU approval requests. It is unknown if the database is up to date. Where can we get names for qualified people to do lead assessments for child care centers?

Lock – You must have a lead inspection before you have a lead assessment.

Brad – Contact Tony Turner of our RTIA program for lead information, including names.

Gail – Keith Lyons recently underwent bypass surgery. He is hoping to be back to work sometime in July. KCLHD has shifted work loads around to cover for their shortage.

Gail – Does anyone know if subdivisions have a time period to reject/accept their application.

Fred – No. It does not state so in the Rule.

Gail – The “Critter Dinner” had approved sources for all meat except for deer. KCLHD made them purchase deer from an approved source off the Internet.

Gail – Indoor Air enforcement has been a problem. They were working in teams. They no longer do so but rather go with one of the local law agencies. Sanitarians have been threatened and have confronted aggressive people.

Nurses Liaison Committee, Jennifer – They are trying to develop a live course (week long). This is part of the Leadership Project. Julie Miller (Boone LHD) has a video “We Are Public Health”.

MOVHD, Tim – Things good. Hope to hire one Sanitarian. Had a small issue with a swimming pool that did not want to pay a late fee. Finally received a check for this.

IEHS, Dave – Some speakers may not make the meeting. However, Tennessee has stated they WILL have the meeting no matter what.

Internet Web Site, Fred – Try to submit agendas in electronic format. The Tri-State Environmental Health Association is still snail-mailing and it makes it harder to publish meetings.

Next Meeting, Brad – August 14, 2009, DHHR building in Flatwoods.

Meeting adjourned.

Attachments:

Manufactured Home Community Task Force recommendations

DHHR Child Care revision

MEMORANDUM

TO: West Virginia Sanitarian Liaison Committee

FROM: Fred R. Barley, R.S.
Chair, Mobile Home Park Task Force Committee

DATE: May 1, 2009

RE: **64CSR40 Task Force recommendations**

Attached please find a draft copy of the Mobile Home Park Task Force recommendations for 64CSR40. Many hours were spent discussing how best to modify the existing rule to meet today's standards and needs.

Major changes include:

- ❖ **Modernizing language**
 - Bureau for Public Health
 - Gender
- ❖ **Definitions**
 - Manufactured Home
 - This is from Division of Labor Chapter 21, Article 92(j)
 - Manufactured Home Community
 - Changed to four (4) or more units
 - NFPA has a different definition, but we retained most of the original
- ❖ **Permitting**
 - Construction permit to be issued or denied within 45 days
- ❖ **Inspections**
 - Changed to once per year
- ❖ **Water Supply**
 - Added compliance with 64CSR3, 64CSR19, and 64CSR15
 - This is same as 64CSR18, General Sanitation Rule
- ❖ **Sewage System**
 - Added compliance with 64CSR9
- ❖ **Solid Waste Handling**
 - Simplified requirements

❖ **Dropped sections**

- Registration of Occupants
 - No longer require registration of VIN number of unit
- Mobile Home Park Development
 - Dropped under protest
- SECTION 7 – Location, Space and Layout
 - Covered by State Fire Marshal
- Management Buildings and Other Community Service Facilities
 - Drainage, construction, lighting, etc., removed
 - Covered by other rules or regulations
- Electrical Distribution System
 - Covered by State Fire Marshal
- Insect and Rodent Control
 - Dropped 13.4 – under 2006 International Property Maintenance Code
- Fuel Supply
 - Covered by State Fire Marshal
 - Propane rules currently undergoing modification due to accident at Ghent
- Fire Protection
 - Covered by State Fire Marshal
- Auxiliary Facilities
 - Already covered by other rules/regulations
- Miscellaneous Requirements
 - Dropped due to several reasons

I wish to thank the members of the task force for their tireless efforts in the development of these recommendations:

Task Force members:

