

Proposed Rule
LSA Document #05-328

DIGEST

Amends [410 IAC 6-6-1](#) through [410 IAC 6-6-15](#) to bring the rule into compliance with statute by adding and amending definitions to the mobile home community requirements and amending installation requirements and to update and clarify requirements relating to health, sanitation, safety, and water services. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[410 IAC 6-6-1](#); [410 IAC 6-6-2](#); [410 IAC 6-6-3](#); [410 IAC 6-6-4](#); [410 IAC 6-6-5](#); [410 IAC 6-6-6](#); [410 IAC 6-6-7.1](#); [410 IAC 6-6-8](#); [410 IAC 6-6-9](#); [410 IAC 6-6-10](#); [410 IAC 6-6-11](#); [410 IAC 6-6-12](#); [410 IAC 6-6-13](#); [410 IAC 6-6-14](#); [410 IAC 6-6-14.1](#); [410 IAC 6-6-15](#)

SECTION 1. [410 IAC 6-6-1](#) IS AMENDED TO READ AS FOLLOWS:

Rule 6. Mobile Home Community Sanitation and Safety

[410 IAC 6-6-1](#) Definitions

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 1. (a) As used in this rule, "mobile home" "**department**" means any vehicle, including the equipment sold as a part of a vehicle, which is so constructed as to permit its being used as a conveyance upon public streets or highways by either self-propelled or not self-propelled means, which is designed, constructed, or reconstructed, or added to by means of an enclosed addition or room in such a manner as will permit the occupancy thereof as a dwelling for one (1) or more persons, which is both used and occupied as a dwelling having no foundation other than wheels, jacks, skirting, or other temporary supports. **Indiana state department of health.**

(b) As used in this rule, "mobile home park" means an area of land upon which five (5) or more mobile homes (other than mobile homes on permanent foundations) are harbored on temporary supports for the purpose of being occupied as principal residences and includes all real and personal property used in the operation of the mobile home park. An area of land that is subdivided and contains individual lots which are leased or otherwise contracted for is a mobile home park if five (5) or more mobile homes (other than mobile homes on permanent foundations) are harbored on temporary supports there for the purpose of being occupied as principal residences.

(c) As used in this rule, "dependent mobile home" means a mobile home which does not possess a toilet, sink, bath, or shower facilities.

(d) As used in this rule, "partially dependent mobile home" means a mobile home which possesses a toilet and sink but does not possess a bath or shower facilities.

(e) As used in this rule, "state board" means the state board of health of Indiana.

(f) As used in this rule, "temporary supports" means any structural system of transferring the loads imposed by a mobile home to the earth with its lower surface placed above the frost line as established at [675 IAC 13-2.4](#).

(g) As used in this rule, "permanent foundation" (as an antonym of "temporary supports") means a structural system of transferring the loads imposed by a mobile home to the earth with its lower surface placed below the frost line as established at [675 IAC 13-2.4](#). The system shall be constructed of materials such as poured concrete, mortared concrete block, mortared brick, or treated wood, to which the mobile home is attached in such a way to secure the mobile home to the foundation so that the mobile home becomes part of the real estate and is

~~assessed for taxation as an improvement to the real estate.~~

(b) As used in this rule, "interference with state department of health agent" means, but is not limited to, physical obstruction, attack, or threatened attack on a representative of the department while that representative is conducting inspection, licensing, or enforcement activities under [IC 16-41-27](#) or this rule.

(c) As used in this rule, "manufactured home" has the meaning set forth in [IC 16-41-27-3.5](#).

(d) As used in this rule, "mobile home" has the meaning set forth in [IC 16-41-27-4](#).

(e) As used in this rule, "mobile home community" has the meaning set forth in [IC 16-41-27-5](#).

~~(f)~~ (f) As used in this rule, "violation" means the failure of a mobile home park community owner, operator, adult attendant, caretaker, or other person who has a substantial and direct proprietary interest in the park community to abide by a provision of [IC 16-41-27](#) or this rule.

