

CHAPTER 23-10

MOBILE HOME PARKS, TRAILER PARKS, AND CAMPGROUNDS

23-10-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Campground" means any parcel of land containing three or more lots intended for occupancy by travel trailers or tents.
2. "Department" means the state department of health.
3. "Lot" means any piece of land of required size intended for occupancy by a mobile home, travel trailer, or tent.
4. "Mobile home" means any relocatable structure or unit which is designed to be used as living quarters.
5. "Mobile home park" means any parcel of land containing three or more lots intended for occupancy by mobile homes.
6. "Person" means any individual, firm, trust, partnership, public or private association, corporation, or limited liability company.
7. "Trailer park" means any parcel of land containing three or more lots intended for occupancy by travel trailers.
8. "Travel trailer" means any portable unit designed to be used as a temporary dwelling for travel or recreational purposes. The term travel trailer includes the following:
 - a. An independent travel trailer, which is a travel trailer containing toilet and lavatory facilities.
 - b. A dependent travel trailer, which is a travel trailer containing either toilet or lavatory facilities or having neither facility.

23-10-02. Department to make regulations - Compliance. The department shall have general supervision over the health, safety, sanitary condition, and legal compliance as outlined in this chapter of all mobile home parks, trailer parks, and campgrounds in this state and may promulgate and enforce appropriate rules and regulations in accordance with chapter 28-32. All mobile home parks, trailer parks, and campgrounds constructed after July 1, 1977, must be constructed in accordance with the requirements of this chapter and the rules and regulations promulgated at the time of construction. All mobile home parks, trailer parks, and campgrounds constructed before July 1, 1977, shall meet the requirements of this chapter by July 1, 1985. All mobile home parks, trailer parks, and campgrounds shall meet rules and regulations duly promulgated after construction of the park or campground within eight years after the effective date of the rule or regulation.

23-10-02.1. Department authorized to accept local enforcement and inspection. The department shall accept city or county enforcement of local sanitation, safety, zoning, and inspection requirements in lieu of the enforcement of sanitation, safety, and inspection requirements of the department under this chapter if the department determines that the city or county requirements meet or exceed the requirements of this chapter and any rules and regulations promulgated under this chapter. Prior to accepting city or county enforcement of local requirements, the department shall determine that the city or county requirements meet or exceed the requirements of this chapter and any rules and regulations promulgated under this chapter.

23-10-03. License required - Application. A person may not establish, maintain, or enlarge a mobile home park, trailer park, or campground in this state without first obtaining a license from the department. The application for the license must be made in writing to the department and must state the location and type of the mobile home park, trailer park, or campground, the proposed water supply, the proposed method of sewerage and garbage disposal, and such other information as may be required by the department. Application forms must be prepared by the department and distributed upon request. The department shall waive the license fee for any mobile home park, trailer park, or campground owned by the state, a municipality, or a nonprofit organization. The department shall waive all or a portion of the license fee for any mobile home park, trailer park, or campground that is subject to local sanitation, safety, and inspection requirements accepted by the department under section 23-10-02.1. A prorated annual license fee may be charged for new mobile home parks, trailer parks, and campgrounds. The department may adopt rules establishing the amount and the procedures for the collection of annual license fees. License fees collected pursuant to this section must be deposited in the department's operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly.

23-10-04. Inspection. The department shall inspect the premises as soon as practical after receiving an application for a mobile home park, trailer park, or campground license. If the department is satisfied from the application and inspection that the mobile home park, trailer park, or campground will not be a source of danger to the health and safety of the occupants or the general public, it shall notify the applicant of its approval of the application and of the amount of the license fee. The department shall have access to and may inspect mobile home parks, trailer parks, and campgrounds at reasonable times. The department shall inspect each mobile home park, trailer park, and campground at least once every two years.

23-10-05. License fees. Repealed by S.L.2005, ch.32, §19.