Andy Gallagher – West Virginia Housing Institute
Kevin Wilfong – Middletown Homes
Elizabeth Green – Mid Ohio Valley Health Department
Ryan Harbison – St. Albans District Sanitarian
Charles Fisher – Wheeling/Ohio County Health Department
Karol Wallingford – Marion County Health Department
Ruby and Frank Sellers – private MHP owners, Wood and Pleasants counties
Tom Seletyn – West Virginia Department of Labor

Other contributors:

Rudy Raynes – West Virginia State Fire Marshal
Bill Herold – Environmental Engineering Division

enc: 64 CSR 40 – Manufactured Home Communities, Task Force Recommendations

LEGISLATIVE RULE
BUREAU FOR PUBLIC HEALTH
SERIES 40
MANUFACTURED HOME COMMUNITIES

TASK FORCE
RECOMMENDATIONS

Article I. General

Section 1.01 Scope. — These legislative rules establish the requirements governing the operation of Manufactured Home Communities.

Section 1.02 Authority. — W. Va. Code '16-XX-XXX.

Section 1.03 Filing Date. — XXXXXXXX.

Section 1.04 Effective Date. — XXXXXXXX.

Article II. Application and Enforcement.

Section 2.01 Application - These legislative rules apply to the owners and operators of Manufactured Home Communities.

Section 2.02 Enforcement - The enforcement of these legislative rules is vested with the director of the West Virginia Bureau for Public Health or designee.

Article III. Definitions.

Section 3.01 Approved. — A procedure of operation, installation, or construction which is in accordance with the standards, specifications, and instructions established by the State Bureau for Public Health.

Section 3.02 Health officer. — The state director of the State Bureau for Public Health or the executive officer of the local board of health or representative.

Section 3.03 Management building. — A building or structure used for supplying essential goods or services for the use of Manufactured Home Community occupants.

Section 3.04 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.

Section 3.05 Manufactured Home Community. — Any site, area, tract or parcel of land upon which four or more 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 manufactured home community. (NFPA 225 3.3.21.2 has a definition)

Section 3.06 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.

Section 3.07 Manufactured home stand. — That part of a manufactured home site which has been reserved for the placement of the manufactured home, appurtenant structures or additions.

Section 3.08 Occupant. — A person utilizing a manufactured home in a manufactured home community as a dwelling.

Section 3.09 Operator. — A person who is in charge of the operation of a manufactured home community, or who allows a lot, site, area, tract or parcel of land to be used for the parking or occupancy of four or more manufactured homes.

Section 3.10 Permit. — A written document issued by the health authority giving a person permission to construct, install, alter, remodel, extend or operate a manufactured home community.

Section 3.11 Person. — Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, or any entity recognized by law.

Section 3.12 Sewer connection. — The connection consisting of all pipes, fittings, and appurtenances from the waste drain outlet of a manufactured home to the inlet pipe of the corresponding sewer riser pipe of the sewer system serving a manufactured home community.
EED

Section 3.13 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 home site.EED

Section 3.14 Sewer 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.EED

Section 3.15 Water connection. — The connection consisting of all pipes, fittings, and appurtenances from the water connection inlet of a manufactured home to the outlet pipe of the corresponding water riser pipe of the water distribution system serving a Manufactured home community.

Section 3.16 Water riser pipe. — That portion of the water supply system serving a Manufactured home community and which extends vertically above the ground elevation and terminates at a designated point at each manufactured home site.

Section 3.17 Water supply system. — A system or pipes, appurtenances and equipment for the collection, treatment, storage, or distribution of the water from the source of supply to the ultimate consumer.

Article IV. Design, Construction, Installation, Maintenance, and Operation of Manufactured Home Communities.

Section 4.01 In addition to meeting all applicable provisions of this regulation, all manufactured home communities constructed or installed after the effective date of this regulation, shall be constructed or installed in accordance with the plans, specifications, and instructions issued by the State Bureau for Public Health.