~~(i) As used in this rule, "interference with state board of health agent" means, but is not limited to, physical obstruction, attack, or threatened attack on a representative of the board while that representative is conducting inspection, licensing, or enforcement activities pursuant to [IC 16-41-27](#) or this rule.~~

(Indiana State Department of Health; Reg HSE 21R, Sec 1; filed Jun 14, 1974, 2:29 p.m.: Rules and Regs. 1975, p. 328; filed Aug 7, 1981, 2:04 p.m.: 4 IR 1819; filed Feb 8, 1988, 4:10 p.m.: 11 IR 1764; filed Oct 6, 1989, 4:30 p.m.: 13 IR 278; errata filed Jan 5, 1990, 5:00 p.m.: 13 IR 902; errata filed Jan 30, 1990, 2:05 p.m.: 13 IR 1066; errata filed Jul 9, 1990, 2:00 p.m.: 13 IR 2004; filed Apr 16, 1996, 4:10 p.m.: 19 IR 2282; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; errata filed Dec 31, 2003, 12:00 p.m.: 27 IR 1890) NOTE: Statutory definition of mobile home park altered by Acts 1977, P.L. 144.

SECTION 2. [410 IAC 6-6-2](#) IS AMENDED TO READ AS FOLLOWS:

[410 IAC 6-6-2](#) Mobile home community sites; zoning; water and sewer service

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 2. (a) Mobile home parks communities shall be located:

- (1) on well-drained sites; and
- (2) in areas free from flooding or other conditions which that will cause or contribute to a health hazard.

(b) Mobile home park community sites shall:

- (1) meet all requirements of the local zoning commission; and shall
- (2) be approved by said the commission;

before construction begins.

(c) Every shelter occupied as a residence in a mobile home park, community, whether mobile or permanent, shall be:

- (1) equipped with toilet, sink, and bath or shower facilities; and shall be
- (2) connected to the water supply and sewer service; prior to

before occupancy.

(Indiana State Department of Health; Reg HSE 21R, Sec 2; filed Jun 14, 1975, 2:29 p.m.: Rules and Regs. 1975, p. 329; filed Aug 7, 1981, 2:04 p.m.: 4 IR 1819; filed Feb 8, 1988, 4:10 p.m.: 11 IR 1765; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)

SECTION 3. [410 IAC 6-6-3](#) IS AMENDED TO READ AS FOLLOWS:

410 IAC 6-6-3 Mobile home community lots; construction requirements

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 3. (a) The mobile home park **community** shall be divided into lots and **maintain** an accurate plat shall be available at the mobile home park office indicating the size and location of each lot. **The plat shall be available at the mobile home community office.**

(b) The design engineer must inspect and certify:

- (1) construction of new manufactured home communities; or**
- (2) any significant changes to a manufactured home community.**

~~(b)~~ **(c)** An occupied mobile home shall not be allowed to remain in a mobile home park **community** unless parked on a lot having:

- (1) water supply;**
- (2) sewage collection; and**
- (3) electrical;**

services in conformance with [410 IAC 6-6](#); **this rule.**

~~(c)~~ **(d)** The following provisions shall apply to all mobile home parks **communities** constructed after June 14, 1974, as well as to all additions to parks **communities** constructed after that date:

(1) Each mobile home park community lot shall:

(A) contain at least two thousand five hundred (2,500) square feet; and

~~(2) Each mobile home park lot shall~~ **(B) abut directly onto a road, driveway, or parking lot.**

~~(3)~~ **(2) Mobile homes or manufactured homes shall not be parked closer than ten (10) feet from:**

(A) an adjoining mobile home or manufactured home; or

(B) the expanded portions of such the mobile home or manufactured home.

~~(4)~~ **(3) No mobile home or manufactured home shall be enclosed around the bottom with a combustible material except that wood may be used for the framework. If mobile homes or manufactured homes are enclosed around the bottom and the water and/or or sewer, or both, connection is located under the mobile home or manufactured home, an access opening or openings shall be provided in close proximity to the water and sewer connections to permit inspection of those connections.**

~~(5)~~ **(4) A hard surface area, constructed of concrete, stone, or masonry, shall be provided for each mobile home or manufactured home lot of adequate size to provide a base for steps to the mobile home or manufactured home. A hard surface walk shall connect the steps with the road, driveway, or parking lot.**

~~(d)~~ **(e) Bales of hay or straw shall not be used for skirting or insulation of mobile homes or manufactured homes.**

