

City of Arnegard, North Dakota

CHAPTER TEN

PUBLIC HEALTH, SAFETY AND WELFARE

ARTICLE 1 - Board of Health

- 10.0101 Members
- 10.0102 Regulations

ARTICLE 2 - Local Health Officer

- 10.0201 Duties of Local Health Officer - Term
- 10.0202 Penalty

ARTICLE 3 - Garbage, Refuse, Rubbish

- 10.0301 Definitions
- 10.0302 Accumulation of Refuse Prohibited
- 10.0303 Containers
- 10.0304 Burning
- 10.0305 Nuisance
- 10.0306 City Collection
- 10.0307 Fees
- 10.0308 Fees - Payment – Collection by the City
- 10.0309 Fees - Payment - Collection by Franchised Contractor
- 10.0310 Disposal of Refuse not Collected by the City
- 10.0311 Supervision
- 10.0312 Rules and Regulations

ARTICLE 4 - Dangerous Buildings

- 10.0401 Dangerous Buildings Defined
- 10.0402 Standards for Repair, Vacation or Demolition
- 10.0403 Dangerous Buildings - Nuisances
- 10.0404 Duties of Building Inspector
- 10.0405 Duties of City Governing Body
- 10.0406 Failure to Comply with Decision of the City Governing Body
- 10.0407 Violations - Penalty for Disregarding Notices or Orders
- 10.0408 Duties of the City Attorney
- 10.0409 Where Owner Absent from the City
- 10.0410 Duties of Fire, Police and Health Departments
- 10.0411 Appeal

City of Arnegard, North Dakota

ARTICLE 5 - Mobile Homes Moving into the City

- 10.0501 - Purpose
- 10.0502 - Definitions
- 10.0503 - Permits
- 10.0504 - Inspection
- 10.0505 - Denial of Permit
- 10.0506 - Violation
- 10.0507 - Owner cannot be determined
- 10.0508 - City Property - Consent needed
- 10.0509 - Applicable Mobile Home Codes
- 10.0510 - Number of Occupants
- 10.0511 - Building Inspector - Unavailable
- 10.0512 - Temporary Workforce Housing
- 10.0513 - Saving Clause

ARTICLE 6 - Recreational Vehicles - Regulating and Restricting the Usage and Storage of.

- 10.0601 - Effective Date and Conditions of this Article
- 10.0602 - Definitions
- 10.0603 - Purpose and Intent
- 10.0604 - Jurisdiction
- 10.0605 - Exceptions
- 10.0606 - Permitted Uses for Storage of Recreational Vehicles
- 10.0607 - Saving Clause

APPENDIX 10-1: Warning - Dangerous Building

APPENDIX 10-2: In the Matter of “Dangerous Buildings” / Notice and Order

APPENDIX 10-3: In the Matter of “Dangerous Buildings” / Notice of Hearing

APPENDIX 10-4: APPLICATION FOR CONDITIONAL PERMITTED USE (CUP)

City of Arnegard, North Dakota

CHAPTER TEN

PUBLIC HEALTH, SAFETY AND WELFARE

ARTICLE 1 – Board of Health

10.0101 Members

The Board of Health is composed of the City governing body, which shall have and exercise all powers under the law. (Source: North Dakota Century Code section 23-35-03)

10.0102 Regulations

The Board of Health may make rules regarding any nuisance, source of filth, and any cause of sickness which are necessary for public health and safety. The Board of Health shall appoint a local health officer. (Source: North Dakota Century Code section 23-35-08).

