

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1103
(Human Services Committee)
(At the request of the State Department of Health)

AN ACT to create and enact sections 23-10-06.1 and 23-10-06.2 of the North Dakota Century Code, relating to mobile home park, recreational vehicle park, and campground license renewals and transfers; to amend and reenact sections 23-10-01, 23-10-02, 23-10-02.1, 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, and 23-10-12 of the North Dakota Century Code, relating to mobile home parks, recreational vehicle parks, and campgrounds; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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~~recreational vehicles 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~~recreational vehicle, or tent.
4. "Mobile home" means any relocatable manufactured, modular, or prefabricated structure or unit ~~which that~~ is designed to be used as residential living quarters. The term does not include a recreational vehicle.
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"~~"Recreational vehicle" means any ~~portable unit~~vehicular-type unit primarily designed to be used as a temporary dwellingliving quarters for travel or recreational purposes, camping, or travel use, which either has its own mode of power or is mounted on or towed by another vehicle. The term ~~travel trailer~~ includes the following:
 - a. An independent ~~travel trailer~~recreational vehicle, ~~which is a travel trailer containing toilet and lavatory facilities.~~
 - b. A dependent ~~travel trailer~~recreational vehicle, ~~which is a travel trailer containing~~contains either toilet or lavatory facilities or having neither facility.
8. "Recreational vehicle park" means a parcel or tract of land under the control of a person, organization, or government entity where three or more lots are offered for use by members of the public or an organization for rent or lease, including park-owned recreational vehicles held

out for rent or lease. A recreational vehicle park is primarily designed to accommodate recreational vehicles.

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

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~~recreational vehicle 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~~recreational vehicle 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~~recreational vehicle parks, and campgrounds constructed before July 1, 1977, shall meet the requirements of this chapter by July 1, 1985. All mobile home parks, ~~trailer~~recreational vehicle 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.

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

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

The department shall accept state, federal, 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 state, federal, city, or county requirements meet or exceed the requirements of this chapter and any rules and regulations promulgated under this chapter. ~~Prior to~~Before accepting state, federal, city, or county enforcement of local requirements, the department shall determine that the state, federal, city, or county requirements meet or exceed the requirements of this chapter and any rules and regulations promulgated under this chapter.

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

23-10-03. License required - Application.

1. A person may not establish, maintain, change use, mix use, or enlarge a mobile home park, ~~trailer~~recreational vehicle park, or campground in this state without first obtaining a license from the department.
2. 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~~recreational vehicle 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.
3. The department may not issue a license under this section if the proposed mobile home park, recreational vehicle park, or campground would prevent, interfere, or restrict proposed private development that is actively being pursued.
4. The department shall waive the license fee for any mobile home park, ~~trailer~~recreational vehicle 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~~recreational vehicle 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~~recreational vehicle

parcs, and campgrounds. The ~~department~~health council may adopt rules establishing the amount and the procedures for the collection of annual license fees. The fees must be based on the cost of reviewing construction plans, conducting routine and complaint inspections, reinspection, and necessary enforcement action. 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.

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

23-10-04. Inspection.

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

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

23-10-06. License issuance - Transferability Fee.

An applicant seeking licensure shall apply to the department on forms prescribed by the department. The applicant shall enclose with the application an application fee as determined by rule. The department shall issue a license to the~~an~~ 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 chapterwho meets all of the requirements of this chapter and any rules adopted by the health council.

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

23-10-06.1. License renewal.

1. A license issued under this chapter expires on December thirty-first of each year.
2. A license may be renewed by December thirty-first by submitting a renewal application, a renewal fee established rule, provided the licensee is in compliance with this chapter and any rules established by the health council.
3. If the renewal application and renewal fee are not received by December thirty-first, the license expires and the licensee may not operate.
4. Within sixty days after December thirty-first, an expired license may be renewed by submitting the renewal application, renewal fee, and a late fee. The late fee is equal to fifty percent of the license fee.

5. If the renewal application, renewal fee, and late fee are not received within sixty days after December thirty-first, the department may not renew the license, and the applicant shall apply and meet the requirements for licensure to be granted a license.
6. The department may extend the renewal deadline for applications providing proof of hardship rendering the applicant unable to meet the deadline.
7. The department may not renew a license if the mobile home park, recreational vehicle park, or campground is not actively conducting business at the site, and the applicant shall apply and meet the requirements for licensure to be granted a license.

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

23-10-06.2. License transferability.

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

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

23-10-07. Sanitation and safety.

Every mobile home park, ~~trailer~~recreational vehicle 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~~Recreational vehicle 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~~The operator of a mobile home park, recreational vehicle park, or campground shall supply drinking water at the mobile home park, recreational vehicle park, or campground which is obtained from an approved source that is a public water system or a nonpublic water system that is constructed, maintained, and operated according to law.
3. Towels: The placing of roller cloth towels for public use in any washroom or place within a mobile home park, ~~trailer~~recreational vehicle 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~~ durable, cleanable, insect- and rodent-resistant containers, and the contents removed and disposed of ~~on a regular basis~~ at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents. All buildings within the mobile home park, ~~trailer~~recreational vehicle 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~~recreational vehicle park, or campground must be made in accordance with the state plumbing code and state laws.
7. Electrical installations: All electrical installations in a mobile home park, ~~trailer~~recreational vehicle park, or campground must be made in accordance with the state electrical code.
8. Streets and roadways: Each mobile home park, ~~trailer~~recreational vehicle park, and campground ~~shall~~must 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~~, recreational vehicle park, and campground must have adequate lighting as set forth in rule.
10. Fire protection: Each mobile home park ~~shall~~, recreational vehicle park, and campground must have adequate fire protection in accordance with the state fire code.
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.

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

23-10-07.1. Service fees.

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

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

23-10-09. Occupancy record.

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

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

23-10-10. Posting rules and regulations.

The owner or manager of a licensed mobile home park, recreational vehicle park, or campground ~~conspicuously shall post or distribute a digital or hard 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.

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

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

The owner of a mobile home park ~~that contains at least ten mobile homes~~, recreational vehicle park, or campground 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 posted conspicuously in the mobile home park, recreational vehicle park, and campground or a copy must be provided to the tenants in writing and a copy must be provided to the tenants.~~

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

23-10-11. Ejection from premises.

The owner or manager of a mobile home park, ~~trailer~~recreational vehicle 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~~recreational vehicle park, or campground which is publicly posted within the park or campground.

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

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

The department may ~~revoke any license issued under this chapter~~deny an application or take disciplinary action, up to and including revocation, against any applicant or licensee upon the failure of the applicant or licensee to comply with this chapter or with any of the rules adopted by the health council and regulations promulgated by the department. Before ~~any license may be revoked~~, the department ~~takes disciplinary action against a license~~, the department shall notify the licensee in writing of the reason ~~revocation~~disciplinary action 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~~recreational vehicle park, or campground without first obtaining a license, or who operates the same after revocation of the license, is guilty of an infraction.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1103.

House Vote: Yeas 86 Nays 6 Absent 2

Senate Vote: Yeas 45 Nays 2 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State