(Indiana State Department of Health; Reg HSE 21R, Sec 3; filed Jun 14, 1974, 2:29 p.m.: Rules and Regs. 1975, p. 329; filed Aug 7, 1981, 2:04 p.m.: 4 IR 1820; filed Feb 8, 1988, 4:10 p.m.: 11 IR 1765; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)

SECTION 4. [410 IAC 6-6-4](#) IS AMENDED TO READ AS FOLLOWS:

410 IAC 6-6-4 Streets; parking spaces

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 4. (a) There shall be no dead-end streets:

- (1) less than twenty-four (24) feet in width; and**
- (2) in excess of one hundred fifty (150) feet in length;**

for vehicle traffic in a mobile home park **community**.

(b) At least one (1) auto parking space for each mobile home **or manufactured home** lot shall be provided within the property lines of the ~~park~~ **community**.

(c) Auto parking space may be included on **the following**:

(1) The mobile home **or manufactured home** lot. ~~or~~

(2) The ~~park~~ **community** street. ~~or-or~~

(3) Separate parking lots.

If separate parking lots are used, each parking space shall be located within three hundred (300) feet of the mobile home **or manufactured home** lot it will serve.

(d) The following provisions shall apply to all mobile home ~~parks~~ **communities** constructed after June 14, 1974, as well as to all additions to mobile home ~~parks~~ **communities** constructed after that date:

(1) Turnarounds serving to eliminate dead-end streets in ~~parks~~ **communities** shall have a diameter of at least sixty (60) feet.

(2) One-way streets shall be at least twelve (12) feet wide, and two-way streets shall be at least twenty-four (24) feet wide. If on-street parking is to be provided, each parking lane shall be at least an additional eight (8) feet wide.

(3) Overflow parking shall be provided in a mobile home ~~park~~ **community** at the rate of one (1) space for each three **(3)** mobile homes **or manufactured homes**.

(Indiana State Department of Health; Reg HSE 21R, Sec 4; filed Jun 14, 1974, 2:29 p.m.: Rules and Regs. 1975, p. 330; filed Aug 7, 1981, 2:04 p.m.: 4 IR 1820; filed Feb 8, 1988, 4:10 p.m.: 11 IR 1765; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)

SECTION 5. [410 IAC 6-6-5](#) IS AMENDED TO READ AS FOLLOWS:

[410 IAC 6-6-5](#) Minimum lighting

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 5. There shall be a minimum of **three-tenths** (0.3) foot-candles illumination on streets and walkways in a mobile home ~~park~~, **community**, except where an individual yard light is installed on each mobile home ~~park~~ **community** lot. If an individual yard light is installed on each mobile home ~~park~~ **community** lot, it shall provide illumination at least equivalent to that of a forty (40) watt incandescent bulb.

(Indiana State Department of Health; Reg HSE 21R, Sec 5; filed Jun 14, 1974, 2:29 p.m.: Rules and Regs. 1975, p. 330; filed Feb 8, 1988, 4:10 p.m.: 11 IR 1766; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)

SECTION 6. [410 IAC 6-6-6](#) IS AMENDED TO READ AS FOLLOWS:

[410 IAC 6-6-6](#) Community buildings; toilet and laundry facilities

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 6. (a) The community building of a mobile home ~~park~~, **community**, when provided, shall be constructed in accordance with the electrical, plumbing, and other building codes of the state and the municipal unit in which the ~~park~~ **community** is located. Construction of the building must be in accordance with a plan approved by the ~~state board~~ **department** as well as by the department of fire and building services.

(b) All exterior openings shall be covered with **sixteen** (16) mesh screen or equivalent during periods of the year when insects are prevalent.

(c) Toilet and laundry rooms shall be constructed so that they can be well-lighted at all times. The laundry rooms shall have illumination of at least forty (40) foot-candles on work areas such as washtubs, ironing boards,

and sorting tables. The toilet rooms shall have illumination of forty (40) foot-candles in front of mirrors.

(d) Sufficient hot water heating facilities shall be available so that the temperature of the hot water is maintained at a minimum of **one hundred twenty** (120) **F- degrees Fahrenheit** at all times for laundry facilities.