23-10-06. License issuance - Transferability. The department shall issue a license to the applicant upon approving the application and receiving the license fee. The license must be upon a form prescribed by the department, must be for a term of one year from January first to December thirty-first, and must be renewable upon the same basis as that upon which it was originally issued. A penalty of twenty-five percent of the license fee must be imposed if the license is not renewed on or before January thirty-first following the expiration date. The license must be transferred without charge if the proposed new owner applies in writing for a transfer of the license and certifies that the mobile home park, trailer park, or campground will be operated in accordance with this chapter.

23-10-07. Sanitation and safety. Every mobile home park, trailer park, and campground must be operated with strict regard for the health, safety, and comfort of its occupants. The following sanitary and safety regulations must be followed:

1. Location: Every mobile home park must be established and maintained upon dry, well-drained ground. Any natural sinkholes or collection or pool of water must be artificially drained and filled. Trailer park and campground lots must be established and maintained upon dry, well-drained spaces.
2. Drinking water supply: An adequate supply of potable and safe drinking water must be provided. Water from other than a municipal supply may not be used until inspected, tested, and certified by the department.
3. Towels: The placing of roller cloth towels for public use in any washroom or place within a mobile home park, trailer park, or campground is prohibited. Individual cloth towels, cloth towels provided in mechanical dispensers, individual paper towels, or roller paper towels must be placed for use.
4. Toilets: Modern sanitary flush toilets must be provided where a sewer connection is available. If a sewer connection is not available, sanitary flyproof privies must be maintained. All toilets and privies must be kept in a clean, sanitary condition. Separate toilets and privies must be provided for each sex. No privy or cesspool may be located less than one hundred feet [30.48 meters] from any well, kitchen, or sleeping quarters.
5. Garbage: All garbage and refuse must be stored in metal flyproof containers, and the contents removed and disposed of on a regular basis. All buildings within the mobile home park, trailer park, or campground must be screened against flies and kept in a clean and sanitary condition.
6. Plumbing installations: All plumbing installations in a mobile home park, trailer park, or campground must be made in accordance with the state plumbing code.
7. Electrical installations: All electrical installations in a mobile home park, trailer park, or campground must be made in accordance with the state electrical code.
8. Streets and roadways: Each mobile home park, trailer park, and campground shall have roadways or streets wide enough to facilitate the movement of traffic within the park or campground.
9. Lighting: Each mobile home park must be well-lighted.
10. Fire protection: Each mobile home park shall have adequate fire protection.
11. Playgrounds: Each mobile home park containing twenty-five or more lots shall provide playground space equivalent to one lot for every twenty-five lots in the park.
12. Multiple-story parks: A multiple-story mobile home park or trailer park may not be constructed in this state.

23-10-07.1. Service fees. Service fees that reasonably reflect the cost of the service provided in a mobile home park, trailer park, or campground may be charged. Fees may not be charged unless a service is actually provided.

23-10-08. Sickness in motor or trailer courts - Penalty for failure to report. Repealed by S.L. 1975, ch. 106, § 73.

23-10-09. Occupancy record. The owner or manager of a mobile home park, trailer park, or campground shall maintain a current record of the names of the occupants of the park or campground.

23-10-10. Posting rules and regulations. The owner or manager of a licensed mobile home park shall distribute a copy of this chapter and the relevant rules and regulations to each tenant in the park. The owner or manager of a trailer park or campground shall conspicuously post a copy of this chapter and the relevant rules and regulations in the trailer park or campground. Material required to be distributed or posted under this section must be provided by the department free of charge.

23-10-10.1. Requirement of response procedures in certain mobile home parks. The owner of a mobile home park that contains at least ten mobile homes shall establish a procedure for responding to emergencies and complaints by tenants with respect to the mobile home park. The procedure must include the ability to reach a person who has the authority to perform, or direct the performance of, duties imposed on the owner under this chapter. The procedure must be in writing and a copy must be provided to the tenants.