Section 4.02 The design, construction, installation, maintenance, and operation of a manufactured home community shall comply with all applicable provisions of this regulation and the minimum standards and engineering practices that are approved and acceptable to the State Bureau for Public Health.

Article V. Permits, Hearings, Notices, Orders.

Section 5.01 Construction and installation permits.

- (a)** On and after the date this regulation became effective, except for minor repair, no person shall construct or install a manufactured home community, or any part thereof, in the State of West Virginia, unless he or she possesses a permit issued by the State Bureau for Public Health 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.

- (b) A permit for the construction or installation of a manufactured home community shall not be issued until an application for a construction or installation permit and detailed plans and specifications of the manufactured home community construction or installation have been submitted to the State Bureau for Public Health for review and approval. Said application, plans, and specifications shall be submitted to the State Bureau for Public Health at least forty-five (45) days prior to the date on which such action by that agency is desired.**
- (c) An application for a permit shall be made in writing and submitted to the State Bureau for Public Health on a form prescribed by that agency, signed by the applicant or agent, and shall contain information requested by the State Bureau for Public Health to enable it to determine if the manufactured home community construction or installation is in compliance with applicable provisions of this regulation.**
- (d) When upon review of the plans, specifications, and application for a permit, the State Bureau for Public Health is satisfied that the proposed design, construction or installation of the manufactured home community is satisfactory, a permit to proceed with such action shall be issued.**
- (e) The State Bureau for Public Health 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 this regulation cannot be met.**

 - 1) A permit to construct shall be issued or denied within 45 days of receipt of the completed application.**
- (f) Only a person who complies with all the applicable provisions of this regulation shall be entitled to receive and retain a permit.**
- (g) When a permit has been suspended or revoked, any construction or installation of the manufactured home community shall immediately cease.**

- (h) Permits shall not be transferrable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.**
- (i) If the construction or installation activities have not commenced within twelve (12) months from the date of issuance of a permit, said permit shall automatically expire.**
- (j) The manufactured home community shall be constructed or installed in accordance with the plans and specifications as approved by the State Bureau for Public Health. Any deviation from the approved original plans or specifications must be submitted in writing to the State Bureau for Public Health for review, and written approval obtained before such changes are made.**

Section 5.02 Permit to operate.

- (a) No person directly or indirectly shall in any manner conduct, control, manage, maintain, or operate a 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 manufactured home community.**
- (b) An application for a permit to operate a manufactured home community shall be made in writing to the health officer on a form prescribed by the state department for public health, signed by the applicant or agent and shall contain information requested by the health officer to enable him to determine that the facility and its operation is in compliance with the provisions of this regulation.**
- (c) The application for a permit shall be made at least fifteen (15) days before the actual or proposed operation of said manufactured home community is to be effected.**
- (d) 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 this regulation cannot be met.**

- (e) Only persons who comply with the applicable provisions of this regulation shall be entitled to receive and retain a permit.**
- (f) Permits shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.**
- (g) A permit to operate shall expire at midnight on the 31st day of December following the date of issuance.**
- (h) Application for renewal of permit shall be made at least fifteen (15) days prior to expiration date of existing permit.**
- (i) In the event of an intended change or an actual change in ownership of a 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.**
- (j) A permit may be suspended or revoked by the health officer if it is found that the manufactured home community is maintained or operated in violation of this regulation, or any law, rule, or ordinance applicable thereto, or in violation of the conditions stated on the permit.**
- (k) A permit to operate shall not be reinstated until an inspection by the health officer determines that the manufactured home community is in compliance with all applicable provisions of this regulation or any orders, rules or instructions issued by the health officer.**

Section 5.03 Hearing, notices, and others.

- (a) Any person whose application for a permit to construct or install a manufactured home community 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 Bureau for Public Health has received a written petition for such hearing.**

- (b) Any person whose application for a permit to operate a Manufactured home community 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.**
- (c) Notwithstanding the other provisions of this regulation whenever the health officer finds at a 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 to the operator, citing such conditions, specifying the corrective action to be taken, the time period in which such action shall be taken. If an imminent health hazard exists, such order shall state that the permit to operate is immediately suspended.**

Article VI. Inspection.

