

HOUSE BILL NO. 1103

Introduced by

Human Services Committee

(At the request of the State Department of Health)

1 A BILL for an Act to create and enact sections 23-10-06.1 and 23-10-06.2 of the North Dakota
2 Century Code, relating to mobile home park, recreational vehicle park, and campground license
3 renewals and transfers; to amend and reenact sections 23-10-01, 23-10-02, 23-10-02.1,
4 23-10-03, 23-10-04, 23-10-06, 23-10-07, 23-10-07.1, 23-10-09, 23-10-10, 23-10-10.1, 23-10-11,
5 and 23-10-12 of the North Dakota Century Code, relating to mobile home parks, recreational
6 vehicle parks, and campgrounds; and to provide a penalty.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 23-10-01 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **23-10-01. Definitions.**

11 In this chapter, unless the context or subject matter otherwise requires:

- 12 1. "Campground" means any parcel of land containing three or more lots intended for
13 occupancy by ~~travel trailers~~ recreational vehicles or tents.
- 14 2. "Department" means the state department of health.
- 15 3. "Lot" means any piece of land of required size intended for occupancy by a mobile
16 home, ~~travel trailer~~ recreational vehicle, or tent.
- 17 4. "Mobile home" means any relocatable manufactured, modular, or prefabricated
18 structure or unit ~~which that~~ is designed to be used as residential living quarters. The
19 term does not include a recreational vehicle.
- 20 5. "Mobile home park" means any parcel of land containing three or more lots intended
21 for occupancy by mobile homes.
- 22 6. "Person" means any individual, firm, trust, partnership, public or private association,
23 corporation, or limited liability company.

- 1 7. ~~"Trailer park" means any parcel of land containing three or more lots intended for~~
2 ~~occupancy by travel trailers.~~
- 3 8. ~~"Travel trailer"~~Recreational vehicle means ~~any portable unit~~ a vehicular-type unit
4 primarily designed to be used as a temporary dwelling living quarters for travel or
5 recreational purposes, camping, or travel use, which either has its own mode of power
6 or is mounted on or towed by another vehicle. The term ~~travel trailer~~ includes the
7 following:
- 8 a. An independent ~~travel trailer~~recreational vehicle, which is a ~~travel trailer~~
9 containing toilet and lavatory facilities.
- 10 b. A dependent ~~travel trailer~~recreational vehicle, which is a ~~travel trailer~~
11 ~~containing~~contains either toilet or lavatory facilities or having neither facility.
- 12 8. "Recreational vehicle park" means a parcel or tract of land under the control of a
13 person, organization, or government entity where three or more lots are offered for use
14 by members of the public or an organization for rent or lease, including park-owned
15 recreational vehicles held out for rent or lease. A recreational vehicle park is primarily
16 designed to accommodate recreational vehicles.

17 **SECTION 2. AMENDMENT.** Section 23-10-02 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **23-10-02. Department to make regulations - Compliance.**

20 The department shall have general supervision over the health, safety, sanitary condition,
21 and legal compliance as outlined in this chapter of all mobile home parks, ~~trailer~~recreational
22 vehicle parks, and campgrounds in this state and may promulgate and enforce appropriate
23 rules and regulations in accordance with chapter 28-32. All mobile home parks,
24 ~~trailer~~recreational vehicle parks, and campgrounds constructed after July 1, 1977, must be
25 constructed in accordance with the requirements of this chapter and the rules and regulations
26 promulgated at the time of construction. All mobile home parks, ~~trailer~~recreational vehicle parks,
27 and campgrounds constructed before July 1, 1977, shall meet the requirements of this chapter
28 by July 1, 1985. All mobile home parks, ~~trailer~~recreational vehicle parks, and campgrounds shall
29 meet rules and regulations duly promulgated after construction of the park or campground
30 within eight years after the effective date of the rule or regulation.