23-10-11. Ejection from premises. The owner or manager of a mobile home park, trailer park, or campground 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 department, or for a violation of any reasonable rule of the mobile home park, trailer park, or campground which is publicly posted within the park or campground.

23-10-12. Revocation of license - Penalty for operating without license. The department may revoke any license issued under this chapter upon the failure of the licensee to comply with this chapter or with any of the rules and regulations promulgated by the department. Before any license may be revoked, the department shall notify the licensee in writing of the reason revocation is being considered and shall provide a reasonable amount of time for correction to be made. Action taken under the authority granted in this section must comply with chapter 28-32. Any person who maintains or operates a mobile home park, trailer park, or campground without first obtaining a license, or who operates the same after revocation of the license, is guilty of an infraction.

23-10-13. Change in use or closure of mobile home park. If the owner of a mobile home park applies for the rezoning of a park, the owner shall post a notice of the proposed rezoning in the park at least five days before the public hearing on the rezoning. In addition, the owner of a mobile home park shall notify all tenants in that park in writing of a change in use at least one hundred eighty days before the change in use. A change in use is a change in the park that would alter any portion of the park which is used to lease to mobile home owners so that the portion will no longer be leased to mobile home owners. The owner or manager may not increase rent within ninety days before giving notice of a change in use for the portion of the park to which the change will apply.

23-10-14. Mobile home security deposit. The amount of a security deposit may not be modified after the initial lease agreement between a mobile home park owner and a tenant has been executed by both parties.

CHAPTER 33-33-01 MOBILE HOME PARK RULES

Section

33-33-01-01	Definitions
33-33-01-02	Application for License
33-33-01-03	Fire and Life Safety Requirements
33-33-01-04	Facilities Provided
33-33-01-05	Noxious Plant and Animal Control
33-33-01-06	Maintenance of Service Buildings
33-33-01-07	License Fees

33-33-01-01. Definitions. As used in this chapter:

1. "Accessory building or structure" means a building or structure that is an addition to a mobile home or that supplements the facilities provided in a mobile home. It is not a self-contained, separate, habitable building or structure.
2. "Department" means the state department of health.
3. "Service building" means a structure housing shower, bath, toilet, lavatory, and such other facilities as may be required by the North Dakota state plumbing code.

History:

Effective August 1, 1988; amended effective October 1, 1990; July 1, 2004.

General Authority: NDCC 23-01-03(3), 23-10-02

Law Implemented: NDCC 23-10-02

33-33-01-02. Application for license. A complete scaled plan and list of specifications for new construction or for altering or enlarging of an existing mobile home park must be submitted to the department for approval. Mobile home parks which are enlarged shall meet all rules and regulations in effect at the time of enlarging for the portion of the park which is enlarged. The plans or specifications must contain the following:

1. A legal description of the property and a description of the site location with regard to highways, streets, and landmarks.
2. Name and address of developer.
3. Name and address of architect, engineer, or designer.
4. The area and dimensions of the site.
5. The number, location, and dimensions of all mobile home lots and detail of each typical lot for each mobile home.
6. The location and width of roadways, automobile parking facilities, and walkways, including whether they are paved, blacktopped, graveled, etc.
7. The location and details of any service buildings or other proposed structures.
8. The location and details of lighting and electrical systems.
9. The location and specifications of the water supply, sewer, and refuse disposal facilities, including approved soil testing results and details of wells, pumping stations, and service riser pipes.

History: Effective August 1, 1988; amended effective October 1, 1990.

General Authority: NDCC 23-01-03(3), 23-10-02

Law Implemented: NDCC 23-10-02, 23-10-03

33-33-01-03. Fire and life safety requirements.

1. No portion of a mobile home, excluding the tongue, shall be located closer than ten feet [3 meters] side to side, eight feet [2.4 meters] end to side, or six feet [1.8 meters] end to end horizontally from any other mobile home, accessory building, or structure unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a one-hour fire-resistant rating or the structures are separated by a one-hour fire-rated barrier.
2. Accessory buildings or structures shall be permitted to be located immediately adjacent to a lot line when constructed of materials that do not support combustion and provided that such buildings or structures are not less than three feet [.9 meter] from an accessory building or structure on an adjacent lot. An

accessory building or structure constructed of combustible materials shall be located no closer than five feet [1.53 meters] from the bordering lot line.