ARTICLE 2 – Local Health Officer

10.0201 Duties of Local Health Officer – Term

1. A local health officer shall serve a term of five years, subject to removal for cause by the governing body or the district board of health. The health officer must be a physician licensed to practice medicine in this state and need not be a resident of the public health unit. The appointee shall qualify by filing the constitutional oath of office in the manner provided for the members of the board of health. If the state health officer finds a local health officer is failing to perform the duties of the position, the state health officer may report the case to the governing body. At the next meeting of the governing body or district board of health, the governing body or district board of health shall declare the office vacant and may appoint another physician to fill the unexpired term, or shall report the matter to the board of health, and the board shall declare the office vacant and promptly shall appoint another physician to fill the unexpired term.
2. Within the jurisdiction of the board of health, a local health officer:
 - a. Shall keep a record of the official acts of the local health officer.
 - b. Shall enforce every law and rule relating to preservation of life and health of individuals.
 - c. May exercise the powers and duties of the board of health under the supervision of the board of health.
 - d. May make sanitary inspections of any place within the jurisdiction in which the local health officer finds a probability a health-threatening condition exists.

City of Arnegard, North Dakota

- e. May investigate public water and ice supplies suspected of contamination and initiate necessary condemnation proceedings.
 - f. May enforce school cleanliness; inspect any schools that may be overcrowded, poorly ventilated, or unsanitary; and, when necessary, report cases of any unsanitary or unsafe school building to the board of health for investigation.
 - g. May take any action necessary for the protection of public health and safety.
 - h. May determine when quarantine and disaffection is necessary for the safety of the public. The local health officer may establish quarantines consistent with procedures provided under chapter 23-07.6 of the North Dakota Century Code, and perform any acts required for disinfecting when necessary.
 - i. Shall maintain an office within the jurisdiction of the public health unit consistent with any terms of appointment.
 - j. May select and discharge any assistant health officer in the public health unit, consistent with any terms of appointment.
3. A local health officer may request the assistance of a county sheriff or city health department in the same manner as provided under subsection 3 of section 23-35-09 of the North Dakota Century Code. (Source: North Dakota Century Code section 23-35-12)

10.0202 Penalty

Any person who violates any order, ordinance, or rule prescribed by the board of health or local health officer or any rule adopted under this chapter shall be punishable by a **fine of not more than Five Hundred dollars (\$500.00) or by imprisonment not to exceed thirty (30) days or both such fine and imprisonment.** (Source: North Dakota Century Code section 23-35-13)

ARTICLE 3 – Garbage, Refuse, Rubbish

10.0301 Definitions

For the purpose of this article the following words shall have the meanings given herein:

1. “Ashes” is the residue from burning wood, coal, coke or other combustible materials.
2. “Garbage” is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
3. “Refuse” is all putrescible and non-putrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

City of Arnegard, North Dakota

4. "Rubbish" is non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

10.0302 Accumulation of Refuse Prohibited

No person shall permit or allow to accumulate in or about any yard, lot, place or premises; or upon any street or sidewalk, adjacent to or abutting upon any lot, block or place, or premises owned and occupied by that person, any and all refuse, nor allow such yard, lot, place or premises to be or remain in such condition.

10.0303 Containers

All garbage and rubbish shall be placed by the person upon whose premises the same shall have been produced or accumulated, in watertight containers, which shall be protected against the access of flies and rodents.

Containers shall be placed in the alley of those lots having access to any alley and along the curb if no alley is accessible. The City may specify where containers shall be placed along the alley or street the convenience of collection.

10.0304 Burning

No garbage, refuse or rubbish shall be burned within the City or in disposal grounds maintained by the City.

10.0305 Nuisance

Failure to comply with the provisions of Sections 10.0302, 10.0303 and 10.03004, shall constitute a public nuisance and be punishable as such under the terms of Chapter 12 of these ordinances.

10.0306 City Collection

All garbage and rubbish as defined herein shall be collected by the city or franchised contractor as frequently as is necessary to maintain and preserve community cleanliness and sanitation, except that this section shall not require the collection of garbage and rubbish where streets and alleys are in a temporary condition which makes it impossible to do so and in case of the failure to collect such garbage and rubbish, such failure shall not relieve the occupant of the premises from the payment of the garbage and rubbish collection fees hereinafter provided for.