1 **SECTION 3. AMENDMENT.** Section 23-10-02.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **23-10-02.1. Department authorized to accept local enforcement and inspection.**

4 The department shall accept state, federal, city, or county enforcement of local sanitation,
5 safety, zoning, and inspection requirements in lieu of the enforcement of sanitation, safety, and
6 inspection requirements of the department under this chapter if the department determines that
7 the state, federal, city, or county requirements meet or exceed the requirements of this chapter
8 and any rules and regulations promulgated under this chapter. ~~Prior to~~Before accepting state,
9 federal, city, or county enforcement of local requirements, the department shall determine that
10 the state, federal, city, or county requirements meet or exceed the requirements of this chapter
11 and any rules and regulations promulgated under this chapter.

12 **SECTION 4. AMENDMENT.** Section 23-10-03 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **23-10-03. License required - Application.**

15 1. A person may not establish, maintain, change use, mix use, or enlarge a mobile home
16 park, ~~trailer~~recreational vehicle park, or campground in this state without first obtaining
17 a license from the department.

18 2. The application for the license must be made in writing to the department and must
19 state the location and type of the mobile home park, ~~trailer~~recreational vehicle park, or
20 campground, the proposed water supply, the proposed method of sewerage and
21 garbage disposal, and such other information as may be required by the department.
22 Application forms must be prepared by the department and distributed upon request.

23 3. The department may not issue a license under this section if the proposed mobile
24 home park, recreational vehicle park, or campground would prevent, interfere, or
25 restrict proposed private development that is actively being pursued.

26 4. The department shall waive the license fee for any mobile home park,
27 ~~trailer~~recreational vehicle park, or campground owned by the state, a municipality, or a
28 nonprofit organization. The department shall waive all or a portion of the license fee for
29 any mobile home park, ~~trailer~~recreational vehicle park, or campground that is subject
30 to local sanitation, safety, and inspection requirements accepted by the department
31 under section 23-10-02.1. A prorated annual license fee may be charged for new

1 mobile home parks, ~~trailer~~recreational vehicle parks, and campgrounds. The
2 ~~department~~health council may adopt rules establishing the amount and the procedures
3 for the collection of annual license fees. The fees must be based on the cost of
4 reviewing construction plans, conducting routine and complaint inspections,
5 reinspection, and necessary enforcement action. License fees collected pursuant to
6 this section must be deposited in the department's operating fund in the state treasury
7 and any expenditure from the fund is subject to appropriation by the legislative
8 assembly.

9 **SECTION 5. AMENDMENT.** Section 23-10-04 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **23-10-04. Inspection.**

12 The department shall inspect the premises as soon as practical after receiving an
13 application for a mobile home park, ~~trailer~~recreational vehicle park, or campground license. If
14 the department is satisfied from the application and inspection that the mobile home park,
15 ~~trailer~~recreational vehicle park, or campground will not be a source of danger to the health and
16 safety of the occupants or the general public, ~~it~~the department shall notify the applicant of its
17 approval of the application and of the amount of the license fee. The department ~~shall~~must have
18 access to and may inspect mobile home parks, ~~trailer~~recreational vehicle parks, and
19 campgrounds at reasonable times. The department ~~shall~~may inspect each mobile home park,
20 ~~trailer~~recreational vehicle park, and campground ~~at least once every two years in response to a~~
21 complaint, violation of state law, or on a routine schedule determined by the department.

22 **SECTION 6. AMENDMENT.** Section 23-10-06 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **23-10-06. License issuance - ~~Transferability~~Fee.**

25 An applicant seeking licensure shall apply to the department on forms prescribed by the
26 department. The applicant shall enclose with the application an application fee as determined
27 by rule. The department shall issue a license to ~~the an~~an applicant ~~upon approving the application~~
28 ~~and receiving the license fee. The license must be upon a form prescribed by the department,~~
29 ~~must be for a term of one year from January first to December thirty-first, and must be~~
30 ~~renewable upon the same basis as that upon which it was originally issued. A penalty of~~
31 ~~twenty-five percent of the license fee must be imposed if the license is not renewed on or before~~

1 ~~January thirty-first following the expiration date. The license must be transferred without charge~~
2 ~~if the proposed new owner applies in writing for a transfer of the license and certifies that the~~
3 ~~mobile home park, trailer park, or campground will be operated in accordance with this~~
4 ~~chapter who meets all of the requirements of this chapter and any rules adopted by the health~~
5 ~~council.~~

6 **SECTION 7.** Section 23-10-06.1 of the North Dakota Century Code is created and enacted
7 as follows:

8 **23-10-06.1. License renewal.**

- 9 1. A license issued under this chapter expires on December thirty-first of each year.
- 10 2. A license may be renewed by December thirty-first by submitting a renewal
11 application, a renewal fee established rule, provided the licensee is in compliance with
12 this chapter and any rules established by the health council.
- 13 3. If the renewal application and renewal fee are not received by December thirty-first,
14 the license expires and the licensee may not operate.
- 15 4. Within sixty days after December thirty-first, an expired license may be renewed by
16 submitting the renewal application, renewal fee, and a late fee. The late fee is equal to
17 fifty percent of the license fee.
- 18 5. If the renewal application, renewal fee, and late fee are not received within sixty days
19 after December thirty-first, the department may not renew the license, and the
20 applicant shall apply and meet the requirements for licensure to be granted a license.
- 21 6. The department may extend the renewal deadline for applications providing proof of
22 hardship rendering the applicant unable to meet the deadline.
- 23 7. The department may not renew a license if the mobile home park, recreational vehicle
24 park, or campground is not actively conducting business at the site, and the applicant
25 shall apply and meet the requirements for licensure to be granted a license.

26 **SECTION 8.** Section 23-10-06.2 of the North Dakota Century Code is created and enacted
27 as follows:

28 **23-10-06.2. License transferability.**

29 The department shall transfer a license without charge if the proposed new owner applies in
30 writing for a transfer of the license and certifies that the mobile home park, recreational vehicle
31 park, or campground will be operated in accordance with this chapter.

1 **SECTION 9. AMENDMENT.** Section 23-10-07 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **23-10-07. Sanitation and safety.**

4 Every mobile home park, ~~trailer~~recreational vehicle park, and campground must be
5 operated with strict regard for the health, safety, and comfort of its occupants. The following
6 sanitary and safety regulations must be followed:

- 7 1. Location: Every mobile home park must be established and maintained upon dry,
8 well-drained ground. Any natural sinkholes or collection or pool of water must be
9 artificially drained and filled. ~~Trailer~~Recreational vehicle park and campground lots
10 must be established and maintained upon dry, well-drained spaces.
- 11 2. Drinking water supply: An adequate supply of potable and safe drinking water must be
12 provided. ~~Water from other than a municipal supply may not be used until inspected,~~
13 ~~tested, and certified by the department~~The operator of a mobile home park,
14 recreational vehicle park, or campground shall supply drinking water at the mobile
15 home park, recreational vehicle park, or campground which is obtained from an
16 approved source that is a public water system or a nonpublic water system that is
17 constructed, maintained, and operated according to law.
- 18 3. Towels: The placing of roller cloth towels for public use in any washroom or place
19 within a mobile home park, ~~trailer~~recreational vehicle park, or campground is
20 prohibited. Individual cloth towels, cloth towels provided in mechanical dispensers,
21 individual paper towels, or roller paper towels must be placed for use.
- 22 4. Toilets: Modern sanitary flush toilets must be provided where a sewer connection is
23 available. If a sewer connection is not available, sanitary flyproof privies must be
24 maintained. All toilets and privies must be kept in a clean, sanitary condition. Separate
25 toilets and privies must be provided for each sex. No privy or cesspool may be located
26 less than one hundred feet [30.48 meters] from any well, kitchen, or sleeping quarters.
- 27 5. Garbage: All garbage and refuse must be stored in ~~metal flyproof~~durable, cleanable,
28 insect- and rodent-resistant containers, and the contents removed and disposed of ~~on~~
29 a regular basisat a frequency that will minimize the development of objectionable
30 odors and other conditions that attract or harbor insects and rodents. All buildings