Section 6.01 Each manufactured home community shall be inspected at least once each twelve (12) months. The health officer also may make as many additional inspections of the manufactured home community as he or she deems necessary to determine satisfactory compliance with the provisions of this regulations and any orders, notices, instructions, or specifications issued.

Section 6.02 A copy of the inspection report shall be filed with the manufactured home community operator.

Section 6.03 The owner, operator, or person in charge of a manufactured home community, shall provide the health officer with free access to the premises for inspections, and shall furnish all information and records necessary.

Article VII. Water Supply.

Section 7.01 General requirement.

- (a) All manufactured home communities shall be provided with an easily accessible, safe, potable supply of water approved by the State Bureau for Public Health.**
- (i) *Water supplies shall be installed, constructed, maintained, operated and monitored in compliance with division of health rules 64 CSR 3, Public Water Supply Regulations, 64 CSR 19, Water Well Regulations, and 64 CSR 15, Cross-Connection and Backflow Prevention Regulations. This is from 64CSR18***
- (b) All water supplies, water piping, fixtures or other equipment serving a manufactured home community shall be constructed, installed, maintained, and operated in accordance with all applicable provisions of this regulations and the plans, specification, and instructions issued by the State Bureau for Public Health.**
- (c) 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.**
- (d) Individual water riser pipes and connections.**
 - (i) *Water riser pipe outlets shall be securely capped when a manufactured home does not occupy the manufactured home stand.***

Article VIII. Sewage System.

Section 8.01 General requirements.

- (a) All manufactured home communities shall be served by a sewage disposal system that is approved by the State Bureau for Public Health.**
- (b) All sewage disposal or sewage treatment facilities shall be located, maintained, and operated to not create an insanitary condition or a nuisance to the manufactured home community occupants or to the owners or occupants of adjacent property.**
- (c) All plumbing in the manufactured home community shall be in compliance with state and local plumbing laws, regulations, ordinances and codes.**

Section 8.02 Individual sewer connections.

- (a) Each manufactured home stand 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.**
- (b) The sewer riser pipe shall be located within the confines of the manufactured home stand.**
- (c) The sewer connection at the riser pipe shall consist of one pipe line only without any branch fittings. All joints shall be water tight.**
- (d) All materials used for sewer piping and sewer connections shall be durable, semirigid, corrosive resistant, and nonabsorbent.**
- (e) Approved fittings shall be used for the connection between the manufactured home community sewer riser pipe and the 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.**

- (f) The piping used for sewer connections shall be gas tight and no longer than necessary to make the connection between the manufactured home sewer outlet and the manufactured home community sewer riser pipe.**
- (g) Sewer riser pipes at unoccupied manufactured home stands shall be plugged or capped to make them water tight.**
- (h) The manufactured home community operator shall keep all occupied manufactured homes properly connected to the sewer riser pipes while the homes are in the manufactured home community, and ensure all unoccupied manufactured home stand sewer riser pipes are plugged or capped.**
- (i) Sewage disposal and treatment facilities shall be installed, constructed, maintained, operated and monitored in compliance with division of health rules 64CSR09 Sewage System Regulations.**

Article IX. Management Buildings and Other Community Service Facilities.

Section 9.01 All floors, walls, ceilings, and attached appurtenances and all fixtures and equipment shall be kept clean and in good repair.

Article X. Solid Waste Handling.

Section 10.01 The storage, collection, transportation, and disposal of solid waste shall create no insanitary conditions, nuisances, rodent harborages, or insect breeding areas.

Section 10.02 Solid waste shall be stored in flytight, watertight, rodent proof containers that are in a clean condition and in good repair.

Section 10.03 Solid waste shall be collected and transported in a leak proof covered vehicle or covered containers.