10.0307 Fees

Fees for the collection of garbage, rubbish by the City or franchised contractor and the disposal thereof, as well as fees for unpaid charges for such services more than thirty (30) days

City of Arnegard, North Dakota

delinquent, may be set by resolution of the Governing Body. (Amended: Ordinance 122 – 3/9/2015)

10.0308 Fees – Payment – Collection by City

In all places where water service is provided, fees for garbage and rubbish collection shall be added to and collected as a part of the water bill and collected by the water department, but shall be separately stated on the bill. Garbage and rubbish collection bills shall be due and payable at the same time as the water bill, either monthly or quarterly as the case may be. If such charge is not paid when due the water service to such premises shall be shut off by the water department in the same manner as is now provided for in the case of delinquency in payment of water bills and such service shall not be restored without the payment of the penalties now provided for.

In all places where water service is not provided, the fees for garbage and rubbish collection shall be paid to the Water Department of the City upon monthly or quarterly bills from the Water Department. **If the garbage and rubbish charge so established is not paid when due, the amount thereof may be assessed against the premises to which the service is rendered. This amount may be collected and returned in the same manner as other municipal taxes are assessed, certified, collected and returned. (Source: North Dakota Century Code section 40-05-01.1)**

The proceeds from the collection of the fees and charges shall be placed in the solid waste management fund, and all of the expense of the City, in the purchase and maintenance of equipment and in the collection and disposal of garbage and rubbish, shall be paid out of the solid waste management fund.

10.0309 Fees – Payment – Collection by Franchised Contractor

In the event the City elects to franchise a contractor to perform the collection services contemplated by this Article, collection of fees, limited as set out in this section, are to be made by the contractor. Failure to pay fees billed by the contractor within thirty (30) days of billing and reporting of the failure to pay to the City shall release the contractor from collection responsibility regarding the delinquent premises. On being notified of delinquencies the City may avail itself of any or all of the collection provision of Section 10.0308.

10.0310 Disposal of Refuse not Collected by the City

All other wastes as defined, and not included under garbage, rubbish and ashes, may be disposed of by the person creating such waste, by hauling such waste for disposal to such points as are designated or approved by the City health officer.

10.0311 Supervision

The collection, removal and disposal of garbage and rubbish under the provisions of this Article shall be under the supervision, direction and control of the public works superintendent

City of Arnegard, North Dakota

with the assistance of the City health officer. The public works superintendent shall, unless there is a franchised contractor, appoint such employees as shall be necessary to carry out the purposes of this article, which appointments shall be subject to the approval of the City governing body.

10.0312 Rules and Regulations

The health officer of the City shall prescribe such reasonable rules and regulations in connection with preparation, handling and disposition of garbage and rubbish as may be necessary to regulate, enforce and carry out the provisions of this chapter. The health officer may direct that the City garbage and rubbish collection crews shall not collect garbage and rubbish from any premises where such rules and regulations are not complied with and the failure to collect the same shall not relieve the owner or occupant of the premises from the payment of fees nor from the enforcement of the penalties of this code. In the absence of City collection crews the health officer may give instructions to a franchised contractor.

ARTICLE 4 – Dangerous Buildings

10.0401 Dangerous Buildings Defined

For the purpose of this chapter, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof. Due to all dead and live loads, are more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

City of Arnegard, North Dakota

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (I) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (I) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

City of Arnegard, North Dakota

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any non-supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or is such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

10.0402 Standards for Repair, Vacation or Demolition

The following standards shall be followed in substance by the building inspector and the City governing body in ordering repair, vacation or demolition:

1. If the “dangerous building” can be reasonably repaired so that it will no longer exist in violation of the terms of this article it shall be ordered repaired.
2. If the “dangerous building” is in such condition as to make it dangerous to the health, safety or general welfare of its occupant it shall be ordered to be vacated.
3. In all cases where a building cannot be repaired so that it will no longer exist in violation to the terms of this article it shall be demolished. In all cases where a “dangerous building” is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the City or statute of the State of North Dakota, it shall be demolished.

10.0403 Dangerous Buildings – Nuisances

City of Arnegard, North Dakota

All “dangerous buildings” within the terms of Section 10.0401 of this article are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this ordinance or under state law.

