

HEALTH AND SAFETY

CHAPTER 175

H. B. No. 678

(Sticka, Gress and Schmalenberger)

MOTOR AND TRAILER COURT REGULATION

AN ACT

To amend and reenact sections 23-1002, 23-1003, 23-1004, 23-1005, 23-1006, 23-1008, 23-1010, 23-1011 and 23-1012 of the North Dakota Revised Code of 1943, dealing with motor and trailer courts and to repeal sections 23-1001, 23-1007 and 23-1009 and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Definitions.) In this chapter, unless the context or subject matter otherwise requires:

1. "Motor court" includes every plot of land equipped with buildings or structures, or any part thereof, kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations, with or without cooking facilities, are furnished to the public for periods of less than one week and shall include only such establishments where buildings or structures have guest units opening to the outside, being not connected by a common doorway or hallway, and where accommodations include parking space for at least one motor vehicle to each guest unit, and shall include establishments known as motels, cabins, camps or by whatever name the same may be called.
2. "Trailer court" includes every plot of land kept, used, maintained, advertised, or held out to the public as a place for use by transient guests for parking trailers or trailer coaches, which plot of land is of such size as to accommodate two or more trailer coaches.

§ 2. Amendment.) Section 23-1002 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1002. State Laboratories Department To Make Regulations; Inspection.) The state laboratories department shall have general supervision of the health and sanitary condition

of all motor and trailer courts in this state and may make, promulgate, and enforce such rules and regulations as may be necessary or desirable for the preservation of the same. The department and its inspectors shall have access to the premises of each motor or trailer court, and every part thereof, at such times as may be proper and reasonable for the inspection thereof.

§ 3. Amendment.) Section 23-1003 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1003. License Required; Application.) No person, firm, or corporation, municipal or private, shall establish or maintain a motor or trailer court in this state without first obtaining a license therefor from the state laboratories department. The application for such license shall be made in writing to the department and shall state the location and type of the court, the number of sleeping rooms, the proposed water supply therefor, the proposed method of sewerage and garbage disposal, and such other information as may be required by the department. Forms for such application shall be prepared by the department and distributed upon request.

§ 4. Amendment.) Section 23-1004 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1004. Inspection Before License Granted; Basis of Fees.) As soon as possible after the receipt of an application, the state laboratories department shall cause an inspection of the premises to be made, and if the department is satisfied from the application and inspection that the existing or proposed motor or trailer court will not be a source of danger to the health of the guests of the court or to the general public, it shall notify the applicant of its approval of such court and of the amount of the fees for a license therefor. Fees shall be charged and collected upon the basis of the number of sleeping rooms available for use by guests for hire. A license fee, however, shall not be charged for any municipally owned and operated motor or trailer court.

§ 5. Amendment.) Section 23-1005 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1005. License Fees.) The following fees shall be charged for licenses to operate motor or trailer courts in this state:

1. For a trailer court or a motor court having not more than five sleeping rooms, five dollars;

2. For a motor court having more than five and less than eleven sleeping rooms, ten dollars;
3. For a motor court having eleven or more sleeping rooms, twenty dollars.

§ 6. Amendment.) Section 23-1006 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1006. License Granted; Form; Transferable.) Upon receipt of the required license fee and upon the approval of the application, the state laboratories department shall issue a license in writing to the person, firm, or corporation named in the application. Such license shall be upon a form prescribed by the department, shall be for a term of one year from January first to December thirty-first, and shall be renewable upon the same basis as that upon which it was originally issued. The license shall be transferable only with the consent of the department which, upon application, may take up and cancel the original license issued for the operation of the motor or trailer court and issue a new license to the transferee for the balance of the year.