(e) Laundry trays and automatic washers shall be connected to the sanitary sewer.

(f) Community buildings shall be located at least fifteen (15) feet from any mobile home **or manufactured home**.

(g) Community buildings shall be maintained in a clean and sanitary condition at all times.

(Indiana State Department of Health; Reg HSE 21R, Sec 6; filed Jun 14, 1974, 2:29 p.m.: Rules and Regs. 1975, p. 330; filed Feb 8, 1988, 4:10 p.m.: 11 IR 1766; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)

SECTION 7. [410 IAC 6-6-7.1](#) IS ADDED TO READ AS FOLLOWS:

[410 IAC 6-6-7.1](#) Water supply distribution systems

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 7.1. (a) Each mobile home lot shall be provided with a cold water tap extending at least four (4) inches above the ground surface. In no case shall a stop and waste valve or other device that would allow aspiration or backflow or contaminated water into the potable water system be used.

(b) The individual water and sewer connections on each mobile home lot shall be separated not less than five (5) feet horizontally.

(c) The water supply system shall be capable of furnishing a minimum of two hundred (200) gallons per day per mobile home lot in all mobile home communities constructed after June 14, 1974, as well as in all additions to mobile home communities constructed after the date.

(d) The water supply and distribution system must be as follows:

(1) Installed, maintained, and operated in accordance with [327 IAC 8](#).

(2) Capable of maintaining water pressure at not less than twenty (20) psi during periods of peak water demand.

(Indiana State Department of Health; [410 IAC 6-6-7.1](#))

SECTION 8. [410 IAC 6-6-8](#) IS AMENDED TO READ AS FOLLOWS:

[410 IAC 6-6-8](#) Sewage disposal systems

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 8. (a) A mobile home park community shall dispose of sewage through use of a public sewerage system if the sewerage system is available within a reasonable distance from the mobile home park community. If a public sewerage system is not available, sewage may be disposed of through use of a private system constructed in accordance with either of the following:

(1) [410 IAC 6-10](#) in the case of septic tank soil absorption for commercial on-site wastewater disposal systems. or

(2) Applicable rules of the water pollution control board in the case of sewage disposal facilities other than septic tank soil absorption commercial on-site wastewater disposal systems.

(b) All components of the mobile home ~~park~~ **community** sewage collection and disposal system shall be located in accordance with the provisions of ~~327 IAC 8-3.3-5~~ **327 IAC 8** to prevent the possibility of contaminating the:

- (1) mobile home ~~park~~ **community** water supply; and the
- (2) water supplies of surrounding property owners.

(c) Storm water or surface drainage shall not be discharged to the ~~park~~ **community** sewer system receiving sanitary wastes from mobile homes, **manufactured homes**, and service buildings. Surface drainage shall be diverted away from the **sewer and water** riser. The rim of the riser tile shall extend at least four (4) inches above ground elevation.

(d) All sewers receiving sanitary wastes shall be constructed as described by the Recommended Standards for ~~Sewage Works~~ **Wastewater Facilities, 1997 Edition**, as published by the Great Lakes-Upper Mississippi River Board of State ~~Sanitary Engineers and Provincial Public Health and Environmental Managers~~ except that sanitary sewers may be six (6) inches in diameter.

(e) All sewage disposal facilities ~~which~~ **that** have an effluent discharging into the waters of the state shall be constructed, operated, and maintained in accordance with the requirements ~~and standards of the water pollution control board.~~ **department of environmental management.**

(f) Sewers shall have manholes constructed at intervals of not more than four hundred (400) feet along the sewer. Manholes shall be installed at every change in size, alignment, or grade of the sewer.

(Indiana State Department of Health; Reg HSE 21R, Sec 8; filed Jun 14, 1974, 2:29 p.m.: Rules and Regs. 1975, p. 332; filed Aug 7, 1981, 2:04 p.m.: 4 IR 1821; filed Feb 8, 1988, 4:10 p.m.: 11 IR 1767; errata filed Jan 5, 1990, 5:00 p.m.: 13 IR 902; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; errata filed Dec 31, 2003, 12:00 p.m.: 27 IR 1890)

SECTION 9. [410 IAC 6-6-9](#) IS AMENDED TO READ AS FOLLOWS:

[410 IAC 6-6-9](#) Refuse disposal; inoperative motor vehicles

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 9. ~~(Refuse Disposal)~~ (a) The mobile home ~~park~~ **community** owner ~~and/or~~ **or** operator, **or both**, shall be responsible for **the following**:

- (1) Satisfactory storage, collection, and disposal of refuse. ~~and for~~
- (2) Ensuring that **subsections** (b) through (g) ~~of this section is~~ **are** complied with.