3. No mobile home, attachment, accessory building, or structure may be located so as to create hazard to the mobile home or park occupants or restrict emergency vehicles and personnel from performing necessary services.
4. Streets must be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street. In all cases, streets must meet the following minimum requirements:
 - a. Two-way streets with parking on both sides 34 feet [10.36 meters]
 - b. Two-way streets with parking on one side only 27 feet [8.23 meters]
 - c. Two-way streets without parking 24 feet [7.32 meters]
 - d. One-way streets with parking on both sides 27 feet [8.23 meters]
 - e. One-way streets with parking on one side only 18 feet [5.49 meters]
 - f. One-way streets without parking 14 feet [4.27 meters]
5. The street system must give an unobstructed access to the public street, highway, or access road.

History: Effective August 1, 1988; amended effective October 1, 1990; June 1, 1991; July 1, 2004.

General Authority: NDCC 23-01-03(3), 23-10-02

Law Implemented: NDCC 23-10-02, 23-10-07

33-33-01-04. Facilities provided.

1. Conversion of a mobile home park, trailer park, or campground from one type to another must be approved by the department.
2. Streets and walkways must be lighted to provide a minimum average maintained illumination of four-tenths foot-candles [4.31 lux], with a uniformity ratio of no greater than six to one.
3. Each lot in a mobile home park must be provided with an approved electrical service outlet.
4. Each lot in a mobile home park must be provided with an approved plumbing system.
5. A certification from the electrical and plumbing installer, stating all installations were made in accordance with state codes, shall be required before issuance of the mobile home license.
6. No accessory building or structure may obstruct the exit ways of the mobile home.

History: Effective August 1, 1988; amended effective October 1, 1990; July 1, 2004.

General Authority: NDCC 23-01-03(2), 23-10-02

Law Implemented: NDCC 23-10-02, 23-10-07

33-33-01-05. Noxious plant and animal control.

1. The grounds, buildings, and structures of a mobile home park must be maintained free of harborage for insects, rodents, and other vermin. Extermination methods and other measures to control insects and rodents must conform with the requirements of the department.
2. All areas must be maintained free of accumulations of debris. The growth of brush, weeds, and grass must be controlled to prevent harborage or breeding places for noxious insects and vermin. Mobile home parks must be so maintained as to prevent the growth of noxious weeds considered detrimental to health.
3. Storage areas must be maintained so as to prevent rodent harborage. Lumber, firewood, pipe, and other building materials must be stored neatly at least one foot [.3 meter] above the ground.
4. Any skirting of mobile homes must be of a type and construction which will not provide harborage. Where mobile homes are skirted, an access opening must be provided near service connections.

History: Effective August 1, 1988; amended effective October 1, 1990.

General Authority: NDCC 23-01-03(3), 23-10-02

Law Implemented: NDCC 23-10-02, 23-10-07

33-33-01-06. Maintenance of service buildings. Service buildings, sinks, toilets, and other equipment must be kept in a clean and sanitary condition and in good repair at all times.

History: Effective August 1, 1988.

General Authority: NDCC 23-01-03(3), 23-10-02

Law Implemented: NDCC 23-10-02, 23-10-073

33-33-01-07. License fees.

The department shall charge the following fees for licenses to operate mobile home parks in this state:

1. For a mobile home park containing at least three but not more than ten lots, ninety dollars.
2. For a mobile home park containing at least eleven but not more than twenty-five lots, one hundred thirty-five dollars.
3. For a mobile home park containing at least twenty-six but not more than fifty lots, one hundred seventy-five dollars.
4. For a mobile home park containing at least fifty-one but not more than one hundred lots, two hundred twenty dollars.
5. For a mobile home park containing at least one hundred one but not more than one hundred fifty lots, two hundred seventy dollars.
6. For a mobile home park containing at least one hundred fifty-one but not more than two hundred lots, three hundred twenty dollars.
7. For a mobile home park containing at least two hundred one but not more than two hundred fifty lots, three hundred seventy dollars.
8. For a mobile home park containing more than two hundred fifty lots, four hundred twenty dollars.