§ 7. Sanitation and Safety.) Every motor court or trailer court shall be operated with strict regard for health, safety, and comfort of its patrons. The following sanitary and safety regulations shall be followed:

1. Location: Every motor or trailer court shall be established upon dry, well drained ground. Any natural sink-holes or collection or pool of water shall be artificially drained and filled when the court is first established.
2. Drinking water supply: An adequate supply of potable and safe drinking water shall be provided. Water from other than a municipal supply shall not be used until inspected, tested and certified by this department.
3. Towels: The placing of roller cloth towels for public use in any wash room or place within the court shall be prohibited; however, individual cloth towels, cloth towels provided in mechanical dispensers, individual paper towels and roller paper towels may be used.
4. Toilets: Modern sanitary flush toilets shall be provided where a sewer connection is available; otherwise sanitary fly-proof privies shall be maintained. All toilets and privies shall be kept in a clean, sanitary condition. Separate toilets and privies shall be provided for each sex except where toilets are provided in each guest unit. No privy or cesspool shall be located less than 100 feet from any well, kitchen or sleeping quarters.

5. Garbage: All garbage and refuse shall be stored in metal fly-proof cans, and the contents removed and disposed of daily, either by burial or incineration. All buildings within the court ground shall be screened against flies and kept in a clean and sanitary condition.
6. Bolts or locks: All guest units used for sleeping purposes shall be equipped with inside bolts or with locks which cannot be opened from the outside with a skeleton key while such room or cabin is occupied, bolted and locked from within.
7. Mattresses and pillows: It shall be unlawful to have upon any bed any mattress of a lower grade than that commonly known to the trade as cotton felt combination. Mattresses must be covered with sheets and the pillows with pillow cases; same to be changed after the departure of each guest.

§ 8. Amendment.) Section 23-1008 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1008. Sickness In Motor or Trailer Courts; Penalty For Failure To Report.) Every guest of a court immediately shall report to the person in charge of the court, or to the local or state health authorities, every case of sickness in his or her guest unit. Any person who shall fail to make such report shall be guilty of a misdemeanor and shall be punished by a fine of not more than twenty-five dollars.

§ 9. Guest Record.) A record shall be kept in each motor or trailer court in which every individual patronizing the court shall write his or her name and address and the number of members in his or her party.

§ 10. Amendment.) Section 23-1010 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1010. Posting Rules and Regulations.) The owner or keeper of a motor or trailer court shall post in one or more conspicuous places in the court a notice of the provisions of this chapter with reference to sanitation and health and of any and all rules and regulations with reference thereto promulgated by the state laboratories department. At least two copies of such notice shall be furnished to each motor or trailer court by the department.

§ 11. Amendment.) Section 23-1011 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1011. Ejection From Premises.) The owner or keeper of a motor or trailer court may eject any person from the premises for nonpayment of charges or fees for accommodations, for a violation of law, for disorderly conduct, for a violation of any regulation of the state laboratories department, or for a violation of any rule of the court which is publicly posted within the same.

§ 12. Amendment.) Section 23-1012 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1012. Revocation of License; Penalty For Operating Without License.) The state laboratories department may revoke any license issued under the provisions of this chapter upon the failure of the holder thereof to comply with the provisions of this chapter or with any of the rules and regulations made and promulgated by the department. Any person, the members of any firm, and the officers of any corporation, private or municipal, who shall maintain or operate a motor or trailer court without first obtaining a license, or who shall operate the same after the revocation of the license, shall be guilty of a misdemeanor and shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

§ 13. Repeal.) Sections 23-1001, 23-1007 and 23-1009 of the North Dakota Revised Code of 1943 are hereby repealed.

§ 14. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.