(b) Refuse shall be stored in fly-tight water-tight containers ~~which~~ **that** shall be located not more than **one hundred fifty** (150) feet from any mobile home space. **Refuse can liners constructed of plastic, paper, or similar material may not be stored outside the mobile home or manufactured home.** Hopper-type containers may be substituted for refuse cans where service permits. ~~When hopper type units are used they must be placed within a reasonable walking distance from the mobile home spaces to be served.~~

(c) ~~The refuse cans and containers shall be placed on racks with at least eight inches clearance off the ground or on a concrete base or by other approved construction.~~ All refuse containers must be kept in a sanitary condition.

(d) The area around the storage cans shall be kept clean and free of litter.

(e) Refuse shall be disposed of at ~~a public~~ **an approved** disposal site. ~~or in such other manner that it will not create fly breeding, rodent harborage, odor or smoke nuisances or health, fire or safety hazards.~~

(f) Garbage or empty food containers ~~refuse~~ shall not be placed in any incinerator constructed for the disposal of combustible refuse. **burned.**

(g) No unlicensed or inoperative motor vehicle shall be allowed to remain in a mobile home park for more than ~~thirty (30) days~~ **community** unless stored in a designated, visually screened area ~~which that~~ is at least one hundred (100) feet from the nearest mobile home **or manufactured home.**

(Indiana State Department of Health; Reg HSE 21R, Sec 9; filed Jun 14, 1974, 2:29 p.m.: Rules and Regs. 1975, p. 333; filed Aug 7, 1981, 2:04 p.m.: 4 IR 1822; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)

SECTION 10. [410 IAC 6-6-10](#) IS AMENDED TO READ AS FOLLOWS:

[410 IAC 6-6-10](#) Electrical and gas facilities

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 10. (~~Electrical and Gas Utilities~~). (a) All wiring and lighting fixtures shall be installed and maintained in a safe condition.

(b) All gas outlet risers, regulators, meters, valves or other exposed equipment shall be protected by proper location or other means from mechanical damage by vehicles or other causes.

(c) When gas is used, a properly installed system of gas lines and appurtenances ~~which that~~ provides gas service adequate for safe operation of appliances and equipment shall be provided.

(Indiana State Department of Health; Reg HSE 21R, Sec 10; filed Jun 14, 1974, 2:29 p.m.: Rules and Regs. 1975, p. 334; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)

SECTION 11. [410 IAC 6-6-11](#) IS AMENDED TO READ AS FOLLOWS:

[410 IAC 6-6-11](#) Ground anchors

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 11. (~~Mobile Home Safety~~) (a) In all mobile home parks **communities** and additions to mobile home parks **communities**, ground anchors shall be installed on each occupied mobile home lot. **Ground anchors shall be removed from unoccupied lots.**

(b) When ground anchors are installed, they shall be installed on each side of the mobile home stand in a row:

(1) beginning ~~at~~ **not** more than six (6) feet from the front wall; ~~of the mobile home~~ and

(2) ending ~~at~~ **not** more than six (6) feet from the rear wall;

of the mobile home. The ground anchors placed along the side of the mobile home stand shall not be separated by more than **twenty-four** (24) feet unless a greater separation distance is certified by a registered professional engineer or architect as providing the same or better protection as that provided by the specified configuration.

(c) Provision for diagonal ties between ground anchors and the mobile home shall be made in conjunction with each vertical tie-down.

(d) Ground anchors exposed to weathering shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel of not less than ~~thirty-hundredths~~ (0.30) ounces per square foot of surface coated. Each ground anchor shall be **as follows:**

(1) Designed to resist an allowable working load equal to or exceeding **three thousand one hundred fifty** (3,150) pounds. ~~and shall be~~

(2) Capable of withstanding a ~~(50)~~ **fifty** percent (**50%**) overload without failure.

