

Campground Regulations Workgroup Meeting Minutes August 11, 2014, 1:00 p.m.

The campground section of the Public Health Code, 1978 PA 368, Part 125 (Act) has not been updated since 2004 and the rules have not been updated since 2000. Both the Act and rules reflect simple transient camping, but many sectors of the industry have progressed to provide more amenities, especially in terms of more fully equipped recreational vehicles (RVs) and increased seasonal camping. Public health and safety issues related to industry progress are not fully addressed in the Act and rules. This Workgroup has been convened to recommend changes to both the Act and the rules that will better reflect current industry practices.

Abbreviations

Abbreviations used throughout the minutes and other correspondence. Other less used abbreviations will be set in the context of the location where it is used, many of which are in the Attendance following.

- Act means the campground sections of Part 125 of the Public Health Code, 1978 PA 1968 as amended
- ARVC-MI means the Association of RV Parks and Campgrounds of Michigan
- CG means campground
- DEQ means the Michigan Department of Environmental Quality
- DNR means the Michigan Department of Natural Resources
- LARA means the Michigan Department of Licensing and Regulatory Affairs
- LHD means local health department
- MARVAC means Michigan Association of Recreation Vehicles and Campgrounds
- MDARD means the Michigan Department of Agriculture and Rural Development
- Rules means the Michigan Campground Rules
- RV means recreational vehicle
- Workgroup means the Campground Regulations Workgroup

Attendance

The seventh meeting of the Campground Regulations Workgroup (Workgroup) convened at 1:10 p.m. Members and guests attending this meeting were:

- Keith Cheli, Department of Natural Resources, Parks and Recreation Division (MDNR) by teleconference
- David Cordray, White River Campground, representing ARVC-MI
- Tom Frazier, Legislative Liaison representing Michigan Townships Association
- David Graves, P.E., DEQ, Environmental Engineer, Campground Program
- Jim Horan, Sunnybrook RV Resort, representing MARVAC
- Mary Kushion, Mary Kushion Consulting
- Paul Maitre, Blue Gill Camping, representing ARVC-MI
- Richard Miller, State Fire Marshall, LARA Bureau of Fire Services
- Carrie Monosmith, Chief, Environmental Health Section
- Eric Pessel, Environmental Health Director, Kent County Health Department, representing Michigan Association of Local Environmental Health Administrators (MALEHA) by teleconference
- Paul D. Sisson, P.E., DEQ, Environmental Engineer Specialist, Campground Program
- Dan Stencil, Executive Officer, Oakland County Parks & Recreation, representing Michigan Recreation and Park Association
- Larry Stephens, P.E., Stephens Consulting Services, PC, representing Michigan Onsite Wastewater Recycling Association (MOWRA)

Guests

- None

Members Absent

- Michael L. Berrevoets, FTC&H, representing American Council of Engineering Companies of Michigan (ACEC)
- Ken Bowen, Health Officer, Ionia County Health Department, representing Michigan Association for Local Public Health (MALPH)
- Debra Duffy, Family Campers & RVs
- Bob Garcia, Family Motor Coach Association
- Keith Lambert, Michigan Department of Licensing and Regulatory Affairs (LARA).
- Rob Pirsein, P.E., Midwest Civil Engineers, PC
- Bill Sheffer, Director, MARVAC
- Liane Shekter Smith, P.E. Chief, DEQ, Office of Drinking Water and Municipal Assistance
- Steve Yencich, President, Michigan Lodging & Tourism Association (MLTA)

Invited Stakeholders Not Present

- Cinda Karlik, Michigan Department of Agriculture and Rural Development (MDARD)
- David Lorenz, Public & Industry Relations Manager, Michigan Economic Development Corporation (MEDC)
- Michigan Association of Fairs & Exhibitions (MAFE)

Introductions of Members and Guests and Other Member Information

Richard Miller of the State Fire Marshall Office at LARA was introduced. There were no guests at this meeting.

Ric Falardeau retired from DEQ at the end of July. The position is planned to be filled.

Minutes

The minutes of the July 7, 2014 meeting were approved.

Discussion of Fire Code Issues

Since Richard Miller, the State Fire Marshal attended this meeting, the workgroup discussed fire code issues at campgrounds. With typical properties, structures can be placed with setbacks from property lines and proper spacing between to meet the applicable fire codes. Campground sites are much different. Except for condominium campgrounds, campground site boundaries are not really fixed. Also, RVs and structures on campground sites, in order to prevent permanent residency, are designed to be moveable. Unless we require site corners to be staked, which would be a major endeavor; it is not practical to require setbacks from campground site boundaries.

Concerning spacing between structures, Rule 6(4) currently requires that the campground owner shall locate recreational units or other structures, such as sheds and awnings, to provide an unobstructed path which is not less than 4 feet wide and which extends completely around the recreational unit. The unobstructed path is the key provision to provide access to an RV for emergency rescue and fire safety purposes. The problem and question put to Mr. Miller is whether the 4-foot minimum width is adequate.

The campground rules prior to the current 2000 rules required 10-foot spacing between recreational units and other structures. The 10-foot spacing was consistent with mobile home park requirements. However, due to the small minimum size for a campground site, 1,200 sq ft, Campground Regulations Workgroup - August 11, 2014 Minutes

maintaining 10 feet was deemed impractical. Seasonally sited RVs on adjacent narrow sites could be placed in such a way as to make it difficult or impossible to place an RV on a legal site in between. The campground advisory committee at that time investigated this and changed the requirement to 4 feet.