Section 10.04 Where approved municipal or private solid waste disposal service is not available, the manufactured home community operator shall dispose of the solid waste in accordance with applicable law.

Article XI. Insect and Rodent Control.

Section 11.01 Grounds, buildings, and structures shall be maintained free of insect breeding areas, rodent haborage, and infestation of insect or rodents of public health significance.

Section 11.02 Exterior openings of management buildings or other applicable structures shall be screened for insects and rodents or excluded by other effective means.

Section 11.03 The growth of grass, brush, and weeds shall be controlled to prevent the harborage of noxious insects and plants.

Section 11.04 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 manufactured home community operator.

The West Virginia State Fire Marshal recommended that we follow the “2006 International Property Maintenance Code”.

Article XII. Registration of Occupants.

Section 12.01 Every Manufactured home community operator shall maintain a register containing a record of all manufactured homes and occupants permitted to use the Manufactured home community.

Section 12.02 The register of occupants shall be readily available to the health officer. The register shall be preserved for one (1) year and shall contain name and mailing address of all manufactured home occupants.

Article XIII. Supervision.

Section 13.01 The manufactured home community operator shall operate the park in compliance with this regulation, and other applicable law. The operator shall maintain the park and its facilities and equipment in good repair, and in a clean and sanitary condition.

Section 13.02 A manufactured home shall not be occupied for dwelling purposes unless it is properly placed on an approved manufactured home stand and is properly connected to water, sewage, and other essential utilities.

Article XIV. Repeal of Former Regulations.

Section 14.01 Regulations previously adopted by the West Virginia Board of Health that are in conflict with the provisions of this regulation are repealed. **To be covered by legal department**

Article XV. Severability.

Section 15.01 If any provision of this regulation shall be held invalid, it shall not affect the remaining sections; and the provisions are severable. **To be covered by legal department**

Article XVI. Penalty for Violating Provisions of Regulation.

Section 16.01 A person who violates this regulation- shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days or both fine and imprisonment.

Section 16.02 Each day's failure to comply with this regulation shall constitute a separate offense.

Should we Reference by inference to:
NFPA 225 (Model Manufactured Home Installation Standard)

NFPA 501 (Standard on Manufacturing Housing)

NFPA 501A (Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities)

2006 International Fire Code

64 CSR 3, Public Water Supply Regulations

64 CSR 19, Water Well Regulations

64 CSR 15, Cross-Connection and Backflow Prevention Regulations

64 CSR 09, Sewage System Regulations

Either add developments to Article II or take out completely
Developments taken out under protest – review the thinking on this

16.12. A center may choose to allow a child to bring meals and snacks to the center provided:

16.12.a. The center has written policies that address:

16.12.a.1. The provision to parents and staff of nutritional guidelines as stated in this rule;

16.12.a.2. The provision to parents and staff of guidelines on the proper preparation and storage of food so that foods do not present a cross-contamination threat;

16.12.a.3. The provision to parents and staff a list of foods the center will not permit, including known food allergens to other children;

16.12.a.4. An explanation to parents of how the center will address the issue if a child does not bring meals or snacks, or if the meals or snacks the child does bring are not within the nutritional guidelines or guidelines provided by the center;

16.12.a.5. That the food prepared from an unapproved source is for consumption by the child and not to be shared with other children or the group.

16.12.b. The center shall have safe storage and refrigeration of the food as needed. Storage must be approved by the health department;

16.12.c. Each child's meal or snack is clearly labeled with the child's first and last names and the date brought to the center;

16.12.d. No additional food preparation is required by the center;

16.12.e. The center shall provide a meal or snack when the parent fails to provide a meal or snack from home;

16.12.f. The center shall include children with food allergies in the group during meal or snack time and shall closely supervise all children under school age during meal or snack time to prevent the cross-contamination of food or accidental ingestion of a food allergen;

16.12.g. The center shall have milk available at meal times in accordance with meal patterns described in Appendix 78-1-C.