(Indiana State Department of Health; Reg HSE 21R, Sec 11; filed Jun 14, 1974, 2:29 p.m.: Rules and Regs. 1975, p. 334; filed Aug 7, 1981, 2:04 p.m.: 4 IR 1822; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)

SECTION 12. [410 IAC 6-6-12](#) IS AMENDED TO READ AS FOLLOWS:

[410 IAC 6-6-12](#) Submission of construction plans

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#); [IC 25-31-1-2](#)

Sec. 12. Any person or persons planning the construction, additions to, or significant change in the construction of any mobile home park **community** shall, ~~prior to~~ **before** the initiation of any such construction, submit plans, drawn to scale, to the ~~state board~~ **department** for review and approval. These plans must be certified by a registered engineer or architect licensed to practice in the state of Indiana except, as provided in [IC 25-31-1-2\(h\)](#), registered land surveyors may certify those portions of plans containing only:

- (1) platting or subdividing of land; and
- (2) gravity sanitary sewers, storms sewers, and tile drains.

(Indiana State Department of Health; Reg HSE 21R, Sec 12; filed Jun 14, 1974, 2:29 p.m.: Rules and Regs. 1975, p. 334; filed Aug 7, 1981, 2:04 p.m.: 4 IR 1823; filed Feb 8, 1988, 4:10 p.m.: 11 IR 1767; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)

SECTION 13. [410 IAC 6-6-13](#) IS AMENDED TO READ AS FOLLOWS:

[410 IAC 6-6-13](#) Swimming pools

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 13. All swimming pools operated as part of a mobile home park **community** shall be operated and maintained in compliance with [410 IAC 6-2.1](#). Construction of the pool must be in compliance with a plan approved by the department of fire and building services.

(Indiana State Department of Health; Reg HSE 21R, Sec 13; filed Jun 14, 1974, 2:29 p.m.: Rules and Regs. 1975, p. 335; filed Aug 7, 1981, 2:04 p.m.: 4 IR 1823; filed Feb 8, 1988, 4:10 p.m.: 11 IR 1768; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; errata filed Dec 31, 2003, 12:00 p.m.: 27 IR 1890)

SECTION 14. [410 IAC 6-6-14](#) IS AMENDED TO READ AS FOLLOWS:

[410 IAC 6-6-14](#) Reporting communicable diseases

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 14. ~~Conditions for Health and Safety.~~ (a) Every owner, operator, or attendant operating a mobile home park **community** shall notify the local health office immediately of any suspected communicable or contagious disease within the mobile home park **community**.

- (b) No conditions, situation, or installation shall be created, installed, or maintained ~~which~~ **that** may:
- (1) cause or result in a health or safety hazard; or ~~which may~~
 - (2) cause or transmit disease or harbor rodents or other vermin.

(Indiana State Department of Health; Reg HSE 21R, Sec 14; filed Jun 14, 1974, 2:29 p.m.: Rules and Regs. 1975, p. 335; filed Aug 7, 1981, 2:04 p.m.: 4 IR 1823; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)

SECTION 15. [410 IAC 6-6-14.1](#) IS AMENDED TO READ AS FOLLOWS:

410 IAC 6-6-14.1 Civil penalties schedule**Authority:** [IC 16-19-3-4](#); [IC 16-41-27-8](#)**Affected:** [IC 4-21.5-3-8](#); [IC 16-41-27](#)

Sec. 14.1. (a) The ~~board~~ **department** may commence an action under [IC 16-41-27-25](#) [IC 16-41-27-29](#) and [IC 4-21.5-3-8](#) to levy civil penalties against a mobile home ~~park~~ **community** operator who:

- (1) fails to comply with [IC 16-41-27](#) or this rule; or
- (2) interferes with or obstructs the ~~state board~~ **department** or its designated agent in the performance of duties ~~pursuant to~~ **under** [IC 16-41-27](#).

(b) A civil penalty in an amount in the appropriate range specified in this section may be assessed for each day of each violation.