10.0404 Duties of Building Inspector

The building inspector, as designated by the City governing body, shall:

1. Inspect or cause to be inspected periodically, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a “dangerous building” within the terms of Section 10.0401 of this Article.
2. Inspect any building, wall or structure about which any person to the effect files complaints that a building, wall, or structure is or may be existing in violation of this Article.
3. Inspect any building, wall or structure reported by the fire or police departments of this City as probably existing in violation of the terms of this Article.
4. Notify in writing the owner, occupant, lessee, mortgagee and all other persons having an interest in said building, as shown by the records in the office of the County Recorder, of any building found by the building inspector to be a “dangerous building” within the standards set forth in Section 10.0401 of this Article that: (a) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this article; (b) the owner or occupant must vacate said building or may have it repaired in accordance with the notice and remain in possession. Provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty (30) days as may be necessary to do, or have done, the work or act required by the notice provided for herein. (see Appendix 10-2)
5. Set forth in the notice provided for in subsection 4 hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a “dangerous building”, and an order requiring the same to be put in such condition as to comply with the terms of this ordinance within such length of time, not exceeding thirty (30) days, as is reasonable.
6. Report to the City governing body any noncompliance with the “notice” provided for in subsection 4 and 5 hereof.
7. Appear at all hearings conducted by the City governing body and testify as to the conditions of “dangerous buildings”.

City of Arnegard, North Dakota

8. Place a notice on all “dangerous buildings” reading as follows: “This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee or mortgagee of this building and all other persons having an interest in said building as shown by the records of the County Recorder. It is unlawful to remove this notice until such notice is complied with.” (See Appendix 10-1)

10.0405 Duties of the City Governing Body

The City governing body shall:

1. Upon receipt of a report of the building inspector as provided for in Section 10.0404, subsection 6 hereof, give written notice to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the County Recorder, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a “dangerous building” should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building inspector’s notice provided for herein in Section 10.0404, subsection 5. (see Appendix 10-3)
2. Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the records of the County Recorder shall offer relative to the “dangerous building”.
3. Make written findings of fact from the testimony offered pursuant to subsection 2 as to whether or not the building in question is a “dangerous building” within the terms of section 10.0401 hereof.
4. Issue an order based upon findings of fact made pursuant to subsection 3 commanding the owner, occupant, mortgagee, lessee, and all other persons having an interest in said building as shown by the records of the County Recorder to repair, vacate or demolish any building found to be a “dangerous building” within the terms of this article and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said “dangerous building”.

10.0406 Failure to Comply with Decision of the City Governing Body

If the owner, occupant, mortgagee or lessee fails to comply with the order of the City governing body or fails to appeal to the District Court within thirty (30) days as provided herein, **the City through its officers and employees shall cause such building or structure to be repaired, vacated or demolished as ordered by the City governing body and shall cause the costs of such repair, vacation or demolition to be charged against the land on which said building existed by special assessment, or as a municipal; lien, or shall cause said cost of**

City of Arnegard, North Dakota

removal to be levied as a special tax against the land upon which said building stands or did stand or to be recovered in a suit at law against the owner.

10.0407 Violations – Penalty for Disregarding Notices or Orders

The owner of any “dangerous building” who shall fail to comply with any notice or order to repair, vacate to demolish said building given by any person authorized by this Article to give such notice or order shall be guilty of an infraction and upon conviction thereof shall be **fined not exceeding five hundred dollars (\$500.00) for each offense and every day subsequent to such notice in which the said owner shall fail to comply with any notice or order as stated shall be deemed a separate offense.**

The occupant or lessee in possession who fails to comply with any notice to vacate or who fails to repair said building in accordance with any notice given as provided for in this Article shall be guilty of an infraction and upon conviction thereof shall be **fined not exceeding five hundred dollars (\$500.00) for each offense and every day subsequent to such notice in which the said occupant or lessee shall fail to comply with any notice or order as above stated, shall be deemed a separate offense.**

Any person removing the notice provided for in Subsection 8 of Section 10.0404 shall be guilty of an infraction and upon conviction shall be **fined not exceeding five hundred dollars (\$500.00) for each offense.**

10.0408 Duties of the City Attorney

The city attorney shall:

1. Prosecute all persons failing to comply with the terms of the notices provided for in Section 10.0404, subsections 4 and 5 and the order provided for in Section 10.0405, subsection 4.
2. Appear at all hearings before the City governing body in regard to “dangerous buildings”.
3. Take such other legal action as is necessary to carry out the terms and provisions of this article.