Although the current 4-foot requirement seems to be good and we are not aware of any problems with the requirement, are there any conflicts with other fire codes to consider changing the rule? The National Fire Protection Association NFPA 1194 Standard for Recreational Vehicle Parks and Campgrounds should be consulted to see what that document says about spacing and whether or not trailer tongues should be required to point to the road.

The placing of RVs and structures on sites cannot actually be determined or managed during the DEQ plan review and construction permit process. This is actually an operational issue that the CG rules can give guidance. However, this is primarily a management issue that should mostly be handled by the CG owner. A site plan filed with the local fire marshal should be sufficient to resolve any problems and issues related to fire safety.

We did not discuss fire safety issues with campground fire pits or rings. These are not mentioned in the CG rules.

Family Member Campgrounds and Section 12501

After the last meeting, an issue was brought to the workgroup concerning CGs that are developed for the exclusive use of family members. The issue comes up from time to time whether or not these meet the definition of a campground and whether or not these should be licensed. Over many years, DEQ has consistently considered any campground with 5 or more sites to be licensable regardless if they are only for members of a family. However, DEQ recently became aware of a memorandum of advice from July 1989 from an assistant attorney general stating that “use of the public” from the definition in Section 12501 could exclude family members. This memo only discussed a campground owned by a person with sites used by a brother and was apparently ignored by the CG Program at that time.

In discussing this issue, the consensus of the workgroup was that for the protection of public health and safety, DEQ should continue to pursue licensing of any CG with 5 or more sites. There should be no dispute to simply requiring licensing for any CG with 5 or more sites. To that end DEQ proposed a change to the definition of a campground.

“Campground” means a parcel or tract of land under the control of a person in which PERMANENT OR TEMPORARY sites are offered for the use of ONE OR MORE INDIVIDUALS ~~the public or members of an organization~~, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units...

Adding “one or more individuals” and striking out “the public or members of an organization” was suggested as a change to eliminate the family is not public argument. The workgroup agreed that this proposed change should solve this problem.

Act Review

The workgroup discussed the Act revisions document revised to July 24, 2014 and section added concerning cabins or cottages in resorts. Although the workgroup agrees that DEQ should not license resorts that consist entirely of cabins or cottages, this wording needs to be clarified. Since movable cabins are proposed be considered recreational units, the suggested wording: *Campground does not include a resort consisting entirely of cabins or cottages that are non-movable and not designed to be relocated.*

Concerning the proposed definition of a movable cabin, the workgroup commented that some proposed wording should be removed to make the definition more broad. The suggested change would be: *A movable cabin, which is a hard-sided portable structure that is less than 400 square feet in area, and that is designed to facilitate...*

Since the workgroup is agreed that movability is the key to allowing cabins as recreational units, the question is what does movable mean. The definition of “camping cabin” in the current rules indicates that the cabin “is on skids designed to facilitate relocation from time to time...” This means that the structure would not have a foundation that would extend below the ground surface. This means that a cabin constructed on a skid foundation could be placed on a concrete slab or concrete piers. These could also be attached to the ground by tie-downs if these were required by the local building or codes. The rules should clarify this.

For the proposed definition of a site, the workgroup suggested to remove the permanent residency prohibition from here. A permanent residency prohibition is needed, but in another location that was not discussed. The workgroup also discussed placing a definition of “temporary campground” in the Act rather than only including definitions of permanent and temporary sites. This definition would be part of the definition of a campground in Section 12501(a).

The workgroup recommended adjusting the dates in the proposed definition of temporary living quarters. It was recommended to change October 31 to November 30 to account for hunting season. Then the off-season occupancy would be changed to December 1 through March 31. Some prohibition of permanent residency of a recreational unit on a site is still needed because RVs and most CG infrastructure are not designed for permanent residency.

Campground Program Budget, Fees, and Spending Priorities

The workgroup briefly discussed going to a 3-year licensing structure for campgrounds. There was also some limited discussion of possibly having the LHDs collect CG licensing fees similar to the food program. Discussion of different options for funding the CG program was tabled until the next meeting.

Section 12505, Campground Construction Permits

The workgroup discussed the issue of DEQ denials of construction permits on the basis of plans being administratively incomplete. To professionals submitting plans, this is a distasteful practice, but DEQ still needs the ability to reject a proposal and give reasons for the denial. If plans are really administratively incomplete, DEQ should send a simple checklist indicating what was missing. A section of the Act is not really needed for this.

The workgroup agreed with most of the proposed language for Section 12505 on construction permits. Issues concerning zoning and special use permits for CGs were discussed with the idea that there should be more verification that proper zoning is in place before DEQ issues the CG construction permit. For the CG construction permit process, there should be better cooperation between DEQ, local zoning officials, and other agencies involved. DEQ and certain workgroup members would work on revised language before the next meeting.

Temporary Campgrounds

The workgroup again discussed temporary CGs with the opinion that there are a significant number of temporary campgrounds that are never reported or licensed. It was noted that there are 800 festivals each year in Michigan, many of which have temporary CGs. DEQ only receives about 400 temporary CG licenses each year.

Assignments

- DEQ staff will compile changes to the Act and rules that the workgroup has discussed to date.
- DEQ staff and other workgroup members will compile recommended changes to Section 12505.

Next Meeting

The next meeting is set for Monday, September 15, 2014, at 1:00 p.m. in Lansing, McCauley Conference room, 4 South, Constitution Hall. A meeting date for October has not been set yet. The teleconference phone number, and agenda will be sent to workgroup members later.

The workgroup meeting was adjourned at 4:02 p.m.

Attachment

Respectfully submitted,
Paul D. Sisson
August 21, 2014