(c) In determining the seriousness of the violation and the specific amount of the civil penalty to be sought for each violation, the ~~state board~~ **department** will consider the following:

- (1) The potential for harm or imminent threat to public health.
- (2) The extent of deviation from statutory or regulatory requirements.
- (3) **The** degree of willfulness or negligence.
- (4) **A** history of noncompliance.

The absence of direct harm will not result in assessment of a lower penalty for a violation.

(d) Unless adjusted as provided for in subsection (e), all penalties shall be in accordance with the following schedule:

Violation		Range of Penalty
Mobile home sites	(410 IAC 6-6-2)	\$50 to \$100
Mobile home lots	(410 IAC 6-6-3)	\$50 to \$100
Streets and parking	(410 IAC 6-6-4) (IC 16-41-27-15)	\$10 to \$50
Park Community lighting	(410 IAC 6-6-5) (IC 16-41-27-17)	\$10 to \$50
Water supply	(327 IAC 8-8-1) (IC 16-41-27-10)	\$100 to \$1,000
Water risers	(327 IAC 8-8-1) (h))	\$10 to \$50
Sewage disposal	(410 IAC 6-6-8) (IC 16-41-27-11)	\$100 to \$1,000
Sewer risers	(410 IAC 6-6-8) (c))	\$50 to \$100
Refuse disposal	(410 IAC 6-6-9) (IC 16-41-27-12)	\$50 to \$100
Unlicensed or inoperative motor vehicles	(410 IAC 6-6-9) (g))	\$50 to \$100
Electrical/gas utilities	(410 IAC 6-6-10)	\$100 to \$500
Mobile home safety	(410 IAC 6-6-11)	\$10 to \$100
Submission of plans	(410 IAC 6-6-12) (IC 16-41-27-22)	\$100 to \$1,000
Swimming pools	(410 IAC 6-6-13)	\$100 to \$500
Conditions for health and safety	(410 IAC 6-6-14)	\$100 to \$1,000
Domestic animals and house pets	(IC 16-41-27-16)	\$10 to \$100
Attendant or caretaker	(IC 16-41-27-9)	\$100 to \$500
Interference with State Board department or its agent		\$100 to \$1,000

(e) After determining the appropriate penalty based on the schedule in this section, the ~~state board~~ **department** may adjust the penalty to reflect a good faith effort to comply by the owner or operator of a mobile home ~~park~~ **community**.

(f) Each individual penalty will be multiplied by the number of days the particular violation occurred. Penalties

for violations occurring in two (2) consecutive inspections by the ~~state board~~ **department** shall be assessed on the basis that the violations have remained uncorrected over the period of time between the two (2) inspections.

(g) Penalties for all violations will be totaled and sought under one (1) cause of action.

(h) After filing an action pursuant to ~~under~~ [IC 4-21.5](#), and in an attempt to resolve violations of [IC 16-41-27](#) and this rule without resort to a hearing, the ~~state board~~ **department** may negotiate and enter into agreed orders. An agreed order may suspend all or part of the civil penalty calculated under the requirements and deadlines established in the agreed order.

(Indiana State Department of Health; [410 IAC 6-6-14.1](#); filed Oct 6, 1989, 4:30 p.m.: 13 IR 279; errata filed Jan 5, 1990, 5:00 p.m.: 13 IR 902; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; errata filed Dec 31, 2003, 12:00 p.m.: 27 IR 1890)

SECTION 16. [410 IAC 6-6-15](#) IS AMENDED TO READ AS FOLLOWS:

[410 IAC 6-6-15](#) Incorporation by reference

Authority: [IC 16-19-3-4](#); [IC 16-41-27-8](#)

Affected: [IC 16-41-27](#)

Sec. 15. (~~References~~) **(a) "Recommended Standards for Sewage Works," 1978 Wastewater Facilities", 1997 Edition, a report of the Committee of the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers, and Provincial Public Health and Environmental Managers, is hereby incorporated by reference as part of this rule.**

(b) Incorporated materials are available from:

Health Education ~~Service~~, **Services**, Inc.

P.O. Box 7126

Albany, NY 12224

or available for public review at the department.

(Indiana State Department of Health; [410 IAC 6-6-15](#); filed Aug 7, 1981, 2:04 p.m.: 4 IR 1823; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)

[Notice of Public Hearing](#)

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