10.0409 Where Owner Absent from the City

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the City, all notice or orders provided for herein shall be sent by registered or certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the County Recorder to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.

City of Arnegard, North Dakota

10.0410 Duties of Fire, Police and Health Departments

All employees of the fire, police and health departments shall make written reports to the building inspector of all buildings or structures which are, may be or are suspected to be “dangerous buildings” as herein defined.

10.0411 Appeal

The City governing body shall serve upon the owner, occupant, mortgagee, lessee and all other persons having an interest in any building ordered to be repaired, vacated or demolished, a copy of its order. The owner, occupant, mortgagee or lessee shall thereafter have thirty (30) days from the date of the service of such order in which to appeal from such order to the District Court or to take such other legal steps to enjoin the enforcement of such order.

ARTICLE 05 - Mobile Homes Moving into the City

10.0501 - Purpose

This Article is intended to prevent the sitting of mobile homes in a way that adversely affects the health, welfare and safety of the public along with assuring the sitting of mobile homes is harmonious with the surrounding residential uses and preserves the general character and integrity of the neighborhood.

10.0502 - Definitions

MOBILE HOME: A mobile home shall include any complete structure used for living, sleeping, business or storage purposes; having no foundation other than wheels, blocks, skids, jacks, horses, or skirting; and which has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "mobile home" shall include trailer home, camp car and house car.

10.0503 - Permits

No person may move a mobile home into the City or its extraterritorial limits for the purpose of a dwelling without obtaining a permit from the City. Any person moving a mobile home into the City or its extraterritorial limits must notify the City Auditor's office by the next business day of the mobile home's presence in the City or its extraterritorial limits. The mobile home must not be connected to any utilities until a permit has been issued by the City, except as otherwise stated in this Article. There shall be a \$25 fee for the inspection.

The issuance of a permit by the City Auditor's office does not warrant the mobile home is safe for habitability, nor warrant the mobile home is free from defects or conditions that may be or may become dangerous or detrimental to occupants. The permit merely affirms the mobile home will be sited in a way that is harmonious with the surrounding residential uses and preserves the

City of Arnegard, North Dakota

general character and integrity of the neighborhood, and appears as though it will not adversely affect the health, welfare and safety of the public. The permit may only be relied upon to show the mobile home is allowed within the City limits or the City's extraterritorial limits.

The preceding paragraph shall appear on all applications for a permit and on all permits issued pursuant to this article.

10.0504 - Inspection

The Building Inspector shall inspect all mobile homes moved into the City or its extraterritorial limits within 48 hours, excluding weekends and holidays, of the notice to the City Auditor's office and either approve or deny the permit request.

10.0505 - Denial of Permit

If the Building Inspector denies approving a permit for the mobile home, the owner of the mobile home shall have 168 hours to either remove the mobile home from the City limits and its extraterritorial limits or request a hearing in front of the City Council appealing the Building Inspector's decision. The appeal to the City Council must be made by filing a written request for review of the Building Inspector's determination. The City Council shall consider the appeal at its next regular meeting. The City Council shall allow the owner of the mobile home or his or her representative to present facts as to why the Building Inspector's determination should be reversed. The City Council will allow the Building Inspector to present facts as to why no permit should be issued. The City will then either reverse the Building Inspector's determination and issue a permit to the applicant or uphold the Building Inspector's determination and deny the permit request. If the City Council issues a permit, it may place conditions on the permit at the time of the hearing. During the period between a timely written notice of appeal and the appeal hearing, the applicant may occupy the mobile home and connect utilities at his or her own risk unless a Building Inspector had determined, as a part of the denial of the permit that the mobile home threatens the health or safety of the occupant or others.