- 1 within the mobile home park, ~~trailer~~recreational vehicle park, or campground must be
2 screened against flies and kept in a clean and sanitary condition.
- 3 6. Plumbing installations: All plumbing installations in a mobile home park,
4 ~~trailer~~recreational vehicle park, or campground must be made in accordance with the
5 state plumbing code and state laws.
- 6 7. Electrical installations: All electrical installations in a mobile home park,
7 ~~trailer~~recreational vehicle park, or campground must be made in accordance with the
8 state electrical code.
- 9 8. Streets and roadways: Each mobile home park, ~~trailer~~recreational vehicle park, and
10 campground ~~shall~~must have roadways or streets wide enough to facilitate the
11 movement of traffic within the park or campground.
- 12 9. Lighting: Each mobile home park ~~must be well-lighted~~, recreational vehicle park, and
13 campground must have adequate lighting as set forth in rule.
- 14 10. Fire protection: Each mobile home park ~~shall~~, recreational vehicle park, and
15 campground must have adequate fire protection in accordance with the state fire code.
- 16 11. Playgrounds: Each mobile home park containing twenty-five or more lots shall provide
17 playground space equivalent to one lot for every twenty-five lots in the park.
- 18 12. Multiple-story parks: A multiple-story mobile home park or trailer park may not be
19 constructed in this state.

20 **SECTION 10. AMENDMENT.** Section 23-10-07.1 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **23-10-07.1. Service fees.**

23 Service fees that reasonably reflect the cost of the service provided in a mobile home park,
24 ~~trailer~~recreational vehicle park, or campground may be charged. Fees may not be charged
25 unless a service is actually provided.

26 **SECTION 11. AMENDMENT.** Section 23-10-09 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **23-10-09. Occupancy record.**

29 The owner or manager of a mobile home park, ~~trailer~~recreational vehicle park, or
30 campground shall maintain a current record of the names of the occupants of the park or
31 campground.

1 **SECTION 12. AMENDMENT.** Section 23-10-10 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **23-10-10. Posting rules and regulations.**

4 The owner or manager of a licensed mobile home park, recreational vehicle park, or
5 campground conspicuously shall post or distribute a digital or hard copy of ~~this chapter and the~~
6 relevant rules and regulations to each tenant in the park. ~~The owner or manager of a trailer park~~
7 ~~or campground shall conspicuously post a copy of this chapter and the relevant rules and~~
8 ~~regulations in the trailer park or campground.~~ Material required to be distributed or posted under
9 this section must be provided by the department free of charge.

10 **SECTION 13. AMENDMENT.** Section 23-10-10.1 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **23-10-10.1. Requirement of emergency response procedures in ~~certain mobile home~~**
13 **~~parks.~~**

14 The owner of a mobile home park ~~that contains at least ten mobile homes, recreational~~
15 vehicle park, or campground shall establish a procedure for responding to emergencies and
16 complaints ~~by tenants with respect to the mobile home park.~~ The procedure must include the
17 ability to reach a person who has the authority to perform, or direct the performance of, duties
18 imposed on the owner under this chapter. The procedure must be posted conspicuously in the
19 mobile home park, recreational vehicle park, and campground or a copy must be provided to
20 the tenants in writing ~~and a copy must be provided to the tenants.~~

21 **SECTION 14. AMENDMENT.** Section 23-10-11 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **23-10-11. Ejection from premises.**

24 The owner or manager of a mobile home park, ~~trailer~~recreational vehicle park, or
25 campground may eject any person from the premises for nonpayment of charges or fees for
26 accommodations, for a violation of law, for disorderly conduct, for a violation of any regulation of
27 the department, or for a violation of any reasonable rule of the mobile home park,
28 ~~trailer~~recreational vehicle park, or campground which is publicly posted within the park or
29 campground.

30 **SECTION 15. AMENDMENT.** Section 23-10-12 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **23-10-12. Revocation of license - Penalty for operating without license.**

2 The department may ~~revoke any license issued under this chapter~~deny an application or
3 take disciplinary action, up to and including revocation, against any applicant or licensee upon
4 the failure of the applicant or licensee to comply with this chapter or with any of the rules
5 adopted by the health council and regulations promulgated by the department. Before ~~any~~
6 ~~license may be revoked~~, the department takes disciplinary action against a license, the
7 department shall notify the licensee in writing of the reason ~~revocation~~disciplinary action is
8 being considered and shall provide a reasonable amount of time for correction to be made.
9 Action taken under the authority granted in this section must comply with chapter 28-32. Any
10 person who maintains or operates a mobile home park, ~~trailer~~recreational vehicle park, or
11 campground without first obtaining a license, or who operates the same after revocation of the
12 license, is guilty of an infraction.