The department shall waive the license fee for any mobile home park owned by the state, a municipality, or a nonprofit organization.

History: Effective January 1, 2006; amended effective April 1, 2008; January 1, 2014.

General Authority: NDCC 23-01-03

Law Implemented: NDCC 23-10-02, 23-1007

CHAPTER 33-33-02 TRAILER PARK AND CAMPGROUND RULES

Section

33-33-02-01 Definitions

33-33-02-02 Application for License

33-33-02-03 Spacing Requirements

33-33-02-04 Facilities Provided

33-33-02-05 Noxious Plant and Animal Control

33-33-02-06 Maintenance of Service Buildings

33-33-02-07 License Fees

33-33-02-01. Definitions. As used in this chapter:

1. "Recreational vehicle" means a travel trailer.
2. "Service building" means a structure housing shower, bath, toilet, lavatory, and such other facilities as may be required by the North Dakota state plumbing code.
3. "Tent" means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.

History: Effective August 1, 1988.

General Authority: NDCC 23-01-03(3), 23-10-02

Law Implemented: NDCC 23-10-01

33-33-02-02. Application for license. A complete scaled plan and list of specifications for new construction or for altering or enlarging of an existing trailer park or campground must be submitted to the department for approval. The application must contain the following:

1. A legal description of property and a description of the site location with regard to highways, streets, and landmarks.
2. Name and address of developer.
3. Name and address of architect, engineer, or designer.
4. The area and dimensions of the site.
5. The number, location, and dimensions of all trailer or campground lots and detail of each typical lot for each trailer or tent.
6. The location and width of roadways, automobile parking facilities, and walkways, including whether they are paved, blacktopped, graveled, etc.
7. The location and details of service buildings and any other proposed structures.
8. The location and details of lighting and electrical systems.
9. The location and specifications of the water supply, sewer, and refuse disposal facilities; including approved soil testing results and details of wells, pumping stations, and service riser pipes.

History: Effective August 1, 1988.

General Authority: NDCC 23-01-03(3), 23-10-02

Law Implemented: NDCC 23-10-03

33-33-02-03. Spacing requirements.

1. No tent, recreational vehicle, or other attachment may be located within ten feet [3.05 meters] of any other tent, recreational vehicle, or part thereof. No recreational vehicle or tent in a trailer park or campground may be located as to create a hazard to the recreational vehicle or tent or restrict emergency vehicles and personnel from performing necessary services.
2. Streets must be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street. In all cases, streets must meet the following minimum requirements:
 - a. Two-way streets with parking on both sides - 34 feet [10.36 meters]
 - b. Two-way streets with parking on one side only - 27 feet [8.23 meters]
 - c. Two-way streets without parking – 24 feet [7.32 meters]
 - d. One-way streets with parking on both sides – 27 feet [8.23 meters]
 - e. One-way streets with parking on one side only – 18 feet [5.49 meters]
 - f. One-way streets without parking – 14 feet [4.27 meters]
3. The street system must give an unobstructed access to the public street, highway, or access road.
4. Tenting areas must be designated for tents only.

History: Effective August 1, 1988; amended effective July 1, 2004.

General Authority: NDCC 23-10-02, 23-01-03(3)

Law Implemented: NDCC 23-10-07

33-33-02-04. Facilities provided.