CHAPTER 176

H. B. No. 710

(Baker)

CESSPOOLS, SEPTIC TANKS, PRIVIES—REGULATION

AN ACT

Providing for the licensing and regulating by the state department of health of the business of cleaning, pumping, and servicing cesspools, septic tanks, or privies; fixing the license fees; providing for the issuance of permits by health officers of cities, towns, counties, and health districts, fixing the fees for such permits; authorizing local and district health officers to regulate within their jurisdictions; and providing penalties for violation of any provisions of this Act, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. License and Permit Requirements.) From and after the passage and approval of this Act no person, partnership, association, firm or corporation shall engage for hire in the business of cleaning, pumping, and servicing cesspools, septic tanks, or privies without first obtaining an annual license therefor in the manner hereinafter provided. In addition to the annual state license an additional permit may be required by the local governmental and health jurisdictions. The provisions of this chapter shall not apply to master plumbers duly licensed to engage in the business of plumbing in the state of North Dakota.

§ 2. Application For Licenses and Permits.) Applicants for license shall file applications under oath with the state department of health on prescribed application forms which are to be signed by the owner or in the case of associations and corporations by authorized representatives seeking a license. Where permits are required by local units of government the application for this permit shall be made through the district or local health officer having jurisdiction within the area to be served.

§ 3. Surety Bond.) Before receiving a license the applicant shall execute and deposit with the state department of health a surety bond in the sum of one thousand dollars conditioned on the faithful performance in conformity with all applicable health laws and regulations of all work undertaken by him.

§ 4. License and Permit Fees.) A North Dakota resident licensee shall pay an annual fee of fifteen dollars for each complete servicing unit including pump and transport. A non-resident licensee shall pay an annual fee of fifty dollars for

each complete servicing unit including pump and transport. Where local permits are required in addition to the state license the permit fee shall not exceed one dollar for each complete servicing unit including pump and transport. This permit fee may be imposed within each local jurisdiction.

§ 5. Licenses and License Tags.) Licenses issued hereunder shall expire one year after date of issuance or upon such uniform dates as the state health council may prescribe by regulation. Normally, unless altered by regulation, the license will run for the calendar year and will expire on December 31 each year. The license shall be issued only for the servicing unit and person or firm named in the application and shall not be transferable or assignable. The state health department may cause to be designed and issued a numbered metal license tag which shall be posted in a conspicuous place on each servicing unit of the licensee. If deemed desirable different colored tags may be used to distinguish resident and non-resident licensees.

§ 6. Rules, Regulations and Inspections.) The state health council is authorized to promulgate rules and regulations and to make inspections as may be necessary to implement this Act and to provide adequate health safeguards. Within their respective jurisdictions district and local boards of health may adopt rules and regulations and make inspections not inconsistent with this Act and the regulations established by the state health council.

§ 7. Authority To Issue, Deny, Suspend, or Revoke Licenses.) The state department of health shall issue licenses to applicants found to comply with the provisions of this Act and lawfully promulgated regulations. The state health officer with the approval of the state health council may after a hearing deny, suspend, or revoke licenses on any of the following grounds:

1. Failure to execute, deposit and maintain a surety bond;
2. Violation of any of the provisions of this Act or regulations promulgated pursuant thereto; or
3. Conduct or practices detrimental to health, safety, and welfare.

No application for a license shall be denied nor shall a license be suspended, or revoked except after a hearing before the state health council held pursuant to written notice to the applicant or licensee, served by registered mail. The notice shall concisely state the grounds for such denial or for such proposed suspension or revocation and shall fix the time and

place of hearing which shall not be less than fifteen days after the date of mailing the notice. The state health council may delegate district and local boards of health to conduct hearings within their respective jurisdictions.

§ 8. Hearings and Appeals.) The hearings, procedures, and appeals shall be conducted in accordance with the provisions of chapter 28-32 of the title, "Judicial Procedure Civil" of the North Dakota Revised Code of 1943, as amended.

§ 9. Penalties.) Violation of any of the provisions of this Act or duly promulgated health and sanitary regulations pursuant thereto shall constitute a misdemeanor and shall be punishable by a fine of not more than one hundred dollars for each offense or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

§ 10. License.) License fees shall be appropriately accounted for and remitted to the state treasurer.

§ 11. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 2, 1955.