10.0506 - Violation

The violation of any of the terms of this article shall be an infraction, and for each day the violation exists shall be considered a separate offense.

10.0507 - Owner cannot be determined

If the owner of the mobile home cannot be determined or located, the owner of the real property on which the mobile home is sitting shall be responsible for the mobile home.

10.0508 - City Property - Consent needed

No mobile home shall be placed on any real property owned by the City without the City's prior written consent. If a mobile home is placed on City property without prior written

City of Arnegard, North Dakota

consent, it shall be deemed a nuisance, and the City may dispose of it following the procedures set out in **CHAPTER THREE - PUBLIC PLACES AND PROPERTY, ARTICLE 3 - Unclaimed and Abandoned Property.**

10.0509 - Applicable Mobile Home Codes

The Building Inspector shall use the applicable building and structure codes, as well as City ordinances, and fire codes in determining whether or not a permit shall be issued. The Building Inspector shall not, in any instance, issue a permit if the mobile home does not have a HUD Certification Label or a letter of label verification, if the lot's zoning requirement does not allow for mobile homes, or if the mobile home does not have at least two doors at minimum width of 28" that are a minimum of 20' apart or one door at a minimum 36" width and one egress window with a minimum operable opening of 5.7 square feet with a minimum net clear opening height of 24" and minimum net clear opening width of 20". If the permit is denied based on the lack of HUD Certification, the zoning of the lots on which the mobile home will be placed, or the lack of exits as stated herein, no appeal to the City Council shall be available.

10.0510 - Number of Occupants

The applicant shall state on the permit application the total number of occupants of the mobile home, the number of those occupants who are minor children and their ages, and the number and size of bedrooms and the width and length (excluding hitch) of the mobile home. In no event shall the Building Inspector issue a permit for a mobile home when there are more than two adult occupants per bedroom. For purposes of this Ordinance, "occupant" is any person who intends to make the mobile home his/her residence, or who stays at the mobile home for more than fourteen consecutive days or for more than fourteen days out of any 31 day period. If the permit is denied because there are more than two adult occupants per bedroom, no appeal to the City Council shall be available.

10.0511 - Building Inspector - Unavailable

If the Building Inspector is unavailable to inspect the mobile home within the time provided in this article, the mobile home may be connected to utilities, at the applicant's own risk. The Building Inspector shall inspect the mobile home as soon as he or she is available, but no later than 15 days after notice is given to the city auditor's office.

10.0512 - Temporary Workforce Housing

Temporary workforce housing, for purposes of this Chapter, is a modular unit without a permanent foundation per CHAPTER 06 - ZONING AND PLANNING Article VII Section 2 Definitions 56.1 placed in the city or its extraterritorial limits.

Modular units under this Section shall meet the requirements as stated above and shall in no instance house more occupants at any one time such that there is not at least 70 square feet of habitable space per occupant. Smoke alarms shall be installed in all modular units under this

City of Arnegard, North Dakota

Section in conformance with Section R313 of the 2006 International Residence Code, and subsequent amendments thereto. In no instance shall there be less than one smoke alarm per unit. Smoke alarms can be either wired or battery operated. Each modular unit under this section shall have at least one operable gas alarm and one operable carbon monoxide alarm, both of which may be wired or battery operated.

Habitable space as stated in this Chapter is a space in a building for living, sleeping, dining or cooking. By way of example and not limitation, bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

10.0513 - Saving Clause

If any part of this Article is held invalid by a Court of competent jurisdiction, the invalidity shall extend only to the portion affected and other sections of this Article shall continue in full force and effect.

ARTICLE 06 - Recreational Vehicles - Regulating and Restricting the Usage and Storage of.

10.0601 Effective Date and Conditions of this Article

The effective date of this Article as used for the exceptions and 'grandfather clause' shall be for those RV's as 'Permitted' under previous Arnegard City ordinance '26 - REGULATING THE USAGE AND STORAGE OF RECREATIONAL VEHICLES as approved May 07, 2012.