1. Conversion of a mobile home park, trailer park, or campground from one type to another must be approved by the department.
2. Streets must be lighted to provide a minimum of one-tenth foot-candle [1.09 lux] throughout the street system. Potentially hazardous locations, such as major street intersections and steps or stepped ramps, must be individually illuminated with a minimum of three-tenths foot-candles [3.23 lux].
3. Where provided, electrical service outlets must be adequate and approved.
4. Where provided, individual sewer connections must be adequate and approved. Recreational vehicle waste disposal stations, watering stations, and service building facilities must be provided and constructed in accordance with the North Dakota state plumbing code.
5. A certification from the electrical and plumbing installer, stating all installations were made in accordance with state codes, is required before issuance of the trailer park or campground license.

History: Effective August 1, 1988.

General Authority: NDCC 23-01-03(3), 23-10-02

Law Implemented: NDCC 23-10-07

33-33-02-05. Noxious plant and animal control.

1. The grounds, buildings, and structures of a trailer park or campground must be maintained free of harborage for insects, rodents, and other vermin. Extermination methods and other measures to control insects and rodents must conform with the requirements of the department.
2. All areas must be maintained free of accumulations of debris; the growth of brush, weeds, and grass must be controlled to prevent harborage or breeding places for noxious insects and vermin. Trailer parks and campgrounds must be so maintained as to prevent the growth of noxious weeds considered detrimental to health.
3. Storage areas must be maintained so as to prevent rodent harborage; lumber, firewood, pipe, and other building materials must be stored neatly at least one foot [.3 meter] above the ground.

History: Effective August 1, 1988.

General Authority: NDCC 23-01-03(3), 23-10-02

Law Implemented: NDCC 23-10-07

33-33-02-06. Maintenance of service buildings.

1. Service buildings, sinks, toilets, and other equipment must be kept in a clean and sanitary condition and in good repair at all times.
2. Toilet tissue must be provided and conveniently located in each toilet room.

History: Effective August 1, 1988.

General Authority: NDCC 23-01-03(3), 23-10-02

Law Implemented: NDCC 23-10-07

33-33-02-07. License fees. The department shall charge the following fees for licenses to operate trailer parks or campgrounds in this state:

1. For a trailer park or campground containing at least three but not more than ten lots, ninety dollars.
2. For a trailer park or campground containing at least eleven but not more than twenty-five lots, one hundred thirty-five dollars.
3. For a trailer park or campground containing at least twenty-six but not more than fifty lots, one hundred seventy-five dollars.
4. For a trailer park or campground containing at least fifty-one but not more than one hundred lots, two hundred twenty dollars.
5. For a trailer park or campground containing at least one hundred one but not more than one hundred fifty lots, two hundred seventy dollars.
6. For a trailer park or campground containing at least one hundred fifty-one but not more than two hundred lots, three hundred twenty dollars.
7. For a trailer park or campground containing at least two hundred one but not more than two hundred fifty lots, three hundred seventy dollars.
8. For a trailer park or campground containing more than two hundred fifty lots, four hundred twenty dollars.

The department shall waive the license fee for any trailer park or campground owned by the state, a municipality, or a nonprofit organization.

History: Effective January 1, 2006; amended effective April 1, 2008; January 1, 2014.

General Authority: NDCC 23-01-03

Law Implemented: NDCC 23-10-07

LIQUEFIED PETROLEUM GAS (LPG) REGULATIONS

1. **NFPA 58 Liquefied Petroleum Gas Code**

For informational purposes, an example from the LP Gas Code:

Table 3.2.2.2 Separation Distances Between Containers, Important Buildings, and Other Properties:

WATER CAPACITY	ABOVEGROUND CONTAINERS	BETWEEN CONTAINERS
<125 GAL.	0	0
125-250	10'	0
251-500	10'	3'
501-2000	25'	3'
2001-30,000	50'	5'

2. **Section 8210 – 1994 UNIFORM FIRE CODE – Protecting Containers from Vehicles**

When exposed to probable vehicular damage due to alleys, driveways or parking areas, LP-gas containers, regulators and piping shall be suitably protected.

