# IMPORTANT NOTICE

## 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, § 673.

**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.