10.0602 Definitions

RECREATIONAL VEHICLE (RV) - A vehicular-type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designated as temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

10.0603 Purpose and Intent

1. That a Recreational Vehicle (RV) is not allowed as a permanent residence except in those Zoning Districts previously designated and established as 'CG' Campground' or 'RVP' – Recreational Vehicle Park, 'TC' – Trailer Court.

10.0604 Jurisdiction

The jurisdiction of this Ordinance shall include all lands within the corporate limits of the City of Arnegard and the unincorporated territory located within the extraterritorial zoning jurisdiction of the City of Arnegard, and providing for the administration, enforcement, and amendments thereof, in accordance with the provisions of Chapter 40-47 of the North Dakota Century Code.

City of Arnegard, North Dakota

10.0605 Exceptions

1. Upon application for a Building Permit by a Property Owner of a Lot, where construction of a new residence or where construction on an existing residence makes the existing residence temporarily un-inhabitable. The Property Owner may apply for a 'Temporary Use Permit' waiver to the existing Zoning Ordinance, Provided the following conditions are met;
 - a. The time period of the 'Temporary Use Permit' is defined and recommended by the Planning & Zoning Board, and approved by the City Council. If more time is required, the Property Owner must notify the City Auditor prior to the expiration of the current time period, and upon review and a recommendation by the Planning & Zoning Board, and re-approval by the City Council; an extension may be granted of the time period for the 'Temporary Use Permit'. After the 'Temporary Use Permit' expires, the RV may not be occupied as a residence, and must be removed from the property or adhere to the 'Permitted Uses for Storage of Recreational Vehicles'.
 - b. The occupancy of the 'RV' is restricted to the residents of the existing or new residence on the property, unless otherwise provided for in the 'Conditional Use Permit'.
2. Guest.
 - a. A property owner may have a 'Guest' be on private property living in an RV for up to Two (2) weeks, with an additional One (1) week extension if the property owner notifies the City Auditor before the first Two (2) week limit has expired.

10.0606 Permitted Uses for Storage of Recreational Vehicles

1. The parking of one unoccupied Recreational Vehicle in a rear yard in any district is permitted providing no living quarters shall be maintained or any business practiced in said Recreational Vehicle while such is so parked or stored.
2. The Recreational Vehicle (if stored outside) shall have current registration and current license displayed and be road ready.

Exception - Emergency or temporary stopping or parking is permitted on any street, alley or highway subject to prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, or highway.

10.0607 - Saving Clause

If any part of this Article is held invalid by a Court of competent jurisdiction, the invalidity shall extend only to the portion affected and other sections of this Article shall continue in full force and effect.

APPENDIX 10-1

**This is a suggestion as to the warning sign that should be printed on RED paper.
And increase FONT size of 'TITLE' to as large as can fit across a page.**

WARNING – DANGEROUS BUILDING

This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee or mortgagee of this building and all other persons having an interest in said building as shown by the records of the County Recorder. It is unlawful to remove this notice until such notice is complied with.

City Building Inspector

_____, North Dakota

City of Arnegard, North Dakota

APPENDIX 10-2

**IN THE MATTER OF A “DANGEROUS BUILDING” LOCATED IN
THE CITY OF _____, NORTH DAKOTA,
WITH AN ADDRESS OF**

NOTICE AND ORDER

You are hereby notified that the undersigned, building inspector of the City of _____, North Dakota, acting pursuant to Article 4, Chapter 10 of the Ordinances of the City of _____, has made an inspection of the following described building in which you are, or appear to be, interested: _____

You are further notified that the undersigned building inspector deems the foregoing described building to be dangerous within the meaning of Section 10.0401 of said Ordinances in the following particulars: _____

YOU ARE THEREFORE ORDERED TO _____

the said building on or before this _____ day of _____, 20____.

Building Inspector

Dated this _____ day of _____, 20____.