3. **Section 8001.9.3 – 1994 UNIFORM FIRE CODE – Protection from Vehicles**

Guard post or other approved means shall be provided to protect storage tanks and piping, valves and fittings, dispensing areas and use areas subject to vehicular damage.

When guard posts are installed, the post shall be:

1. Constructed of steel not less than 4 inches in diameter and concrete filled.
2. Spaced not more than 4 feet between posts on center.
3. Set not less than 3 feet deep in a concrete footing not less than 15 inches in diameter. (NOTE: Post holds can be drilled at 12-inch diameter and reamed out with a shovel to allow 15-inch diameter.)
4. Set with the top of the posts not less than 3 feet above ground.
5. Located not less than 5 feet from the tank.

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**ROLAND TOWNSHIP
NUISANCE ORDINANCE No. 1
Addendum C to Zoning Ordinance**

BE IT ORDAINED BY THE ROLAND TOWNSHIP BOARD OF SUPERVISORS,
BOTTINEAU COUNTY, NORTH DAKOTA:

AN ORDINANCE DEFINING AND PROVIDING FOR THE DELETION OF JUNK, JUNK AUTOMOBILES, ABANDONED VEHICLES, BLIGHTED STRUCTURES, TRASH AND RUBBISH.

PURPOSE: The purpose of this ordinance is to protect the health, safety and welfare, and property values of residents within the Lake Metigoshe Recreation Service District (LMRSD) of Roland Township through regulation of nuisances that affect them.

SCOPE/APPLICABILITY: This ordinance applies to all nuisances identified within the ordinance and located within the boundaries of the LMRSD in Roland Township except as noted in the ordinance. The provisions of this ordinance supplement but do not supersede Federal, State or County regulations.

All owners of property on which a nuisance as identified in this ordinance occurs shall conform to the provisions of this ordinance either by removal or abatement within the time limits established herein.

SECTION 1

DEFINITIONS: The following words or terms when used herein shall be deemed to have the meanings set forth below:

- a) The term “junk” shall include, without limitation, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators, or other appliances, remnants of wood, metal or any other castoff material of any kind, whether or not the same could be put to any reasonable use.
- b) The term “junk automobiles” shall include, without limitation, any motor vehicle which is not licensed for use upon the highway of the State of North Dakota for a period in excess of sixty days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of ninety days; provided that there is excepted from this definition unlicensed but operative vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer.
- c) The term “abandoned vehicle” shall include, without limitation, any vehicle which has remained on private property for a period of forty-eight continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of forty-eight continuous hours or more after the consent of the owner or occupant has been removed.
- d) The term “blighted structure” shall include, without limitation, any dwelling, garage, boathouse or outbuilding, or any factory, shop, store, warehouse or any other structure or part of a structure which, because of fire, wind or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.
- e) The term “building materials” shall include, without limitation, lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- f) The term “person” shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by

themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this ordinance whether as owner, occupant, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals.

- g) The terms “trash” and “rubbish” shall include any and all forms of debris not herein otherwise classified.

SECTION 2.

STORAGE OF JUNK, JUNK AUTOMOBILES, ETC. CONTRARY TO PUBLIC HEALTH & SAFETY

It is hereby determined that the storage of accumulated trash, rubbish, junk or junk automobiles, abandoned vehicles, building materials, and the maintenance of blighted structures upon any private or public property within the LMRSD in Roland Township tends to result in blighted and deteriorated neighborhoods, the increase in criminal activity, the spread of vermin and disease, and is contrary to public peace, health, safety and general welfare of the community.

SECTION 3.

UNLAWFUL TO STORE OR ACCUMULATE JUNK, JUNK AUTOMOBILES, ETC.

It shall be unlawful for any person to store, or permit the storage of accumulated trash, rubbish, junk, junk automobiles or abandoned vehicles on any private or public property in the LMRSD in Roland Township except within a completely enclosed building or upon the business premises of a junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods, or junk gatherer having a place of business which complies with the zoning ordinances of Roland Township.

SECTION 4.

UNLAWFUL TO DISMANTLE AUTOMOBILE EXCEPT ON BUSINESS PREMISES.

It shall be unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble any automobiles, whether or not the same be a junk automobile, abandoned vehicle or otherwise, or any appliance or machinery, except in a completely enclosed building, or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods or junk gatherer.

SECTION 5.

UNLAWFUL TO MAINTAIN BLIGHTED STRUCTURES.

It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, boathouse, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by Roland Township, and unless such construction is completed within a reasonable time.

SECTION 6.

UNLAWFUL TO STORE BUILDING MATERIALS EXCEPT ON BUSINESS PREMISES.

It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private or public property, except in a completely enclosed building or except where such building materials are part of the stock in trade of a business located in said property, or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by Roland Township, and unless such construction is completed within a reasonable time.

SECTION 7.

COUNTY SHERIFF MAY REMOVE JUNK, JUNK AUTOMOBILES, ABANDONED VEHICLES, TRASH OR RUBBISH.

The County Sheriff may remove or cause to be removed any junk automobiles or abandoned vehicles, or parts of either, or trash, rubbish or junk from any unenclosed private property after

having notified in writing the owner or occupant of such property of its intention to do so at least forty-eight hours prior to such removal. Such notice shall be served personally upon the owner or occupant of the property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property. Such junk automobiles or abandoned vehicles, or parts of either shall be removed to the automobile pound and disposed of in accordance with law, and other junk, trash and rubbish shall be disposed of in the approved landfill. Such removal by the Sheriff's Department shall not excuse or relieve any person of the obligation imposed by this ordinance to keep his property free from storage of accumulated junk automobiles or abandoned vehicles, or parts of junk automobiles or abandoned vehicles, or parts of either, or junk, trash or rubbish, nor from the penalties for violation thereof.

SECTION 8.

REMOVAL OF JUNK AUTOMOBILES, ABANDONED VEHICLES, JUNK, TRASH AND RUBBISH FROM PUBLIC PROPERTY.

The Sheriff's Department may remove or cause to be removed any junk automobiles, abandoned vehicles, or parts of either, or junk, trash and rubbish placed on any public property or street or alleys, after having notified in writing the owner or occupant of the property adjacent to or near said junk automobiles, abandoned vehicles, junk, trash or rubbish, and the person causing said items to be placed on the public property, streets or alleys, if known, of its intention to do so at least twenty-four hours prior to such removal. If in the opinion of the Sheriff's Department such items are causing a public nuisance or inconvenience by being on the public property, street or alley, notice may be dispensed with and the property removed immediately. Such notice shall be served personally or may be posted in a conspicuous place upon vacant or unoccupied property which is adjacent or near said items. Such junk automobiles or abandoned vehicles or parts of either shall be removed to the automobile pound and disposed of in accordance with law. All other junk, trash or rubbish may be hauled to the approved landfill. The cost of any removal or disposal of items under this section shall be assessed against the property owned by the person causing the placement of said undesirable items as provided for in Section 9 of this ordinance.

SECTION 9.

COST OF IMPROVEMENT TAXED AGAINST PROPERTY.

The cost of any removal of junked motor vehicles, abandoned vehicles or any other materials for which removal is provided under the provisions of this ordinance, and the cost of any sanitation improvement required by this ordinance shall, where applicable, be charged back against the property from which such junk material, junked or abandoned automobile or debris was removed, to the extent that the entire cost of such abatement of said nuisance shall become a special assessment against such property. Such special assessment shall be levied and assessed against the property involved by Roland Township.

SECTION 10.

PENALTY.

Any person, firm or corporation violating any of the terms or provisions of this ordinance shall, upon conviction, be punished by a fine not to exceed \$500.00 or by imprisonment for not to exceed 30 days.

Passed on First Reading: June 12, 2006
Passed on Second Reading: August 14, 2006

Signed: Leonard McGuire, Chairman
Attest: Glenore Gross, Clerk
(Signatures on original document)