City of Arnegard, North Dakota

APPENDIX 10-3

**IN THE MATTER OF “DANGEROUS BUILDINGS’ LOCATED
AT _____, NORTH DAKOTA
UNDER ARTICLE 4, CHAPTER TEN – HEALTH, SAFETY AND WELFARE
IN THE CODE OF ORDINANCES OF THE CITY OF ARNEGARD**

NOTICE OF HEARING

You are hereby notified that the building inspector of _____,
North Dakota, has filed with the City governing body a report that you have not complied with a
Notice and Order that buildings located at
_____ were dangerous buildings and were to
be demolished by you prior to _____, 20__.

You are further notified to appear before the City governing body at
_____ on the _____ day of _____, 20__, at
the hour of _____ o’clock __m., to show cause as to why the building reported to be
“dangerous building”, should not be demolished in accordance with the statement of particulars
set forth in the Building Inspector’s Notice.

Dated _____, 20__.

THE CITY OF _____, NORTH DAKOTA

By _____
Mayor

ATTEST:

City Auditor

APPENDIX 10-4

**APPLICATION FOR CONDITIONAL PERMITTED USE (CUP) #__ - __ (yy-seq) for
'Usage of Recreational Vehicle (RV) as Non-Permanent Residence'**

A. PROPERTY OWNER OF RECORD:

NAME: _____ PHONE: (____) _____
ADDRESS: _____ ST: ____ ZIP: _____

B. LEGAL DESCRIPTION (within City of Arnegard):

PARCEL: ____; BLOCK: ____; LOT: ____ :IT: _____

C. OWNER (OR PRIMARY OCCUPANT) OF THE RV:

NAME: _____ PHONE: (____) _____
ADDRESS: _____ ST: ____ ZIP: _____

D. TERMS AND CONDITIONS FOR 'CONDITIONAL PERMITTED USE':

1. A Recreational Vehicle (RV) is as defined in Ordinance 10, Article 06 SS 02.
2. The 'CUP' is valid for one year after issuance.
Application for renewal must be made annually, prior to the expiration of the current 'CUP'.
3. The 'CUP' may be renewed under the conditions at the time of renewal.
4. Any existing 'CUP' for a 'RV' that is allowed to expire without renewal will be a 'Non-Permitted Use' one (1) day after the expiration, and shall be removed immediately.
5. If the ownership of the RV changes; the CUP is retired and cannot be re-issued.
(Excepting when the property owner also owns the RV and sells it to one of the occupants?)
6. If the RV is removed; the CUP is retired and cannot be re-issued.

E. REQUIREMENTS FOR 'CONDITIONAL PERMITTED USE':

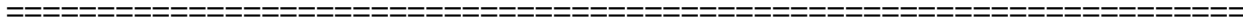
1. Property Owner (signed) _____ agrees that RV has permission to be on the property.
2. Property Owner (signed) _____ agrees to cover any unpaid account balances to the City for Sewer & Garbage charged to the RV.
3. RV to be connected to the City Sewer as per State Plumbing Code, and setup a Sewer Account (Property Owner or Primary RV Occupant) with the City Auditor.
4. Setup a Garbage Account (Property Owner or Primary RV Occupant) with the City Auditor.
5. RV to be connected to the Residence water supply.
6. RV to have Electrical Hookup, as per State Electrical Code.
7. Property Owner to provide Off-Street Parking Spaces for RV occupants.

City of Arnegard, North Dakota

- 8. RV will display a current Vehicle Registration Tag at all times. And display a '911' address.
- 9. RV shall be skirted, with acceptable material.

F. TERMS AND CONDITIONS AGREEMENT:

Property Owner (signed) _____ Date: _____
Owner (or Primary Occ.) of RV (signed) _____ Date: _____



FOR CITY USE ONLY

G. TERMS AND CONDITIONS MET **CITY AUDITOR:** _____
H. CONDITIONAL PERMITTED USE **ISSUED DATE:** _____
I. CONDITIONAL PERMITTED USE **RETIRED DATE:** _____

